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*Brussels,  
(2022)6969624*

*Dear Mr Lins, Dear Mr Häusling,*

*On behalf of Executive Vice-President Timmermans and on my own behalf, I would like to thank you for your letter of 29 July 2022 on how to address suspicions of non-compliance in organic production.*

*As you are aware, Regulation (EU) 2018/848 was adopted and is now in force after long negotiations between the co-legislators over a 4-year period. The primary aim of the Regulation was to bring harmonisation to the sector and to ensure the correct implementation of the objectives and principles of organic production, while creating a level playing field and avoid unfair competition among operators.*

*The presence of residues of products and substances not allowed in organic production on organic products was one of the crucial issues during the negotiations and the new legislative act reflects the common understanding that every substantiated suspicion of contamination shall be followed by an investigation.*

*Currently, we observe in the Organic Farming Information System a rapidly increasing number of notifications of suspicions of non-compliance with the legislation, involving the presence of products and substances not allowed in organic production. In the vast majority of cases, it appears the cause of the contamination is not properly investigated and/or clarified, casting uncertainty over the integrity of the organic products.*

*Within this context, addressing the presence of products or substances not allowed in organic production has become an important priority. Let me re-assure you that the approach followed by the Commission is the one that is stipulated in the organic legislation (please see the relevant*

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*legislative provisions in annex to this letter). This approach has also been discussed with Member States, in the Organic Production Committee.*

*I would like to emphasise that the Commission does not only focus on the presence of non-allowed substances and products. Unfortunately, Member States do not sufficiently notify other cases of non-compliances in the Organic Farming Information System, which prevents DG AGRF from taking more targeted action.*

*According to Article 29(4) of Regulation (EU) 2018/848, by 31 December 2025, the Commission shall present a report to the European Parliament and the Council on the implementation of that same Article, on the presence of products and substances not allowed in organic production and on the assessment of the national rules. That report may be accompanied, where appropriate, by a legislative proposal for further harmonisation. My services are already working on the collection of the necessary information and will pursue an active dialogue with the Member States and the stakeholders on this matter in the future.*

*I hope you will agree with me that further development of the organic sector, is dependent on the public trust in the organic logo, even more so in a period of high inflation, where consumers are understandably concerned about obtaining value for money. One of the main reasons for purchasing organic food products is the expectation that such food products contain fewer pesticides and other residues than other food products. This is clear from the 2022 Special Eurobarometer 520 on « Europeans, Agriculture and the CAP », according to which 85% of Europeans believe that organic food products comply with specific rules on pesticides, fertilisers and antibiotics and 81% that organic food products are produced with better environmental practices than other food products.*

*I trust you find these clarifications useful. Myself and my services stand ready to provide any further clarification you may require and cooperate closely with national authorities and stakeholders to ensure smooth functioning of the market, to safeguard public trust in organic production and to foster the further development of the organic sector.*

*Yours sincerely,*



*Janusz WOJCIECHOWSKI*

*Annex: extract of the applicable provisions (legislative act)*

## *Annex*

*-According to Article 28(2) of Regulation (EU) 2018/848, the presence of a product or substance not authorised by the organic legislation for use in organic production gives rise to a suspicion of non-compliance.*

*-According to Article 27(b) and Article 28(2), point (b), of said Regulation, the operator shall then check whether that suspicion can be substantiated.*

*-According to Article 27(c) and Article 28(2), point (c), of said Regulation, the product that is the subject of the suspicion of non-compliance shall not be placed on the market as an organic or in-conversion product and not be used in organic production unless the suspicion can be eliminated.*

*-According to Article 27, points (d) and (e), and Article 28(2) points (d) and (e), of said Regulation, where the suspicion has been substantiated or where it cannot be eliminated, the operator shall immediately inform the relevant competent authority, or, where appropriate, the relevant control authority or control body, provide it with available elements, and cooperate fully in identifying and verifying the reasons for the presence of non-authorised products or substances.*

*-According to Article 43 of said Regulation, competent authorities shall share immediately information with other competent authorities, as well as with the Commission, on any suspicion of non-compliance that affects the integrity of organic or in-conversion products.*

*-According to Article 29 (1), point (a), of said Regulation, an official investigation shall be carried out immediately with a view to determining the source and the cause of the presence of non-allowed products or substances when the authorities receive substantiated information about the presence of products or substances that are not authorised for use in organic production.*

*-According to Article 29(1), point (b), of said Regulation, the placing on the market of the products that are the subject of the investigation as organic or in-conversion products and their use in organic production shall be prohibited pending the results of the investigation.*