



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels  
GYN/sn/agri.ddg1.b.4(2020)3851793

Dear [REDACTED]

Thank you for bringing to our attention your concerns about a potential unintentional discrimination between integrated chains and independent retailers as regards the certification of the sales of organic products under Regulation (EU) 2018/848<sup>1</sup>.

I understand from your letter that in case of selling *prepacked organic products* by integrated chains, the same operator who carries out the purchases sells the products directly to the final consumer or user. I confirm that such operators shall be exempted from the notification obligation and from the obligation to be in the possession of a certificate, provided they meet all relevant requirements<sup>2</sup>.

As for selling *prepacked organic products* by a central organisation of a group of independent retailers, where I understand the purchasing operator is a separate operator, this shall require notification and certification<sup>3</sup> given that the purchasing (wholesale) operator does not sell prepacked organic products directly to the final consumer or user but to the retailers<sup>4</sup>.

As for selling *unpacked organic products*, the exemption depends on the decision of the Member States. Member States may exempt operators from the obligation to hold a certificate, however, this exemption does not extend to notifications<sup>5</sup>.

The above mentioned exemptions apply to each and every operator that meets the relevant criteria, therefore the Commission services do not see grounds for discrimination.

The present opinion is provided on the basis of the facts as set out in your e-mails of 5 and 25 June 2020 and expresses the view of the Commission services and does not

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<sup>1</sup> Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018

<sup>2</sup> Article 32(2) of Regulation (EU) 2018/848

<sup>3</sup> Article 32(1) and Article 35(2) of Regulation (EU) 2018/848

<sup>4</sup> Article 32(2) of Regulation (EU) 2018/848

<sup>5</sup> Article 35(8) of Regulation (EU) 2018/848



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.:

