



POSITION PAPER

Proposal for a Regulation amending Regulation (EU) 2018/848 as regards certain production, labelling and certification rules and certain rules on trade with third countries {COM(2025) 780 final}

SUMMARY

- ✓ We welcome the update to the eligibility criteria for groups of operators and the removal of new obligations concerning products used for cleaning and disinfection in processing and storage facilities.
- ✓ The Commission's proposed solution to the Herbaria case adds undue complexity, lacks practical feasibility and may give rise to interpretation challenges. Moreover, it runs counter to its declared aim of preventing trade disruption by exposing EU exports to retaliatory measures and market closures. Thus, we suggest amending the EU Organic Regulation to:
 - Expressly clarify that products imported in accordance with the equivalence regime may bear the EU organic logo. Alternatively, introduce a derogation to allow the use of the EU logo on products imported under the already established equivalences, until their expiration.
 - Clarify the use of national and private logos.
- ✓ A provision should also be introduced into the EU Organic Regulation to ensure the active involvement of EU stakeholders in the (re)negotiation of equivalence agreements.

➤ BACKGROUND

- ✓ We welcome the positive developments concerning both the eligibility criteria for groups of operators and the removal of new obligations for cleaning and disinfection products used in processing and storage facilities.

- ✓ **The Commission's proposed solution to the Herbaria case adds undue complexity and is not workable under the current traceability and control systems operated by importers and control bodies.**

The Commission's proposal to permit the use of the EU logo on products imported from equivalent third countries, subject to additional requirements, is, in our view, unworkable and will entail significant cost and burden:

- The additional origin-to-end-user traceability of inputs -so as to distinguish between those that meet the additional criteria and those that do not- will require significant and costly modifications to data systems across companies throughout the supply chain.
- The certificate of inspection (COI) issued by control bodies to accompany imported products reach only the first consignee, while the new requirements will necessitate enhanced traceability throughout the entire supply chain.
- Responsibility for controlling the additional requirements in equivalent third countries rests with the control entities of those countries. It remains uncertain whether they will accept the associated burden of controlling restrictions to their national products imposed without prior consultation.

- ✓ **The Commission's proposed solution to the Herbaria case breaches the EU's international commitments and exposes EU exports to retaliatory measures and market closures.**

The EUCJ ruling in Case C-240/23 goes against a long-standing and widely shared understanding of the organic legislation (Regulation (EU) No 848/2018 and former Regulation (EC) No 834/2007), according to which products imported into the Union under the equivalence regime may bear the European Union organic logo and use terms referring to organic production.

Given this understanding, the Commission has entered into mutual recognitions of equivalence with third countries (e.g. EU-US recognition of equivalence [2012]¹), as well as into recognition under a trade agreements (e.g. EU-Chile Agreement [2017]²). In these recognitions of equivalence and agreements, the Commission allows operators from the third country to import organic products into the Union and to use the organic logo of the European Union.

¹ See [Letter of 2012 issued by Dacian CIOLOS, on behalf of the Commission to to the Deputy Secretary of Agriculture K. Merrigan and to the Chief Agricultural Negotiator Ambassador Isi A. Siddiqui \(ref. DG/Gj,bdv/D\(2012\)178919\)](#), and [the answer of 15 February 2012 of the U.S. to the Union \(recognition of equivalence of Union organic legislation\)](#).

² [Agreement between the European Union and the Republic of Chile on trade in organic products \(2017\)](#) ; art. 5(1): "Products imported from one Party by the other Party in accordance with this Agreement shall meet the requirements on labelling set out in the laws and regulations of the other Party listed in Annexes III and IV. Those products may bear the Union's organic logo, the Chilean organic logo or both logos, as set out in the relevant laws and regulations, provided that they comply with the labelling requirements for the respective logo or for both logos." For more info, see the DG Agriculture website [here](#).



These agreements were concluded on the basis of mutual trust and a thorough assessment of third countries' regulatory frameworks, recognising that many jurisdictions impose stringent legal requirements for organic production. The granting of equivalence was a deliberate decision to respect those systems as achieving comparable objectives and providing an equivalent – not identical- level of assurance to those of the European Union.

The proposal of the Commission, adopted on 16 December 2025, goes even beyond the interpretation of the EU Court of Justice. Hence, rather than ensuring compliance with international commitments, the proposal would deliberately risk their breach. This triggers a high risk of denunciation of the agreements and mutual recognitions by the third countries concerned, which will directly negatively impact EU exporters. This effect is contrary to the intended purpose to avoid disruptions in the trade of organic products.

✓ **The Commission proposal may lead to interpretation issues regarding the use of national and private logos**

The terms of Article 33(5) of Regulation (EU) 2018/848 remain untouched by the Commission's proposal, as follows: *“National logos and private logos may be used in the labelling, presentation and advertising of products which comply with this Regulation.”*

In its proposed new Article 30(1), the Commission makes now a clear distinction between products *“which comply with this Regulation”* and products *“imported from a third country under the conditions laid down in Article 45(1), points (b)(ii) or (iii)”*. Such distinction does not exist in the current version of Regulation (EU) 2018/848, as interpreted by the EU Court of Justice in Herbaria case.

If this amendment changes the interpretation to be given to Article 33(5) of Reg 2018/848, the consequence would be that products imported under equivalence or an international agreement – and possibly also products produced in the EU using +5% non-EU ingredients imported under equivalence or a trade agreement- would no longer be permitted to use national or private logos. This creates a drawback for well-established national and private logos that are widely recognized by consumers.

✓ **EU stakeholders should be involved in the (re)negotiation of organic equivalence agreements.**

The (re)negotiation of the existing arrangements represents an opportunity to overcome the lack of reciprocal recognition, variances between standards and regulatory divergences that prevent some EU products reach key export markets. When preparing or renegotiating such equivalence under trade agreements, the Commission should draw on the knowledge and practical expertise of those EU stakeholders active in trade of organic products, as they possess first-hand experience of the regulatory, commercial and operational realities of third-country markets. Their input ensure that equivalence agreements are not only legally sound but also workable in practice.

➤ **OPTA EUROPE'S PROPOSED AMENDMENTS**

To address the above mentioned challenges, we suggest to amend the Organic Regulation (EU) 2018/848 to:

- Expressly clarify that products imported in accordance with the equivalence regime may bear the EU organic logo. Alternatively, introduce a derogation to allow the use of the EU logo on products imported under the already established equivalences, until their expiration.
- Clarify the use of national and private logos, to avoid interpretation issues.
- Actively involve EU stakeholders in the (re)negotiation of equivalence agreements.

ABOUT OPTA EUROPE

OPTA Europe is the membership organization representing the interest of European organic processing and trade companies. OPTA Europe's members play an essential role in an efficient organic supply chain.