



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

Brussels,
 PP/sn/agri.ddg1.b.4(2018)5412904

Dear [REDACTED],

Thank you for your e-mail of 21 June 2018 (Int. Ref. ARES (2018)3645388) in which you ask whether Regulation (EU) 2018/848¹ on organic production will apply to essential oils regardless their final use and whether despite the potential presence of residues, often detected in essential oils due to their concentration, your members will be able to certify those oils as organic. Please accept my apologies for the very late reply.

To address your first question, please note that Regulation (EU) 2018/848 applies to “*certain other products closely linked to agriculture listed in Annex I of the referred Regulation, where these products are intended to be produced, prepared, labelled, distributed, placed on the market, imported into or exported from the Union*”. Essential oils are listed in Annex I to the referred Regulation and are therefore within the scope of the organic Regulation and may be certified as organic regardless of their final use.

Article 30 of the above-mentioned regulation lays down rules regarding the use of terms referring to organic production and under its paragraph 7(a) the Commission is empowered to adopt rules on the labelling of products listed in Annex I.

In addition, Annex I products may be subject to specific sectorial requirements. So, for example, in case of cosmetic products they will be subject to the provisions of Regulation (EC) No 1223/2009² and in particular, for labelling to its Article 20 laying down requirements on product claims.

With respect to your second question, I understand from your e-mail that despite the raw material, source of the essential oil, is free from residues and certified as organic, the essential oil due to its concentration may contain residues of non-authorized substances. Hence, you have doubts that operators will be ever able to place on the market essential oils as organic.

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](#)

² [Regulation \(EC\) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products OJ L 342, 22.12.2009, p.59](#)

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First of all, organic certification concerns the production activities, therefore, the organic production of essential oils can be certified as laid down under Article 35 (7) of Regulation (EU) 2018/848. Regarding the issue of their potential contamination from non-authorized substances, I would bring your attention to Articles 28 and 29 of Regulation (EU) 2018/848, which provide for organic operators to take precautionary measures to avoid any contamination with substances not authorized in organic production and for measures to be taken in the event of the presence of non-authorized products or substances. In particular, under paragraph 2 of Article 28:

"where an operator suspects, due to the presence of a product or substance that is not authorised pursuant to the first subparagraph of Article 9(3) for use in organic production in a product that is intended to be used or marketed as an organic or in-conversion product, that the latter product does not comply with this Regulation, the operator shall:

- (a) identify and separate the product concerned;*
- (b) check whether the suspicion can be substantiated;*
- (c) not place the product concerned on the market as an organic or in-conversion product and not use it in organic production unless the suspicion can be eliminated;*
- (d) where the suspicion has been substantiated or where it cannot be eliminated, immediately inform the relevant competent authority, or, where appropriate, the relevant control authority or control body, and provide it with available elements, where appropriate;*
- (e) fully cooperate with the relevant competent authority, or, where appropriate, with the relevant control authority or control body, in identifying and verifying the reasons for the presence of non-authorized products or substances."*

Finally, I would like to inform you that your e-mail will be made available to the national delegates members of Committee on Organic production for the discussion in their next meeting to bring their attention to this important issue expressed in your e-mail.

The present opinion is provided on the basis of the facts as set out in your e-mail of 21 June 2018 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,



Nathalie SAUZE-VANDEVYVER