



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
TU/nb(2019)4169577

[REDACTED]

Thank you for your e-mail of 14 May 2019 in which you asked clarification on the exemption in Article 34(2) of the Regulation (EU) 2018/848¹.

I refer to recital (84) of Regulation (EU) 2018/848, which states that “*small retail shops not selling organic products other than prepacked organic products present a relatively low risk of non-compliance with organic production rules, and they should not face disproportionate burdens for selling organic products. They should therefore not be subject to the notification and certification obligations, but should remain subject to official controls performed for the verification of compliance with the rules governing organic production and the labelling of organic products [...].*”

Article 34(2) of Regulation (EU) 2018/848 provides that “*operators that sell prepacked organic products directly to the final consumer or user shall be exempted from the notification obligation referred to in paragraph 1 of this Article and from the obligation to be in the possession of a certificate referred to in Article 35(2) provided that they do not produce, prepare, store other than in connection with the point of sale, or import such products from a third country, or subcontract such activities to another operator*”.

The exemption can be granted only to operators that sell prepacked organic products directly to the final consumer or user, and

- provided they do not:
 - produce, prepare,
 - store other than in connection with the point of sale, or
 - import such products from a third country, or
 - subcontract such activities to another operator (= production, preparation including labelling, storage, import).

The concept of “direct sale” and “storing in connection with the point of sale” refers to a situation where the sale of the prepacked organic products takes place where the products

¹ 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. 1–92)

are stored and when both the operator or his sales personnel and the final consumer are present at the same time.²

Regarding your question, a retailer selling pre-packed organic products but subcontracting the production, preparation including labelling or alterations made to the labelling relating to organic production, storage or import activities to another operator is not subject to the exemption under Article 34(2) of Regulation (EU) 2018/848.

Concerning your request on the FAQs on the interpretations of EU organic rules, please note that the European Commission is still working on these and are not yet published on the Commission website.

The present opinion is provided on the basis of the facts as set out in your email of 14 May 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 faithfully,



² Judgment of 12 October 2017, Kamin und Grill Shop GmbH, C-289/16, EU:C:2017:758