



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach  
The Director

Brussels,  
PP/nb(2020)1935213

Dear [REDACTED],

Thank you for your e-mail of 29 November 2019 (Int. Ref. ARES(2019)7365083) asking, among others, for several clarifications with respect to the provisions concerning mass catering under the current and future EU organic legislation. Please accept my apologies for this late reply.

In particular, your first question introduces the case of absence of a specific private or public organic scheme for mass catering and demands which rules should be applied in case of use of the reference to the term “organic” in mass catering advertising.

To address your questions, I recall the provisions of Article 1 and in particular paragraphs (2) and (5) of Article 23 of Council Regulation (EC) No 834/2007<sup>1</sup> and analogous but different provisions are set under the Article 2(3) and Article 30(2) of the new organic Regulation (EU) 2018/848<sup>2</sup>.

Indeed, Article 1(3) of Regulation (EC) No 834/2007 lays down that “*mass catering operations shall not be subject to this Regulation. Member States may apply national rules or, in the absence thereof, private standards, on labelling and control of products originating from mass catering operations, in so far as the said rules comply with Community Law.*”

Article 23(2) of Regulation (EC) No 834/2007 states that “*The terms referred to in paragraph 1 shall not be used anywhere in the Community and in any Community language for the labelling, advertising and commercial documents of a product which*

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<sup>1</sup> Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.07.2007, p. 1)

<sup>2</sup> [Regulation \(EU\) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation \(EC\) No 834/2007 \( OJ L 150, 14.6.2018 p.1 \)](#)

[REDACTED]

*does not satisfy the requirements set out under this Regulation, unless they are not applied to agricultural products in food or feed or clearly have no connection with organic production.*

*Furthermore, any terms, including terms used in trademarks, or practices used in labelling or advertising liable to mislead the consumer or user by suggesting that a product or its ingredients satisfy the requirements set out under this Regulation shall not be used.* “

Therefore, food prepared by mass caterers on their premises is not covered by the scope of the EU organic legislation and as a consequence such operations cannot be labelled or advertised with the organic production logo of the European Union.

Article 23(5) provides for Member States to take the measures necessary to ensure compliance with this Article.

With respect to Regulation (EU) No 2018/848, its Article 2(3) concerning the scope provides for: “*Mass catering operations carried out by a mass caterer as defined in point (d) of Article 2(2) of Regulation (EU) No 1169/2011 are not subject to this Regulation except as set out in this paragraph. Member States may apply national rules or, in the absence thereof, private standards, on the production, labelling and control of products originating from mass catering operations. The organic production logo of the European Union shall not be used in the labelling, the presentation or the advertising of such products, and shall not be used to advertise the mass caterer.*”

In absence of national or private standards laying down rules on the production, labelling and control of products originating from mass catering operations, the use of the term organic for mass catering operations is subject to the general requirements on consumer protection under Regulation (EU) No 1169/2011<sup>3</sup>.

In particular, I would bring your attention to Article 7 of that Regulation concerning fair information practices which lays down:

1. “ *Food information shall not be misleading, particularly: (a) as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, **method of manufacture or production**;*

*(b) by attributing to the food effects or properties which it does not possess;*

*(c) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients;*

*(d) by suggesting, by means of the appearance, the description or pictorial representations, the presence of a particular food or an ingredient, while in reality a*

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<sup>3</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304 22.11.2011, p.18)

*component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.*

2. *Food information shall be accurate, clear and easy to understand for the consumer.*

3. *Subject to derogations provided for by Union law applicable to natural mineral waters and foods for particular nutritional uses, food information shall not attribute to any food the property of preventing, treating or curing a human disease, nor refer to such properties.*

4. *Paragraphs 1, 2 and 3 shall also apply to:*

*(a) advertising;*

*(b) the presentation of foods, in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed. “*

With respect to the question on which products could fall under the scope of mass catering, I have to bring your attention to the definition which is provided under Article 2(aa) of Regulation (EC) No 834/2007 for “mass catering operations” which means: “*the preparation of organic products in restaurants, hospitals, canteens and other similar food business at the point of sale or delivery to the final consumer*”.

To note also that in Article 2(3) of Regulation (EU) 2018/848 reference is made to the definition of mass caterer in point (d) of Article 2(2) of Regulation (EU) No 1169/2011 where mass caterer is defined as follows: “*“mass caterer’ means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer.”*

Therefore, mass catering covers food prepared by mass caterers on their premises and delivered to the final consumer.

On the last question on whether a bakery or a butchery falls or not under the scope of organic legislation, I can confirm that bakeries and butcheries fall within the scope of the organic legislation and are subject to the control system as long as they produce, prepare, store organic products. If they only sell prepacked food they can be exempted from the application of that legislation.

The present opinion is provided on the basis of the facts as set out in your e-mail of 29 November 2019 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

