

Regulations on Use and Management of the Organic Farming Collective Mark

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Whereas the introduction of harmonized marking of organic products is likely to reinforce the internal market and the trade with Third countries;

Whereas Organic Farming is an overall system of farm management and food production that combines best environmental practices, a high level of biodiversity, the preservation of natural resources, the application of high animal welfare standards and a production method in line with the preference of certain consumers for goods produced using natural substances and processes.

Whereas such methods should ensure that products are in full conformity with the requirements laid down by the Community legislation, in order to provide, in particular, for confidence of users and consumers in organic products;

Whereas a single Organic Farming Mark should be used as "*Community organic production logo*", in accordance with Article 25 of Council Regulation (EC) No 834/2007, in order to facilitate controls on the Community market and in Third countries by authorities and bodies designated or recognised in accordance with Community Regulations and to clarify the obligations of economic operators in respect of marking under them;

Whereas the aim of the Organic Farming Mark is to symbolize the compliance of a product with the levels of protection of collective interests imposed by the Community Legislation and to indicate that the producer has complied with all the requirements laid down by Community Regulations in force, in respect of the production of his product,

Whereas the Council and the European Commission have established the rules and conditions regarding the production, labelling and control of organic agricultural products,

The Council and the European Commission have notably adopted:

- Council Regulation (EC) n° 834/2007 of 28 June 2007 concerning the organic production, labelling and control of organic products;
- Commission Regulation (EC) n° 889/2008 laying down detailed rules for the implementation of the Council Regulation n° 834/2007;
- Commission Regulation n° 1235/2008 laying down rules as regards the arrangements for imports of organic products from third countries.

All these regulations aim to protect public interests such as confidence of food consumers.

I. General Provisions

Article 1. Definitions

“EC” shall mean The European Community, represented by the European Commission.

“Organic Farming Mark” shall mean the mark depicted in article 8 and any future marks, which EC may use or apply to register and which include or incorporate the mark depicted below in article 8.

“Product” shall mean any product issued from organic production and complying with European Union Regulations and Community Law regarding the production and labelling of organic products, and in particular products complying with rules of the above-mentioned regulations for the production, labelling and control of organic farming products.

“Actor” shall mean entities qualifying for use of the Organic Farming Mark, and particularly the producers of a Product or his agent established within the Community or in Third countries, being natural or legal persons.

"Legislation" shall mean Regulations and Laws adopted or applied in accordance with Community Regulations regarding the production and labelling of organic products, and in particular legal texts dealing with procedures for assessing and controlling the compliance of organic products with the requirements laid down by the above-mentioned regulations and any other text replacing, modifying or otherwise completing said regulations, and has maintained the requisite obligations.

“Body” shall mean entities designated by EC Member States, Third countries or the European Commission itself across competent authorities or bodies complying with the requirements of the Regulations for the purposes of operating application and control of the Legislation.

Article 2. Purposes of the present Regulations

To provide the basis of sustainable development of organic production while ensuring the effective functioning of the internal market, guaranteeing fair competition, ensuring consumer confidence and protecting consumer interests.

All Actors shall be able to display the Organic Farming Mark as soon as they are in compliance with the Community and National Legislations and these Regulations on use and management.

These Regulations on use and management lay down rules for affixing the Organic Farming Mark concerning the production, preparation and distribution of the Products on the market.

Based on these Regulations on use and management, EC empowers Actors to use the Organic Farming Mark. No organization, entity or individual can use it without empowerment from the Bodies designed or recognised in accordance with Community Regulations.

The essential objective of the present Regulations on use and management is to enable the public authorities to ensure and communicate that organic products placed on the market conform to the requirements as expressed in the provisions of the Community Regulations.

Article 3. Ownership of the Organic Farming Mark

The Organic Farming Mark is a collective mark applied for by EC. The Organic Farming Mark indicates that the organic products bearing the said Mark comply with the requirements contained in the present Regulations and relevant Legislation.

Actor recognizes EC's title to the Organic Farming Mark and shall not at any time carry out or tolerate any action, which is likely in any way to prejudice such title.

It is understood that Actor shall not acquire nor claim any title to the Organic Farming Mark either before, on or after the date of this Agreement and that the use of the Organic Farming Mark shall be done to ensure the benefit of EC.

Actor shall not without the prior express written approval of EC (either during the term of this Agreement or at any time thereafter) use, seek to use, register or seek to register any Organic Farming Mark or mark, trademark, service mark or other distinctive sign which is or contains the Organic Farming Mark or which is so similar to the Organic Farming Mark as to be likely to cause deception or confusion.

Article 4. Warranties

EC gives no warranty, except to the extent of its corporate existence and of its underlying entitlement to the Organic Farming Mark.

II. Qualifications for use

Article 5. Persons authorised to use the Organic Farming Mark

Each actor is empowered to use the Organic Farming Mark provided that:

- it conforms to all the obligations incumbent on Actors for the Product by virtue of the applicable relevant Legislation;
- it complies with the present Regulations on use and management.

Use of the Organic Farming Mark indicates the Actor's acceptance of the present Regulations on use and management and that Actor has, without prejudice to the controls and sanctions provided for by the Legislation, met the criteria set by the Legislation.

The Organic Farming Mark shall be affixed by the Actor or his agent. In exceptional, duly warranted cases, the Organic Farming Mark may be affixed by the person or legal entity responsible for placing the Product on the market.

Article 6. Conformity assessment

The Bodies shall ensure that at least precautionary and control measures are applied to Actors subject to their control, in accordance with the Legislation in force. In particular, all Actors shall be subject to a verification of compliance with the Legislation at least once a year.

As a general rule an Actor should be subject to control before being able to place the Products on the market and only if the results of the controls are positive.

Affixing the Organic Farming Mark to Products symbolizes the fact that the Actor having affixed or being responsible for the affixing of the said Organic Farming Mark has verified that the Product conforms to all the provisions of the Legislation which apply to it and that it has been the subject of appropriate control.

Article 7. Coexistence of rules

National and private logos may be used in the labelling, presentation and advertising of Products, which satisfy the requirements set out under the Legislation.

The present Regulations on use and management do not replace the Community or national Legislation already existing on the production of organic products. Coexistence of the present Regulations on use and management and the Community or national Legislation is thus possible. In case of conflict concerning the use of the Organic Farming Mark, the provisions of the present Regulations on use and management shall be applied.

III. Scope of Use

Article 8. General rules

Without prejudice to the rules for labelling of foodstuffs as regulated under Community Legislation, the Organic Farming Mark shall be used in accordance with the following rules:

1. Actor may not alter the Organic Farming Mark artwork in any way other than to increase or decrease in size. If the Organic Farming Mark is reduced or enlarged the proportions mentioned in the Legislation must be respected.

2. The Organic Farming Mark described in the Legislation is replaced by the following one:



3. The Organic Farming Mark must have a height of at least 9 mm however this size may be reduced to 6 mm for small packages
4. The Organic Farming Mark must be affixed to the Product or to its label. However, where this is not possible or not warranted on account of the nature of the Product, it must be affixed to the packaging, if any, and to the accompanying documents, where the Legislation provides for such documents.
5. The content of the Organic Farming Mark shall be in a clearly identifiable and indelible form affixed to the Products. The Organic Farming Mark must be affixed visibly and legibly.
6. Actor shall apply the Organic Farming Mark on the body of a Product, however, if the Product is too small to accommodate the Organic Farming Mark it shall be affixed in accordance with the following methods:
 - If the Product is packaged, the Organic Farming Mark shall be applied to its smallest package;
 - If the Product is not packaged, or if it is not appropriate to apply the Organic Farming Mark to the packaging, the Organic Farming Mark may be attached to the Product by hang tags;
 - If applying the Organic Farming Mark to the packaging or by hang tags is not appropriate, the Organic Farming Mark shall be put inside the packaging;
 - The Organic Farming Mark may be applied to a Product by other methods approved by the EC, upon written request of Actor.
7. The Organic Farming Mark must be affixed before its placement on the internal market.

Article 9. Protection of integrity

All Actors shall protect the integrity of the Organic Farming Mark. They will act to correct actions that deface the image of the Organic Farming Mark.

In order to protect integrity and efficiency of the Organic Farming Mark system:

1. The affixing for any other marking liable to deceive third parties as to the meaning and form of the Organic Farming Mark is prohibited.
2. A Product may bear different marks, for example marks indicating conformity to national or European standards or with traditional optional legal dispositions, provided such marks are not liable to cause confusion with the Organic Farming Mark. Such

marks may therefore only be affixed to the Product, its packaging or the documentation accompanying the Product on condition that the legibility and visibility of the Organic Farming Mark are not thereby reduced.

3. Actor may not use the Organic Farming Mark in any manner that is derogatory to or critical of EC or the present Regulations.
4. The Organic Farming Mark may not be used in any manner that expresses or might imply EC's affiliation, sponsorship, endorsement, certification, or approval, other than as set forth by the EC Application Agreement.
5. The Organic Farming Mark, or any elements thereof, may not be included in trade or business name, domain name, product or service name, trade dress, design, slogan or other trademarks. Commercial websites might use the Organic Farming Mark if they are actually selling Products but it must be clear that the owner of the website is independent from the EC and the use of the Organic Farming Mark must not in any manner express or imply EC's affiliation, sponsorship, endorsement, certification, or approval, other than as set forth by the EC Application Agreement. Non-commercial websites utilizing the Organic Farming Mark for purposes of information, discussion, or promotion of the mark are permitted.
6. Actor may not combine the Organic Farming Mark with any other object, including, but not limited to, other logos, icons, words, graphics, photos, slogans, numbers, design features, symbols.
7. The Organic Farming Mark may not be used as a design feature on any of Actor product or service materials.
8. The Organic Farming Mark may not be imitated in any manner in Actor's materials.

IV. Management and Protection

Article 10. Control by EC

EC is in charge of authorization and establishment of the scope of use and standards, and has authority to address any violations of the Regulations. EC can delegate partly or totally its powers to address said violations to any third party.

Article 11. Supervision

EC will supervise the use of the Organic Farming Mark under the rules established by the Legislation and in particular by Article 91(3) of Regulation (EC) No 889/2008 and Article 17(4) of Regulation (EC) 1235/2008.

Article 12. Control means

EC reserves the right to verify Products, all marketing and promotion materials bearing the Organic Farming Mark and may periodically send out requests for samples.

Where it is established that the Organic Farming Mark has been affixed unduly, the Actor, his agent or, exceptionally, the person responsible for placing the Product in question on the Community market is obliged to make the product comply with the regulation and to end the infringement with no delay.

Refusal to correct such deficiencies or to cease publication or distribution could result in revocation of right to use the Organic Farming Mark and in appropriate measures to restrict or prohibit the placing on the market of the Product in question or to ensure that it is withdrawn from the market.

Article 13. Termination of use

Authorization will be terminated if actor is found:

- (1) to use the Organic Farming Mark in any way other than as specified in these Regulations.
- (2) not to comply with Legislation .

Article 14. Action by EC

Regarding counterfeiting, using the Organic Farming Mark and sabotaging its image, EC will act to correct the situation, confiscate counterfeits, and take legal actions in accordance with the law. EC may delegate the present empowerment to third parties.

V. Miscellaneous Provisions

Article 15. Interpretation – Governing Law

EC shall interpret these Regulations.

The present Regulations shall be governed by Belgian Law, where applicable, as well as by the Legislation and national legal dispositions relating to the Legislation.

Article 16. Contact

Use the following contact information to obtain clarification

Unit H.3 - Organic farming

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