



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

Dear [REDACTED],

I would like to thank you for your email of 6 July 2022¹, in which you requested clarification regarding several provisions of Annex III to Regulation (EU) 2018/848 on organic production².

For the sake of clarity, please find below the specific replies to each of your questions.

1) *Is the heading of Section 5 “Reception of products from other operators of units” correct?*

The heading of point 5 of Annex III to Regulation (EU) 2018/848 is not correct. There is a typing mistake. It should have been “or units” instead of “of units”. Analogous provisions are included in Article 33 of Regulation (EC) 889/2008, the heading of which is “*Reception of products from other units and other operators*”. With the organic reform, the link word “*and*” was replaced with “*or*”, in order to clarify that the reception could originate from “*other operators*” or “*units*”, which indeed could cover the external deliveries from other operators and with the reference to “*units*” also potential internal deliveries. The Commission will inform the co-legislators about the necessity of a corrigendum of Regulation (EU) 2018/848 to correct this typing mistake.

2) *How should we interpret these rules? We have understood that on receipt of an organic or in-conversion product from other operators and other units, the operator needs to check the closing of the packaging, container or vehicle where it is required and the presence of the indications provided for in Section 2 and operator needs to document this information. We interpret that the rule is not limited to only external deliveries, but reception control must also be done if organic products come from other units within the same company. We have required the operator to follow this rule even though the operator receive products from their own units. For example operator that has several different warehouses with the same organization number and the goods are transported between units within the same company. Have we interpreted this rule correctly?*

¹ Ares (2022)4937709

² [EUR-Lex - 02018R0848-20220101 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/lexuri-uri.html?uri=CELEX:02018R0848-20220101-EN)

As explained above, the current implementation you describe is correct.

3) *What is a unit? There is a definition of production unit in 2018/848, but what is a unit in terms of processing of feed or food?*

The definition of “production unit” in Regulation (EU) 2018/848 is linked to the definition of “holding” and applies only to the production of live and unprocessed products. There is no definition for units, other than the production unit. Therefore, in the context of point 5 of Annex III to Regulation (EU) 2018/848, “unit” should be read as a synonym of “single entity”: a separated place where the activity is performed. Hence, in the case of processing of feed or food, units can be the places where the processing is occurring, and the processed products are made.

4) *We also have questions regarding to documentation for small scale producers that purchase organic ingredients/feed material in retailer shops. It is fairly common that small scale producers buy organic ingredients in retail shops and use that ingredient in their organic production. They save the receipt and one of our CBs also demands that the client takes a photo that shows both the product and the receipt. However, we are not fully sure how Annex III of Regulation (EU) 2018/848 should be interpreted when it comes to documentation in this case- or if it is applicable at all in this situation.*

a) *Is a purchase of organic products in a retail shop equivalent to the reception of products and thereby necessary for the operator to fulfil requirements of Section 5? Or*

No, it is not a reception, please see the reply under b) below.

b) *Is the purchase of products in a retail shop more equivalent to collection in Section 1? Or*

Yes, indeed, when an organic operator buys organic ingredients or feed material in a retail shop³, he/she is collecting some “external inputs” and he/she is going to use them as input for the production/preparation/processing of final products. Therefore, such external inputs will have to be in compliance with relevant organic rules and their use has to be recorded also in compliance with other relevant provisions related to their effective final uses e.g. for processed food and feed, points 2.3. of Part IV and 2.5. of Part V of Annex II, for feed material, point 1.4.4. of Part III of Annex II, etc.

c) *Should the purchase of organic products in a retail shop be considered as a purchase of a final consumer even if the product is used in small scale production?*

No, as it is used in the context of organic activity, it has to be considered as external input and as such has to be compliant and traceable in accordance with all relevant organic provisions mentioned above.

This opinion is provided on the basis of the facts set out in your letter of 6 July 2022 and expresses the opinion 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

³ Retail shops will have to be in compliance with horizontal rules e.g. food and feed hygiene rules.

Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours faithfully,

