



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

[REDACTED]

[REDACTED]

I would like to thank for your email of 19 February 2021 (Int. Ref. Ares(2021)1395220), in which you request clarification, *inter alia* with respect to the responsibility for record-keeping and notifying the competent authority in case of sub-contractors.

I would like to confirm that, irrespectively of whether the subcontractors have kept or not the responsibility for organic production in accordance with Regulation (EU) 2018/848<sup>1</sup> Article 34 (3), they always have the responsibility for keeping records with respect to the activities in which they are engaged in accordance with provisions of Article 34 (5).

In addition, you asked whether, in case the operator has kept the responsibility as regards organic production as laid down under Article 34(3), the subcontractor should or should not notify their activity to the competent authorities. In this case, in accordance with the same Article 34(3), the subcontractor is not obliged to notify the activity but the competent authority, control authority or control body, as appropriate, shall verify that the subcontracted activities comply with the organic rules in the context of controls performed on the operators or group of operators who subcontracted certain activities and kept the respective responsibility.

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<sup>1</sup> 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 )

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The present opinion is provided on the basis of the facts as set out in your email of 19 February 2021 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,

