

Organic Regulation – EuroCommerce recommendations

Introduction

EuroCommerce, the voice of retail and wholesale sector, welcomes the opportunity to provide suggestions for **updating the Organic Regulation (EU) 2018/848**. We support the EU's ambition to promote sustainable food systems and maintain **consumer trust in organic products**. However, we believe the Regulation can be improved to better **balance the need for organic integrity with the practical realities faced by retailers and wholesalers**.

Retail and wholesalers rely on consistent, high-quality supplies of organic products to meet consumer demand. Legislation should enable the continued growth of the organic market across the entire food supply chain. We strongly **support a risk-based approach to controls and inspections**. Given that retailers mainly sell pre-packed and labelled organic products, the likelihood of non-compliance with safety and conformity rules appears to be low.

Articles 30,32,33 on labelling of imported organic products

The European Court of Justice (ECJ) ruling in the Herbaria case⁷ may prevent organic products from third countries (recognised as equivalent or covered by equivalence-based trade agreements) from being marketed using the EU organic label (including the term “organic” and the EU organic logo). Instead, these products would be required to carry the **organic label of the country of origin**. **We propose to amend Articles 30, 32, and 33 to restore the right to use the EU organic label for products from equivalent third countries**.

Article 32(2): Language requirements for origin indication

The regulation requires that the origin indication accompanying the EU organic logo (e.g. “EU Agriculture”, “non-EU Agriculture”) be translated into the national language of the Member State where the product is marketed. This creates a **barrier to intra-EU trade**, as labels must be adapted for each country, increasing costs and complexity. We therefore propose to:

- Introduce flexibility similar to **Article 121(1) of Regulation (EU) No 1308/2013** (wine sector), allowing the origin indication to appear in **any official EU language**. This would preserve consumer information while facilitating cross-border trade.

Article 34 (2) Certification and bookkeeping requirements

Storage sites (including warehouses and wholesalers' stores) handling exclusively prepackaged organic products, with **no repackaging or processing**, could be exempted from **notification and certification**,

provided traceability is ensured through supplier documentation. We recommend exploring simplified procedures to reduce administrative load without compromising organic integrity. Inspection frequency should be proportionate to the risk level of the activity, not the size of the operator.

Additionally, we recommend clarifying the definition of “final user.” The final user should be defined as the individual or entity that consumes the packaged product (i.e., opens the packaging) without reselling it in its original form.

Article 35(8)(a)(b): Exemption thresholds for certification

Article 35(8)(a)(b) should be revised to ensure a workable and proportionate solution for retail and wholesale operators. Introducing **risk-based and less frequent controls** for low-risk retail operators, including online sales channels, should be implemented regardless of whether invoicing occurs before or at the time of product delivery. This would reduce unnecessary burdens without compromising the integrity of the organic system.

Moreover, referring to the case C-289/161, which clarified that the exemption from certification only applies to retailers selling pre-packed organic products in physical presence of the final consumer. Consequently, **online shops fall outside this exemption** and must undergo certification. This interpretation creates a significant and unjustified imbalance. A **small physical store selling only pre-packed organic** products can operate **without certification**. The same entrepreneur, if **launching an online shop with identical products, faces costly and complex certification requirements**. For small retailers and start-ups, this represents a barrier to entry and an administrative burden disproportionate to their size and turnover.

We therefore recommend the following:

- The current **exemption thresholds for unpacked organic products** (5,000 kg/year, €20,000 turnover, or certification cost exceeding 2% of turnover) are **no longer realistic** due to inflation and rising food prices. These limits should be indexed to reflect current market conditions, including online sales channels.
- **Food donations**, whether to consumers or food waste initiatives, should be **excluded from turnover and weight calculations**. This would support social and environmental objectives without penalising retailers.
- We recommend establishing rules that are proportionate to the risk analysis of online sales channels, regardless of whether invoicing occurs prior to or at the time of product delivery to customers.
- Include a **biennial audit interval**, meaning the second subsequent calendar year.

Article 36: Definition of “Group of Operators”

Currently, only farmers and aquaculture producers can form a “group of operators” for joint certification. **Retailers, including supermarket chains, are excluded**, despite their central role in sourcing and distributing organic products. We propose to expand the definition to **allow retail headquarters** to act as a group of operators.

Article 38(3): Annual physical inspections

The regulation mandates **annual on-the-spot inspections** for all organic operators, with limited exceptions. This approach increases costs and administrative burden and limits the ability of national

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62016CJ0289>

authorities (or inspection bodies) to apply risk-based controls, which are standard for other food sectors. We propose to **align Article 38(3) with Article 9 of Regulation (EU) 2017/625 on official controls**, allowing inspections to be conducted on a risk basis and with appropriate frequency.

Article 48: Postponement of deadline for trade agreements

The current **deadline of 31 December 2026 for concluding new equivalence agreements risks not to be met**. This requires the EU to negotiate **new mutual trade agreements** with approximately **12 countries** within a short timeframe. Given the uncertainty created by the CJEU **Herbaria ruling**², this timeline is no longer realistic. We, therefore, propose to extend the deadline by 10 years to allow sufficient time for negotiations with third countries.

Additional considerations

Public awareness and communication

Although organic farming offers clear benefits for the environment, biodiversity, and soil health, public awareness remains limited. Retailers and wholesalers have already made efforts to highlight their positive effects. We would **welcome stronger involvement in awareness campaigns from public authorities**.

Conclusion

EuroCommerce supports the EU's organic objectives but requests the Commission to simplify Regulation (EU) 2018/848 to **ensure it is practical and proportionate for retailers and wholesalers**. These changes would:

- Reduce administrative and cost burden for retail and wholesale
- Reduce barriers to trade Support food donations and sustainability.
- Improve regulatory efficiency.
- Encourage broader participation in the organic market.

We remain available to discuss these proposals further and contribute to your work.

Contact:

Sarah Hautier | Food and Sustainability adviser hautier@eurocommerce.eu

EuroCommerce is the principal European organisation representing the retail and wholesale sector. It embraces national associations in 27 countries and 5 million companies, including leading global players and many small businesses. Over a billion times a day, retailers and wholesalers distribute goods and provide an essential service to millions of business and individual customers. The sector generates 1 in 7 jobs, offering a varied career to 26 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognised European social partner for the retail and wholesale sector.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62023CJ0240>