

20 March 2026

## Organic Regulation – targeted updates and simplification – EuroCommerce amendments

### Introduction

EuroCommerce welcomes the Commission’s proposal to revise and clarify key provisions of Regulation (EU) 2018/848. We particularly **welcome the proposal to postpone the expiry date for the recognition of third countries whose organic production and control systems are considered equivalent until 31 December 2036**. We also welcome the exemptions from the certification requirement for unpackaged organic products.

However, **EuroCommerce strongly supports the introduction of a risk-based approach to controls and inspections**. Since retailers typically handle pre-packaged and properly labelled organic goods, the risk of non-compliance with safety or conformity rules is inherently low. A proportionate system will allow authorities to focus resources where they are most needed, while reducing unnecessary administrative burdens on low-risk operators.

Please find below on page 2 our **detailed amendments to the current proposal**, including **some outstanding issues identified**. **Additionally, we would refer to our position paper<sup>1</sup>** with our key asks to simplify the Regulation further.

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<sup>1</sup> EuroCommerce Feedback, [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/15273-Organic-production-targeted-updates-and-simplification/F33123592\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/15273-Organic-production-targeted-updates-and-simplification/F33123592_en), submitted on 18 November 2025.

<p><b>ARTICLE 34 (2) (3)</b></p> <p><b>CERTIFICATION SYSTEM</b></p>	<p>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.</p> <p>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.</p> <p>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.</p>	<p>/</p>	<p><i>The following paragraph is added:</i></p> <p><i>The exemption shall also apply to operators who store or distribute prepacked organic products, including warehouses, wholesalers, distribution centres and drive-through pick-up points, provided that:</i></p> <p><i>(a) the products remain sealed and are not opened, repacked, handled or otherwise prepared;</i></p> <p><i>(d) full traceability of the products is ensured through appropriate supplier documentation.</i></p>
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**JUSTIFICATION**

The operators covered by this amendment perform only low-risk activities (storing and moving sealed prepacked organic products without opening, repacking, or preparing them). These logistics operations do not affect the integrity of organic products and pose no greater risk than online retailers already exempt under article 34(2).

Extending the exemption to these operators ensures equal treatment across all retail models where storage and distribution functions are identical, it reduces disproportionate administrative burdens for low-risk actors and maintains full traceability through existing supplier documentation. This targeted adjustment reflects the operational reality of retail and wholesale while preserving the robustness of the organic control system.

**ARTICLE 35 (8)**

**CERTIFICATE**

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,

Member States may exempt from the obligation to be in the possession of a certificate referred to 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 10 000 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.~~

***Therefore, provided that one or more***

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

***For the purposes of applying conditions (a), (b) and (c), thresholds shall apply at the level of the individual retail outlet. Member States may allow a higher threshold, up to a maximum of 50 000 kg, where duly justified on the basis of specific operational circumstances***

***For operators using online sales channels, Member States shall establish rules proportionate to the risk analysis of such sales channels, regardless of whether invoicing occurs prior to delivery or at the moment of delivery to the customer. These rules***

<p>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.</p>	<p>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.</p>	<p><b><i>shall ensure equal treatment of physical and online retail operations.</i></b></p>
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**JUSTIFICATION**

Maintaining flexibility through dual metrics (kilograms and turnover) remains important. Retailers have different practices regarding metrics that best reflects their operational realities as some prefer kilogram-based thresholds, while others find turnover-based criteria more practical. Preserving different options ensures Member States can accommodate these differences while retaining the structure and intent of the original legislation.

<p><b>ARTICLE 36</b></p> <p><b>GROUP OF OPERATORS</b></p>	<p>Each group of operators shall:</p> <p>(b) only be composed of members:</p> <p>(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</p> <p>(ii) who have each holdings of maximum:</p> <p>— five hectares,</p>	<p><b>point (b) is replaced by the following:</b></p> <p><b>‘(b) only be composed of members who each have holdings of maximum: — (i) 10 hectares, — (ii) one hectare, in the case of greenhouses, or — (iii) 30 hectares, exclusively in the case of permanent grassland;’; (b) point (d) is replaced by the following: ‘(d) have legal personality or be part of a farmer cooperative association, operator cooperative, association, federation or organisation that has legal personality.</b></p>	<p><b><i>We propose to expand the definition (a) to allow retail headquarters to act as a group of operators.</i></b></p>
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—0,5 hectares, in the case of greenhouses, or

—15 hectares, exclusively in the case of permanent grassland;

#### **JUSTIFICATION**

Allowing all retail models to apply for one collective certificate would reduce duplication, cut costs for individual shops, and still provide robust oversight.

#### **ARTICLE 38(3) ADDITIONAL RULES ON OFFICIAL CONTROLS AND ON ACTION TO BE TAKEN BY THE COMPETENT AUTHORITIES**

In any case, all operators and groups of operators, with the exception of those referred to in Articles 34(2) and 35(8), shall be subject to a verification of compliance at least once a year. The verification of compliance shall include a physical on-the-spot inspection, except where the following conditions have been satisfied:

(a) the previous controls of the operator or group of operators concerned have not revealed any non-compliance affecting the integrity of organic or in-conversion products during at least three consecutive years; and

(b) the operator or group of operators concerned has been assessed on the basis of the elements referred to in paragraph 2 of this Article and in Article 9 of Regulation (EU) 2017/625 as presenting a low likelihood of non-compliance.

In this case, the period between two physical on-the-spot inspections shall not exceed 24 months.

#### ***Replace paragraph:***

***Official controls for the verification of compliance with this Regulation shall be carried out on a risk basis and with a frequency proportionate to the likelihood of noncompliance, in accordance with Article 9 of Regulation (EU) 2017/625.-compliance, in accordance with Article 9 of Regulation (EU) 2017/625.***

***Member States shall determine the frequency and nature of physical on-th-espote inspections on the basis of a documented risk assessment, taking into account the elements referred to in paragraph 2 of this Article.-***

***The requirement for an annual verification of compliance and an annual physical on-the-spot inspection shall not apply to operators or groups of operators for whom the risk assessment demonstrates a low likelihood of noncompliance.-the-spot inspection shall not apply to operators or groups of operators for whom the***

*risk assessment demonstrates a low likelihood of non-compliance.*

JUSTIFICATION

The risk-based approach to inspections can also help streamline the number of Inspections. ***A physical on-the-spot inspection shall be carried out at intervals appropriate to the risk profile of the operator or group of operators, without prejudice to additional inspections carried out where noncompliance is suspected or detected-the-spot inspection shall be carried out at intervals appropriate to the risk profile of the operator or group of operators, without prejudice to additional inspections carried out where non-compliance is suspected or detected***

**ARTICLE 38 (8)**  
**ADDITIONAL**  
**RULES ON**  
**OFFICIAL**  
**CONTROLS AND**  
**ON ACTION TO BE**  
**TAKEN BY THE**  
**COMPETENT**  
**AUTHORITIES**

The Commission is empowered to adopt / delegated acts in accordance with Article 54:

- (a) supplementing this Regulation by laying down specific criteria and conditions for the performance of official controls conducted to ensure the traceability at all stages of production, preparation and distribution, and compliance with this Regulation, concerning:
  - (i) checks of documentary accounts;
  - (ii) controls performed on specific categories of operators;
  - (iii) where appropriate, the period within which the controls provided for in this Regulation, including the physical on-the-spot inspections referred to in paragraph 3 of this Article, are to be performed and the particular premises in or area on which they are to be performed;

***Commission Delegated Regulation (EU) 2021/771, adopted under Article 38(8) of Regulation (EU) 2018/848, does not yet reflect the unique characteristics of retail environments, where goods are freely accessible to consumers and subject to daily handling. Therefore, the following amendments are requested for article 1:***

- a) Introduction of a tolerance margin for mass balance checks at store level, acknowledging unavoidable discrepancies caused by the retail environment. This would prevent minor, nonmaterial differences from triggering noncompliance findings and align control practices with realworld conditions.***
- b) Elimination of mass balance requirements for “complete replacement goods,” meaning prepacked, sealed organic products that retailers do not repack, process, or alter in any way. For these products, documentary traceability and shelf checks provide sufficient assurance***

(b)amending paragraph 2 of this Article by adding further elements based on practical experience, or by amending those added elements.

***similar to the approach already used for organic catering, where input/output calculations are not required.***

**JUSTIFICATION**

The current obligation to maintain a strict mass balance places a disproportionate administrative burden on retail outlets. In practice, this requirement forces retailers, even those purchasing products by weight but selling them per piece, to register stock movements and sales exclusively in kilograms. This does not reflect the operational reality of retail environments, where goods are freely accessible to consumers, subject to handling, subject to variable shrinkage, and managed within dynamic stock systems designed around product units rather than kilograms.

We therefore propose a more flexible approach, whereby purchasing and sales data alone are sufficient to demonstrate that no more organic products have been sold than were purchased, without requiring full kilogram based stock accounting. This approach still safeguards organic integrity while avoiding unnecessary recordkeeping that provides no additional control value in the retail context

Commission delegated regulation (EU) 2021/771, adopted under article 38(8) of regulation (EU) 2018/848, does not yet take into account these unique characteristics of retail operations. Retail outlets function very differently, and the current massbalance requirement does not align with the real-world conditions of these businesses.-

**OTHER CONSIDERATIONS**

***Although organic farming generates well documented benefits for the environment, biodiversity, and soil health, overall public awareness of these advantages remains limited. Retailers and wholesalers have already invested in communication efforts to highlight the value of organic products, yet these actions alone are not sufficient to create widespread consumer understanding and sustained demand.***

***We would therefore welcome stronger and more coordinated involvement from public authorities in awareness raising initiatives***

**JUSTIFICATION**

Retailers and wholesalers have already invested considerable resources in consumer communication through instore information, marketing campaigns, staff training, and digital outreach to highlight the added value of organic products. However, this communication alone is not sufficient to create broad societal understanding, shift consumer perceptions, or drive sustained demand for organic products.