



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

Dear [REDACTED],

I would like to thank you for your email¹ of 27 March 2022 regarding the certification of operators producing certain products containing organic ingredients. Please accept my apologies for the late reply.

In your letter you refer to three different products.

1. A lubricant for cork stoppers with 3 main ingredients: beeswax, essential oils and grapeseed oil:

Beeswax and essential oils are listed in Annex I to Regulation (EU) 2018/848²; they are, therefore, included in the scope of that Regulation and may be produced in accordance with the rules set out in the Regulation. Grapeseed oil is a processed agricultural product but, in this case, it is not used as food and is, therefore, not in the scope of the Regulation. Overall, a lubricant consisting of these ingredients is itself not in the scope of this Regulation and, as such, cannot bear the organic production logo of the European Union. Whether such products that are not covered by the scope of Regulation (EU) 2018/848 can be labelled as organic, depends on Member States' legislation for such products or if applicable, other specific EU legislation. Depending on the specific circumstances of the case, the marketing of such a product as organic could also amount to a misleading action in accordance with Directive 2005/29/EC³. However, if the two ingredients that fall in the scope of Regulation (EU) 2018/848, i.e. beeswax and essential oils, are produced organically and if a reference to organic production is made on the label of the lubricant, with a clear reference only to these specific

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² [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 \(OJ L 150, 14.6.2018, p. 1\)](#)

³ [Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation \(EC\) No 2006/2004 of the European Parliament and of the Council \(Unfair Commercial Practices Directive\) \(OJ L 149, 11.6.2005, p. 22\). The practical application of this Directive is the task of competent national authorities \(e.g. consumer protection authorities and national courts\), taking into account the exact circumstances and facts of each case. The Commission has provided additional guidance on the application of this Directive \(see in particular section 4.1.1 on environmental claims\)](#)

ingredients, then the operator is subject to Article 34 of Regulation (EU) 2018/848 and shall notify its activity and is subject to the control system.

2. A processed meat product with less than 15% of organic agricultural ingredients:
This product is a processed food made with agricultural products and is included in the scope of Regulation (EU) 2018/848. A reference to organic may only be done in accordance with Article 30(5)(b) of this Regulation. In particular, the processed food must comply with the production rules set out in in points 1.5, 2.1(a), 2.1(b) and 2.2.1 of Part IV of Annex II, with the exception of the rules on the restricted use of non-organic agricultural ingredients set out in point 2.2.1 of Part IV of Annex II, and with the rules laid down in accordance with Article 16(3). When a reference to organic is made in the list of ingredients of the product, the operator is subject to Article 34 of Regulation (EU) 2018/848, shall notify its activity, and is subject to the control system.
3. A product of hunting or fishing mixed with organic agricultural ingredients:
Products of hunting or fishing are in the scope of Regulation (EU) 2018/848 but cannot be considered as organic products in accordance with Article 3(2) of this Regulation. A reference to organic may only be made in accordance with Article 30(5)(c) of this Regulation. As above, when a reference to organic - clearly related to the organic agricultural ingredients - is made on the label of the final product, the operator is subject to Article 34 of Regulation (EU) 2018/848, shall notify its activity, and is subject to the control system.

The present opinion is provided on the basis of the facts as set out in your email of 27 March 2022 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,

