



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
[REDACTED]/agri.ddg1.b.4(2017)404552

Reference: Your email of 21 December 2016 requesting clarification regarding the labelling of conventional yoghurt containing 4% organic strawberries.

[REDACTED]

Thank you for your email in reference. Subject to our understanding of your questions please find below the requested clarifications.

1. Your first question asks if the word "organic" can be used in the name of the product as "yoghurt with organic strawberries". Please note that this product name cannot be used in the sales description as the final product does not satisfy the requirements set out in the organic legislation and in particular it does not conform to Art 23(4)(a)(ii) of Council Regulation (EC) No 834/2007.

2. In your second question you ask if the statement "organic strawberries 4%" is acceptable in the list of ingredients. In accordance with Article 23(3)(b) of Council Regulation (EC) No 834/2007 the term "organic" may be used in the list of ingredients provided that the food complies with Article 19(1), 19(2)(a), 19(2)(b) and 19(2)(d) of the same Regulation.

As you correctly indicate, when the term "organic" appears only in the list of ingredients, Article 23(4) of Council Regulation (EC) No 834/2007 also requires that: *"In the case where points (b) and (c) of this paragraph apply, the references to the organic production method may only appear in relation to the organic ingredients and the list of ingredients shall include an indication of the **total percentage of organic ingredients in proportion to the total quantity of ingredients of agricultural origin**". In addition "The terms and the indication of percentage referred to in the previous subparagraph shall appear in the same colour, identical size and style of lettering as the other indications in the list of ingredients.*

3. In your third question you ask whether you may use the organic logo. In accordance with the second subparagraph of Article 25(1) of Regulation (EC) No 834/2007, only final products which comply with the rules set out in the organic legislation may use the organic logo in the labelling, presentation and advertising of the product. The product you describe cannot use the organic logo, neither in the label nor in the list of ingredients.

[REDACTED]

4. Regarding your questions on the control body and control number:

- According to Article 28(1) of Council Regulation (EC) No 834/2007: "*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*".

The operator shall therefore adhere to the control system. For more information and specific requirements related to the control system, I suggest you take contact with the competent authority of the Member State where the operator plans to carry out its activities. 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

- In accordance with Article 24(1)(a) of Council Regulation (EC) No 834/2007 "*it is compulsory to indicate the code number of the control body/control authority to which the operator who has carried out the most recent production or preparation operation is subject*". Therefore, it is the dairy producer who shall indicate the code number of his/her control body in the labelling. Article 24(2) of Council Regulation (EC) No 834/2007 describes where these indications are to be placed on the product. However, in reply to your question as to which producer is to adhere to the control system, please note that both the dairy and the strawberry producer have to adhere to the control system.

The present opinion is provided on the basis of the facts as set out in your email of 21 December 2016 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.

Yours sincerely,

