



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,

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Thank you for your email of 5 March 2017, which also refers to your previous enquiry of 22 February 2017.

I understand from your emails that you are a retailer who has started an online internet business selling (some) organic products. You ask if the online selling of organic products requires you to have "organic certification", or if internet selling is equivalent to selling products in a shop which you understand does not require organic certification.

Article 28 of Council Regulation (EC) No 834/2007¹ concerns the organic control system. Article 28(1) lays down the provisions for adherence to the control system by operators (retailers):

"Any operator who produces, prepares, stores, or imports from a third country products in the meaning of Article 1(2) or who places such products on the market shall, prior to placing on the market of any products as organic or in conversion to organic:

(a) notify his activity to the competent authorities of the Member State where the activity is carried out;

(b) submit his undertaking to the control system referred to in Article 27."

Retailers are **exempt** from the organic control system if they adhere to the provisions laid out under Article 28(2) of that Regulation:

"Member States may exempt from the application of this Article operators who sell products directly to the final consumer or user 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 have not contracted out such activities to a third party".

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](#)

However, the sale of organic products via the Internet does not fall under the provisions for exemption of organic controls as laid out under Article 28(2) above.

In the case of internet sales products are stored at the point of dispatch and there is a phase between storage and delivery to the final consumer. Thus an internet platform cannot be considered as storage in connection with the point of sale, or as being sold directly to the final consumer at the point of sale.

Storage of organic products is subject to certain requirements as outlined in Article 35 of Commission Regulation (EC) No 889/2008². The operator which has the physical possession of the organic product during storage is also required to submit his undertaking to the organic control system as outlined under the above-mentioned Article 28(1) of Council Regulation (EC) N° 834/2007.

Therefore, in answer to your question, as you are selling organic products via the Internet, you are required to adhere to the organic control system Article 28(1) of Council Regulation (EC) N° 834/2007.

For more information and specific requirements related to the control system, I suggest you take contact with the relevant competent authority. A list of the EU competent authorities in each Member State is available at: http://ec.europa.eu/agriculture/organic/consumer-trust/certification-and-confidence/controls-and-inspections/control-system_en

The present opinion is provided on the basis of the facts as set out in your emails and on the understanding that 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.

Lene NAESAGER

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](#)