



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability
The Director

Brussels
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Dear Mr Mate Caballero,

I would like to thank you for your letter of 20 July 2022, as well as for the meeting you recently had with my services on Article 35(4) of Regulation (EU) 2018/848 ⁽¹⁾.

Please note that we have received your additional letter sent on this subject on 28 October 2022, which we will respond in a separate letter at later stage.

In order to solve this control issue, it would be helpful if you could send us a presentation of your implementation of Article 35(4) including some examples.

You posed additional questions.

The first question is the following:

- *Regarding the 5th paragraph of your letter, and in particular the quoted text “For this reason, all of the phases of production and preparation in these two cases shall be certified by the same control body” is a bit ambiguous to our view.*
- *We would need a clarification on the quoted text, please allow me to pose specific questions for the sake of clarity:*
- *The term “phases” is not included in Regulation (EU) 2018/848, does this term refer to “stages” as set forth in art. 2(2) of Regulation (EU) 2018/848 and/or “activities” as set forth in box 5 of the Annex of Regulation 2021/1006?*

With respect to this question, I would like to highlight that it is correct that the more suitable term is “stage” as referred to in Articles 2(2) and 35(4) of Regulation (EU) 2018/848.

I would like to bring to your attention the definition of “stage of production, preparation and distribution” (please see Article 3, point (50), of Regulation (EU) No 2018/848):

⁽¹⁾ 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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“stage of production, preparation and distribution” means any stage from the primary production of an organic product through its storage, processing, transport, and sale or supply to the final consumer, including, where relevant, labelling, advertising, import, export and subcontracting activities.”

In conclusion, in the example of a producer of grapes that you have presented to us, which also transforms the grapes into wine, the mentioned operator can obtain only one certificate from one control body for both category of products, i.e., *“unprocessed plants and plant products, including seeds and other plant reproductive material”* (Article 35(7)(a) of Regulation (EU) No 2018/848) and *“wine”* (Article 35(7)(f) of Regulation (EU) No 2018/848).

The above mentioned operator cannot obtain one certificate from one control body for category of products *“unprocessed plants and plant products, including seeds and other plant reproductive material”* and another certificate from another control body for category of products *“wine”* (please see Article 35(4) of Regulation (EU) No 2018/848 : *“including cases in which that operator or group of operators operates at different stages of production, preparation and distribution”*).

With regard to the second question:

- *The quoted text “shall be certified by the same control body” does it refer to the same control body for both categories and/or for both phases/stages/activities of production and preparation?*

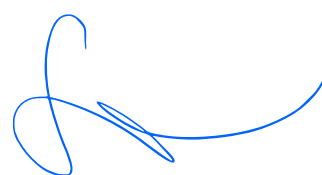
Please consult the previous response.

- *Concerning the third question: For example: The certification of an operator that produces olives and elaborates olive oil would have two categories of products, category a) and category d), as well as several activities such as production, preparation, distribution, storing and even export. Could this operator have two different certificates, one for category a) and another one for category d)? or on the contrary, both categories would have to be certified under just one certificate?*

Please see the reply above, even if the operator is dealing with two different categories of products considering that olive oil is a processed product, it falls in the case that the operator is working at different stages (Article 3, point (50), of Regulation (EU) No 2018/848 definition).

The present opinion is provided on the basis of the facts as set out in your e-mails 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,



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