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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.5.2008
COM(2008) 314 final

2008/0097 (CNS)

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 834/2007 on organic production
and labelling of organic products**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Regulation (EC) No 834/2007 on organic production and labelling of organic products will apply as of 1 January 2009. Under Article 24(1)(b) of the Regulation, it will be compulsory to use an EU logo on pre-packaged organic products from that date. Before that date, the use of a Community logo is optional.

The purpose of the present proposal is to postpone the compulsory use of the EU logo pending the design of a new logo.

This delay shall help to avoid:

- the confusion of consumers by changing EU logos within a short time period and
- the creation of additional financial burden for operators, who would have to change their packaging and print-outs within a very short time frame.

Reason for the proposal:

The design of a new EU logo is necessary since it turned out that the current EU logo for organic products according to Annex V of Council Regulation (EEC) No 2092/91 is easily confusable with other logos, like the EU logos for quality production (PDIs, PGOs and TSGs) pursuant to Commission Regulations (EC) No 1898/2006 and (EC) No 1216/2007.

It is important for the perception of consumers to ensure an informative labelling with a distinctive and appealing EU logo, which represents the organic production and clearly identifies the products.

To gain a broad acceptance of the new EU logo, it should be drawn up by including the public in the design procedure. This will be carried out by a public contest during the promotion campaign for the organic farming which will be launched in July 2008.

This campaign is scheduled for a period of three years and this timeframe can be used for the organisation of the public web-contest at European level and subsequent decision making process. This implies postponing the compulsory use of the EU logo until mid-2010.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

There were several discussions with Member States and stakeholders on the re-design of the logo in a first project. It entailed the necessity to involve a broad public consultation and, if possible, to avoid textual elements within the logo.

3. LEGAL ELEMENTS

An additional paragraph is added in Article 42 of Regulation (EC) No 834/2007 stipulating that Article 24(1)(b) and (c) of the Regulation will apply as of 1 July 2010.

Legal basis: Article 37(2) of the Treaty establishing the European Community

The proposal complies with the proportionality principle.

4. OTHER

There are no budgetary implications and no consequences for the EU budget.

To summarise, the proposal is concise and would introduce clarity throughout the European organic sector.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 834/2007 on organic production and labelling of organic products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament¹,

Whereas:

- (1) Council Regulation (EC) No 834/2007² has introduced rules for compulsory indications to be used on organic products, which, from 1 January 2009, includes the use of the Community logo on pre-packaged food according to Article 24(1)(b) of that Regulation.
- (2) It has appeared that the Community logo in place pursuant to Annex V of Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs³ as amended by Commission Regulation (EC) No 331/2000⁴ could be confused with other logos in place for protected geographical indications, protected designations of origin pursuant to Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁵ and the logo for traditional specialties guaranteed defined by Commission Regulation (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialties guaranteed⁶.
- (3) It is important for the perception of consumers to ensure an informative labelling with a distinctive and appealing Community logo, which symbolises organic production

¹ Opinion of XXX.2008 (not yet published in the Official Journal).

² OJ L 189, 20.7.2007, p. 1.

³ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 123/2008, OJ L 38, 13.2.2008, p. 3.

⁴ OJ L 48, 19.2.2000, p. 1.

⁵ OJ L 369, 23.12.2006, p. 1.

⁶ OJ L 275, 19.10.2007, p. 3.

and clearly identifies the products. The design of such a Community logo requires a certain time period to be developed and to be made known to the public.

- (4) In order not to avoid unnecessary financial and organisational burden on operators, the compulsory use of the Community logo should be postponed for the time needed to create the new Community logo. This decision does not prevent operators from using, on a voluntary basis, the current logo defined in Annex V to Council Regulation (EEC) No 2092/91.
- (5) Regulation (EC) No 834/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 42 of Regulation (EC) No 834/2007, the following fourth paragraph is added:

"However, Article 24(1)(b) and (c) shall apply as from 1 July 2010."

Article 2

This Regulation shall enter into force on the seventh day after its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*