



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

agri.b.4(2022)2374724

Dear [REDACTED],

I would like to thank you for your email¹ of 2 March 2022 regarding the use of products and substances for the organic production of cork stoppers of natural cork, not agglomerated, and without any binding substances.

Cork stoppers of natural cork, not agglomerated, and without any binding substances, are listed in Annex I to Regulation (EU) 2018/848² and, in accordance with the second subparagraph of Article 2(1), they are within the scope of this Regulation. Such cork stoppers correspond to ‘plant products’ as defined in Article 3, point (23), of Regulation (EU) 2018/848 referring to the definition³ laid down in Article 3, point (6) of Regulation (EC) No 1107/2009⁴. The production rules laid down in Articles 9 to 12 of Regulation (EU) 2018/848 and Part I of Annex II to this Regulation therefore apply. Please note that these production rules apply to the production of cork oak, from which cork stoppers are produced.

There are no detailed specific rules for the organic production of cork stoppers of natural cork, not agglomerated, and without any binding substances. However, as for other organic products, relevant provisions of Union law apply: in particular for such products, Regulation (EC) No 1935/2004⁵ and, as you mentioned, Regulation (EC) No 2023/2006⁶. In addition, as mentioned in the description of the products in Annex I of Regulation (EU) 2018/848, binding substances cannot be used.

In accordance with Article 21(2) of Regulation (EU) 2018/848, in the absence of detailed production rules, operators producing organically cork stoppers of natural cork, not agglomerated, and without any binding substances, “shall (...) comply with the relevant

¹ ARES(2022)1517133

² [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 \(OJ L 150, 14.6.2018, p. 1\)](#)

³ ‘plant products’: means products of plant origin in an unprocessed state or having undergone only simple preparation, such as milling, drying or pressing, but excluding plants;

⁴ [Regulation \(EC\) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC \(OJ L 309, 21.11.2009, p. 1\)](#)

⁵ [Regulation \(EC\) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC \(OJ L 338, 13.11.2004, p. 4\)](#)

⁶ [Commission Regulation \(EC\) No 2023/2006 of 22 December 2006 on good manufacturing practice for materials and articles intended to come into contact with food \(OJ L 384, 29.12.2006, P. 75\)](#)



principles laid down in Articles 5 and 6, mutatis mutandis with the principles laid down in Article 7, and with the general production rules laid down in Articles 9 to 11”.

As regards the use of products and substances, this includes in particular the following principles:

- the production of products that respond to consumers’ demand for goods that are produced by the use of processes that do not harm the environment and human health, plant health or animal health and welfare (Article 5(d));
- the restriction of the use of external inputs (Article 5(g));
- the restriction of the use of products and substances so that they are used to a minimum extent and only in cases of essential technological need (Article 7(b), *mutatis mutandis*);
- the exclusion of substances and processing methods that might be misleading as regards the true nature of the product (Article 7(c), *mutatis mutandis*);
- the processing of the cork stoppers with care, preferably through the use of biological, mechanical and physical methods (Article 7(d), *mutatis mutandis*).

The implementation of the above-mentioned rules and principles in concrete cases will of course depend on your assessment of the situation and products at stake.

Finally, the services of the Commission took note at the last GREX meeting on organic production of 8 March of the interests of two other experts (ES and PT) to have detailed production rules for organic cork stoppers of natural cork, not agglomerated, and without any binding substances. Under Article 21(1) of Regulation (EU) 2018/848, the Commission is indeed empowered to adopt a delegated act to set such detailed rules. However, as explained during the meeting, the adoption of detailed production rules for these products has not been identified by the services of the Commission as a priority for the first semester of 2022. Please also note that advice from the expert group for technical advice on organic production (EGTOP) might be needed on certain technical aspects of the production of cork stoppers before drafting such a delegated act and before consulting the experts on a draft.

The present opinion is provided on the basis of the facts as set out in your email of 2 March 2022 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,



c.c.:

