

CHAPTER IV

LABELLING

Article 30

Use of terms referring to organic production

1. For the purposes of this Regulation, a product shall be regarded as bearing terms referring to organic production where, in the labelling, advertising material or commercial documents, such a product, its ingredients or feed materials used for its production are described in terms suggesting to the purchaser that the product, ingredients or feed materials have been produced in accordance with this Regulation. In particular, the terms listed in Annex IV and their derivatives and diminutives, such as 'bio' and 'eco', whether alone or in combination, may be used throughout the Union and in any language listed in that Annex for the labelling and advertising of products referred to in Article 2(1) which comply with this Regulation.

2. For the products referred to in Article 2(1), the terms referred to in paragraph 1 of this Article shall not be used anywhere in the Union, in any language listed in Annex IV, for the labelling, advertising material or commercial documents of a product which does not comply with this Regulation.

Furthermore, no terms, including terms used in trademarks or company names, or practices shall be used in labelling or advertising if they are liable to mislead the consumer or user by suggesting that a product or its ingredients comply with this Regulation.

3. Products that have been produced during the conversion period shall not be labelled or advertised as organic products or as in-conversion products.

However, plant reproductive material, food products of plant origin and feed products of plant origin that have been produced during the conversion period, which comply with Article 10(4), may be labelled and advertised as in-conversion products by using the term 'in-conversion' or a corresponding term, together with the terms referred to in paragraph 1.

4. The terms referred to in paragraph 1 and 3 shall not be used for a product for which Union law requires the labelling or advertising to state that the product contains GMOs, consists of GMOs or is produced from GMOs.

5. For processed food, the terms referred to in paragraph 1 may be used:

(a) in the sales description, and in the list of ingredients where such a list is mandatory pursuant to Union legislation, provided that:

(i) the processed food complies with the production rules set out in Part IV of Annex II and with the rules laid down in accordance with Article 16(3);

(ii) at least 95 % of the agricultural ingredients of the product by weight are organic; and

(iii) in the case of flavourings, they are only used for natural flavouring substances and natural flavouring preparations labelled in accordance with Article 16(2), (3) and (4) of Regulation (EC) No 1334/2008 and all of the flavouring components and carriers of flavouring components in the flavouring concerned are organic;

(b) only in the list of ingredients, provided that:

(i) less than 95 % of the agricultural ingredients of the product by weight are organic, and provided that those ingredients comply with the production rules set out in this Regulation; and

(ii) the processed food complies with the production rules set out in points 1.5, 2.1(a), 2.1(b) and 2.2.1 of Part IV of Annex II and with the rules laid down in accordance with Article 16(3);

(c) in the sales description and in the list of ingredients, provided that:

(i) the main ingredient is a product of hunting or fishing;

(ii) the term referred to in paragraph 1 is clearly related in the sales description to another ingredient which is organic and different from the main ingredient;

(iii) all other agricultural ingredients are organic; and

(iv) the food complies with points 1.5, 2.1(a), 2.1(b) and 2.2.1 of Part IV of Annex II and with the rules laid down in accordance with Article 16(3).

The list of ingredients referred to in points (a), (b) and (c) of the first subparagraph shall indicate which ingredients are organic. The references to organic production may only appear in relation to the organic ingredients.

The list of ingredients referred to in points (b) and (c) of the first subparagraph shall include an indication of the total percentage of organic ingredients in proportion to the total quantity of agricultural ingredients.

The terms referred to in paragraph 1, when used in the list of ingredients referred to in points (a), (b), and (c) of the first subparagraph of this paragraph, and the indication of the percentage referred to in the third subparagraph of this paragraph shall appear in the same colour, identical size and style of lettering as the other indications in the list of ingredients.

6. For processed feed, the terms referred to in paragraph 1 may be used in the sales description and in the list of ingredients, provided that:

- (a) the processed feed complies with the production rules set out in Parts II, III and V of Annex II and with the specific rules laid down in accordance with Article 16(3);
- (b) all of the ingredients of agricultural origin that are contained in the processed feed are organic; and
- (c) at least 95 % of the dry matter of the product are organic.

7. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending:

- (a) this Article by adding further rules on the labelling of products listed in Annex I, or by amending those added rules; and
- (b) the list of terms set out in Annex IV, taking into account linguistic developments within the Member States.

8. The Commission may adopt implementing acts to set detailed requirements for the application of paragraph 3 of this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Article 31

Labelling of products and substances used in crop production

Notwithstanding the scope of this Regulation as set out in Article 2(1), products and substances used in plant protection products or as fertilisers, soil conditioners or nutrients that have been authorised in accordance with Articles 9 and 24 may bear a reference indicating that those products or substances have been authorised for use in organic production in accordance with this Regulation.

Article 32

Compulsory indications

1. Where products bear terms as referred to in Article 30(1), including products labelled as in-conversion products in accordance with Article 30(3):

- (a) the code number of the control authority or control body to which the operator that carried out the last production or preparation operation is subject shall also appear in the labelling; and
- (b) in the case of prepacked food, the organic production logo of the European Union referred to in Article 33 shall also appear on the packaging, except in cases referred to in Article 30(3) and points (b) and (c) of Article 30(5).

2. Where the organic production logo of the European Union is used, an indication of the place where the agricultural raw materials of which the product is composed have been farmed shall appear in the same visual field as the logo and shall take one of the following forms, as appropriate:

- (a) 'EU Agriculture', where the agricultural raw material has been farmed in the Union;
- (b) 'non-EU Agriculture', where the agricultural raw material has been farmed in third countries;
- (c) 'EU/non-EU Agriculture', where a part of the agricultural raw materials has been farmed in the Union and a part of it has been farmed in a third country.

For the purposes of the first subparagraph, the word 'Agriculture' may be replaced by 'Aquaculture' where appropriate and the words 'EU' and 'non-EU' may be replaced or supplemented by the name of a country, or by the name of a country and a region, if all of the agricultural raw materials of which the product is composed have been farmed in that country and, if applicable, in that region.

For the indication of the place where the agricultural raw materials of which the product is composed have been farmed, as referred to in the first and third subparagraphs, small quantities by weight of ingredients may be disregarded, provided that the total quantity of the disregarded ingredients does not exceed 5 % of the total quantity by weight of agricultural raw materials.

The words 'EU' or 'non-EU' shall not appear in a colour, size and style of lettering that is more prominent than the name of the product.

3. The indications referred to in paragraphs 1 and 2 of this Article and in Article 33(3) shall be marked in a conspicuous place in such a way as to be easily visible, and shall be clearly legible and indelible.

4. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending paragraph 2 of this Article and Article 33(3) by adding further rules on labelling, or by amending those added rules.

5. The Commission shall adopt implementing acts relating to:

- (a) practical arrangements for the use, presentation, composition and size of the indications referred to in point (a) of paragraph 1 and in paragraph 2 of this Article and in Article 33(3);
- (b) the assignment of code numbers to control authorities and control bodies;
- (c) the indication of the place where the agricultural raw materials were farmed, in accordance with paragraph 2 of this Article and with Article 33(3).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Article 33

Organic production logo of the European Union

1. The organic production logo of the European Union may be used in the labelling, presentation and advertising of products which comply with this Regulation.

The organic production logo of the European Union may also be used for information and educational purposes related to the existence and advertising of the logo itself, provided that such use is not liable to mislead the consumer as regards the organic production of specific products, and provided that the logo is reproduced in accordance with the rules set out in Annex V. In such case, the requirements of Article 32(2) and point 1.7 of Annex V shall not apply.

The organic production logo of the European Union shall not be used for processed food as referred to in points (b) and (c) of Article 30(5) and for in-conversion products as referred to in Article 30(3).

2. Except where used in accordance with the second subparagraph of paragraph 1, the organic production logo of the European Union is an official attestation in accordance with Articles 86 and 91 of Regulation (EU) 2017/625.

3. The use of the organic production logo of the European Union shall be optional for products imported from third countries. Where that logo appears in the labelling of such products, the indication referred to in Article 32(2) shall also appear in the labelling.

4. The organic production logo of the European Union shall follow the model set out in Annex V, and shall comply with the rules set out in that Annex.

5. National logos and private logos may be used in the labelling, presentation and advertising of products which comply with this Regulation.

6. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending Annex V as regards the organic production logo of the European Union and the rules relating thereto.

CHAPTER V

CERTIFICATION

Article 34

Certification system

1. Prior to placing any products on the market as 'organic' or as 'in-conversion' or prior to the conversion period, operators and groups of operators referred to in Article 36 which produce, prepare, distribute or store organic or in-conversion products, which import such products from a third country or export such products to a third country, or which place such products on the market, shall notify their activity to the competent authorities of the Member State in which it is carried out and in which their undertaking is subject to the control system.

Where the competent authorities have conferred their responsibilities or delegated certain official control tasks or certain tasks related to other official activities to more than one control authority or control body, the operators or groups of operators shall indicate in the notification referred to in the first subparagraph which control authority or control body verifies whether their activity complies with this Regulation and provides the certificate referred to in Article 35(1).

2. Operators that sell prepacked organic products directly to the final consumer or user shall be exempted from the notification obligation referred to in paragraph 1 of this Article and from the obligation to be in the possession of a certificate referred to in Article 35(2) provided that they do not produce, prepare, store other than in connection with the point of sale, or import such products from a third country, or subcontract such activities to another operator.

3. Where operators or groups of operators subcontract any of their activities to third parties, both the operators or groups of operators and the third parties to whom those activities have been subcontracted shall comply with paragraph 1, unless the operator or group of operators has declared in the notification referred to in paragraph 1 that it remains responsible as regards organic production and that it has not transferred that responsibility to the subcontractor. In such cases, the competent authority, or, where appropriate, the control authority or control body, shall verify that the subcontracted activities comply with this Regulation, in the context of the control it carries out on the operators or groups of operators that have subcontracted their activities.

4. Member States may designate an authority or approve a body which is to receive the notifications referred to in paragraph 1.

5. Operators, groups of operators and subcontractors shall keep records in accordance with this Regulation on the different activities they engage in.

6. Member States shall keep updated lists containing the names and addresses of operators and groups of operators that have notified their activities in accordance with paragraph 1 and shall make public in an appropriate manner, including by means of links to a single internet website, a comprehensive list of this data, together with the information relating to the certificates provided to those operators and groups of operators in accordance with Article 35(1). When doing so, Member States shall comply with the requirements for the protection of personal data under Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽¹⁾.

7. Member States shall ensure that any operator or group of operators that complies with this Regulation and, in cases where a fee is collected in accordance with Articles 78 and 80 of Regulation (EU) 2017/625, that pays a reasonable fee covering the cost of controls is entitled to be covered by the control system. Member States shall ensure that any fees that may be collected are made public.

8. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending Annex II as regards the requirements for keeping records.

9. The Commission may adopt implementing acts to provide details and specifications regarding:

- (a) the format and technical means of the notification referred to in paragraph 1;
- (b) the arrangements for the publication of the lists referred to in paragraph 6; and
- (c) the procedures and the arrangements for publication of the fees referred to in paragraph 7.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Article 35

Certificate

1. Competent authorities, or, where appropriate, control authorities or control bodies, shall provide a certificate to any operator or group of operators that has notified its activity in accordance with Article 34(1) and complies with this Regulation. The certificate shall:

- (a) be issued in electronic form wherever possible;
- (b) allow at least the identification of the operator or group of operators including the list of the members, the category of products covered by the certificate and its period of validity;
- (c) certify that the notified activity complies with this Regulation; and
- (d) be issued in accordance with the model set out in Annex VI.

2. Without prejudice to paragraph 8 of this Article and to Article 34(2), operators and groups of operators shall not place products referred to in Article 2(1) on the market as organic products or in-conversion products unless they are already in possession of a certificate as referred to in paragraph 1 of this Article.

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

3. The certificate referred to in this Article shall be an official certificate within the meaning of point (a) of Article 86(1) of Regulation (EU) 2017/625.

4. An operator or a group of operators shall not be entitled to obtain a certificate from more than one control body in relation to activities carried out in the same Member State regarding the same category of products, including cases in which that operator or group of operators operates at different stages of production, preparation and distribution.

5. Members of a group of operators shall not be entitled to obtain an individual certificate for any of the activities covered by the certification of the group of operators to which they belong.

6. Operators shall verify the certificates of those operators that are their suppliers.

7. For the purposes of paragraphs 1 and 4 of this Article, products shall be classified in accordance with the following categories:

- (a) unprocessed plants and plant products, including seeds and other plant reproductive material;
- (b) livestock and unprocessed livestock products;
- (c) algae and unprocessed aquaculture products;
- (d) processed agricultural products, including aquaculture products, for use as food;
- (e) feed;
- (f) wine;
- (g) other products listed in Annex I to this Regulation or not covered by the previous categories.

8. Member States may exempt from the obligation to be in the possession of a certificate, provided for in paragraph 2, operators that sell unpacked organic products other than feed directly to the final consumer, provided that those operators do not produce, prepare, store other than in connection with the point of sale, or import such products from a third country, or subcontract such activities to a third party, and provided that:

- (a) such sales do not exceed 5 000 kg per year;
- (b) such sales do not represent an annual turnover in relation to unpacked organic products exceeding EUR 20 000; or
- (c) the potential certification cost of the operator exceeds 2 % of the total turnover on unpacked organic products sold by that operator.

If a Member State decides to exempt the operators referred to in the first subparagraph, it may set stricter limits than those set in the first subparagraph.

Member States shall inform the Commission and the other Member States of any decision to exempt operators pursuant to the first subparagraph and of the limits up to which such operators are exempted.

9. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending the model of the certificate set out in Annex VI.

10. The Commission shall adopt implementing acts to provide details and specifications regarding the form of the certificate referred to in paragraph 1 and the technical means by which it is issued.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Article 36

Group of operators

1. Each group of operators shall:

- (a) only be composed of members who are farmers or operators that produce algae or aquaculture animals and who in addition may be engaged in processing, preparation or placing on the market of food or feed;
- (b) only be composed of members:
 - (i) of which the individual certification cost represents more than 2 % of each member's turnover or standard output of organic production and whose annual turnover of organic production is not more than EUR 25 000 or whose standard output of organic production is not more than EUR 15 000 per year; or
 - (ii) who have each holdings of maximum:
 - five hectares,

- 0,5 hectares, in the case of greenhouses, or
 - 15 hectares, exclusively in the case of permanent grassland;
- (c) be established in a Member State or a third country;
- (d) have legal personality;
- (e) only be composed of members whose production activities take place in geographical proximity to each other;
- (f) set up a joint marketing system for the products produced by the group; and
- (g) establish a system for internal controls comprising a documented set of control activities and procedures in accordance with which an identified person or body is responsible for verifying compliance with this Regulation of each member of the group.
2. Competent authorities, or, where appropriate, control authorities or control bodies, shall withdraw the certificate referred to in Article 35 for the whole group where deficiencies in the set-up or functioning of the system for internal controls referred to in paragraph 1, in particular as regards failures to detect or address non-compliance by individual members of the group of operators, affect the integrity of organic and in-conversion products.
3. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending paragraphs 1 and 2 of this Article by adding provisions, or by amending those added provisions, in particular as regards:
- (a) the responsibilities of the individual members of a group of operators;
 - (b) the criteria to determine the geographical proximity of the members of the group, such as the sharing of facilities or sites;
 - (c) the set-up and functioning of the system for internal controls, including the scope, content and frequency of the controls to be carried out and the criteria to identify deficiencies in the set-up or functioning of the system for internal controls.
4. The Commission may adopt implementing acts laying down specific rules concerning:
- (a) the composition and dimension of a group of operators;
 - (b) the documents and record-keeping systems, the system for internal traceability and the list of operators;
 - (c) the exchange of information between a group of operators and the competent authority or authorities, control authorities or control bodies, and between the Member States and the Commission.
- Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

CHAPTER VI

OFFICIAL CONTROLS AND OTHER OFFICIAL ACTIVITIES

Article 37

Relationship with Regulation (EU) 2017/625 and additional rules for official controls and other official activities in relation to organic production and labelling of organic products

The specific rules of this Chapter shall apply, in addition to the rules laid down in Regulation (EU) 2017/625, save as otherwise provided for in Article 40(2) of this Regulation, and in addition to Article 29 of this Regulation, save as otherwise provided for in Article 41(1) of this Regulation, to the official controls and other official activities performed to verify throughout the entire process at all stages of production, preparation and distribution that the products referred to in Article 2(1) of this Regulation have been produced in compliance with this Regulation.

Article 38

Additional rules on official controls and on action to be taken by the competent authorities

1. Official controls performed in accordance with Article 9 of Regulation (EU) 2017/625 for the verification of compliance with this Regulation shall include, in particular:
- (a) the verification of the application by operators of preventive and precautionary measures, as referred to in Article 9(6) and in Article 28 of this Regulation, at every stage of production, preparation and distribution;