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EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT
Directorate F. Horizontal aspects of rural development
F.5. Organic farming

Brussels,
F.5/HVB/jm/D(2007) 19921 rev.1_reg/sub
files/labelling

Dear Mr Verstrynge,

Thank you for your letter dated 22 March 2007 and my apologies for the late reply.

You are asking in your letter whether the term "organic" or its translations, such as "biologisch" and its abbreviations can be legally used in company names.

My services are of the opinion that this question should be approached from the labelling or advertising aspect. In fact, Article 2 of Council Regulation (EEC) 2092/91 provides for the possibility of referring to the organic production in the labelling of products. Article 4 takes over the same definition of the term labelling as under Directive 2000/13/EC relating to the labelling of foodstuffs. The term is broadly defined and also concerns the way a company name is used on the label. Article 5 and 6 of the Regulation lay down the requirements of the labelling and of the biological production.

Labelling a product as a biological product must comply with the general requirement of the labelling directive (Article 2) that the labelling and methods used must not mislead the consumer as to the characteristics of the product. If, for the labelling of a non-organic product, the company name is used in a conspicuous manner, clearly suggesting that the organic production method has been used, then it must be considered as contrary to Article 2. Similarly, the use of such a company name in advertising in a misleading manner would be considered as contrary to Directive 2006/114/EC. If, on the other hand, the company name appears on the label, in advertising or documents in any other way which is not likely to deceive consumers or trade partners, my services do not see any possibility to invoke either Article 2 of Directive 2000/13/EC /91 or any relevant provisions of Regulation 2092/91 and Directive 2006/114/EC.

Therefore, the competent authority should assess the labelling or advertising practice of this company on a case-by-case basis.

Yours sincerely,


Jean-Luc DEMARTY
Director General

Mr Verstrynge
Duurzame Landbouwontwikkeling
Koning Albert II-laan 35 bus 40, 6de verdiep
1030 Brussel