Commission Regulation (EU) No 271/2010 of 24 March 2010 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards the organic production logo of the European Union

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91[(1)] and in particular Article 25(3), Article 38(b), and Article 40 thereof,

Whereas:

(1) Article 24 of Regulation (EC) No 834/2007 lays down that the Community logo is one of the compulsory indications to be used on the packaging of products bearing terms referring to the organic production method as referred to in Article 23(1), and that the use of this logo is optional for products imported from third countries. Article 25(1) of Regulation (EC) No 834/2007 allows the use of the Community logo in the labelling, presentation and advertising of products which satisfy the requirements set out under that Regulation.

(2) Experience gained in the application 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of agricultural products and indications referring thereto on agricultural products and foodstuffs[(2)], which has been replaced by Regulation (EC) No 834/2007, has shown that the Community logo which could be used on a voluntary basis no longer meets the expectations of the operators in the sector nor of the consumers.

(3) New rules concerning the logo should be introduced in Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control[(3)]. Those rules should allow that the logo is better adapted to the developments in the sector, in particular through better identification by the consumer of organic products falling under the EU regulations concerning the organic production.

(4) Following the entry into force of the Lisbon Treaty, it is appropriate to refer to ‘organic production logo of the European Union’ instead of ‘Community organic production logo’.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 271/2010. (See end of Document for details)*

(5) A competition was organised by the Commission amongst students of art and design from the Member States, with a view to gather proposals for a new logo, and an independent jury made a selection and ranking of the 10 best proposals. Further scrutiny from the point of view of the intellectual property allowed to identify the three best designs from that point of view, which were subsequently submitted to a consultation on the Internet opened from 7 December 2009 to 31 January 2010. The proposed logo chosen by a majority of visitors of the website over that period should be adopted as the new organic production logo of the European Union.

(6) The change of the organic production logo of the European Union as from the 1 July 2010 should not cause difficulties on the market, and in particular it should be allowed that organic products which have been already placed on the market can be sold without the compulsory indications required by Article 24 of Regulation (EC) No 834/2007, provided that the products in question comply with Regulation (EEC) No 2092/91 or Regulation (EC) No 834/2007.

(7) In order to enable the use of the logo as soon as it is compulsory in accordance with the EU legislation and to ensure the effective functioning of the internal market, to guarantee fair competition and to protect consumer interests, the new organic production logo of the European Union was registered as an Organic Farming Collective Mark in the Benelux Office for Intellectual Property and is consequently in force, usable and protected. The logo will also be registered in the Community and International Registers.

(8) Article 58 of Regulation (EC) No 889/2008 lays down that the code number of the control body or authority should be placed immediately below the Community logo without specific indication about the format and the attribution of these codes. In order to establish a harmonised application of these code numbers, detailed rules about the format and the attribution of these codes should be set out.

(9) Regulation (EC) No 889/2008 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee on Organic Production,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2008 is amended as follows:

1. in Title III, the title of Chapter I is replaced by the following:
***Organic production logo of the European Union*;**

2. Article 57 is replaced by the following:

Article 57

Organic logo of the EU

In accordance with Article 25(3) of Regulation (EC) No 834/2007, the organic production logo of the European Union (hereinafter "Organic logo of the EU") shall follow the model set out in Part A of Annex XI to this Regulation.

The Organic logo of the EU shall only be used if the product concerned is produced in accordance with the requirements of Regulation (EEC) No 2092/91 and its implementing regulations or Regulation (EC) No 834/2007 and the requirements of this Regulation.;

3. in Article 58(1), points (b), (c) and (d) are replaced by the following:

(b) include a term which establishes a link with the organic production method, as referred to in Article 23(1) of Regulation (EC) No 834/2007 in accordance with Part B(2) of Annex XI to this Regulation;

(c) include a reference number to be decided by the Commission or by the competent authority of the Member States in accordance with Part B(3) of Annex XI to this Regulation; and

(d) be placed in the same visual field as the Organic logo of the EU, where the Organic logo of the EU is used in the labelling.;

4. in Article 95, paragraphs 9 and 10 are replaced by the following:

9. Stocks of products produced, packaged and labelled before 1 July 2010 in accordance with either Regulation (EEC) No 2092/91 or Regulation (EC) No 834/2007 may continue to be brought on the market bearing terms referring to organic production until stocks are exhausted.

10 Packaging material in accordance with either Regulation (EEC) No 2092/91 or Regulation (EC) No 834/2007 may continue to be used for products placed on the market bearing terms referring to organic production until 1 July 2012, where the product otherwise complies with the requirements of Regulation (EC) No 834/2007.;

5. Annex XI is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply as from 1 July 2010.

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

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 271/2010. (See end of Document for details)*

Done at Brussels, 24 March 2010.

For the Commission

The President

José Manuel BARROSO