



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

Brussels,
VP/sn/agri.ddg1.b.4(2018)3175745

Dear Mr. Rzytki,

Thank you for your email of 17 May 2018 asking whether a national organic logo which limits its use to processors carrying out processing activities in a specific country or using raw material from that specific country is in line with EU law.

EU organic legislation provides for organic production and the use of the EU organic logo in the labelling, presentation and advertising of products which are placed on the EU market as organic as set out in Council Regulation (EC) No 834/2007¹ and Commission Regulation (EC) No 889/2008².

Article 25(2) of Regulation (EC) No 834/2007 provides that "*national and private logos may be used in the labelling, presentation and advertising of products which satisfy the requirements set out under this Regulation*". Therefore, provided that the organic products meet the provisions of Regulation (EC) No 834/2007, it is the prerogative of each Member State to legislate for the use of their national organic logo.

However, the European Court of Justice has consistently held that trading rules enacted by Member States which are capable of hindering, directly or indirectly, actually or potentially, intra-EU trade are prohibited. National quality labels or national certification schemes may not lead to restrictions based on the national origin of producers or otherwise impede the single market. (Case C- 325/00 *Commission v Germany*), Case C-158/04 *Alfa Vita Vassilopoulos*).

The present opinion is provided on the basis of the facts as set out in your letter of 17 May 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

¹ [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, 20.7.2007, p. 1–23](#)

² [Commission Regulation \(EC\) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation \(EC\) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control. OJ L 250, 18.9.2008](#)

Mr. Michal Rzytki

Michal.rzytki@minrol.gov.pl

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