



Brussels, - 3 MARS 2011  
AGRI / H.3/MF /m D(2011) 164994

Subject: Use of code number

Dear

Following the discussion on various labelling issues in the last meeting of the Standing Committee for organic farming (SCOF) you have asked for a written answer as regards which code number should appear in the labelling of organic products. A German version of the letter will follow.

The answer given during the meeting follows the approach taken in the Interpretative note (RIPAC/doc 4219/VI/99 64229) concerning Regulation (EEC) No 2092/91 and its Articles 5(3)(g) and 4. Since the substance of Article 24(1)(a) and 2(i) of Regulation (EC) No 834/2007<sup>1</sup> was inspired by Articles 5(3)(g) and 4 of Regulation (EEC) 2092/91, the interpretation of this repealed Regulation may be used as an illustration in the reply to your question. Article 24(1)(a) of Regulation (EC) No 834/2007 in connection with Article 2(i) indicates that the code number of the control body of the operator who carries

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<sup>1</sup> "Article 24

**Compulsory indications**

1. Where terms as referred to in Article 23(1) are used:

(a) the code number referred to in Article 27(10) of the control authority or control body to which the operator who has carried out the most recent production or preparation operation is subject, shall also appear in the labelling; (...)"

Article 2(i): "preparation" means the operations of preserving and/or processing of organic products, including slaughter and cutting for livestock products, and also packaging, labelling and/or alterations made to the labelling concerning the organic production method;(...)"

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, OJ L 189, 20.7.2007, p. 1-23

out the labelling or makes any alteration to the labelling must appear on the labelling of the organic product (see footnote).

In light of Articles 24(1)(a) and 2(i) of Regulation (EC) No 834/2007 (see footnote), I would like to draw your attention to the following:

In the case where the product, already packed and labelled, is sold by another operator / company than the operator who was responsible for the labelling, it is not acceptable to replace the code number of the control body or control authority of the operator who carried out the final stage of preparation, i.e. the labelling with the code number of the control body or control authority of the operator who sells the product on the market.

This applies also in the case of sub-contracting i.e. when the legal ownership of the product in question is moved to the operator selling the product. In such a case it is also the code number of the control body or control authority carrying out the control of the final stage of preparation – the labelling or the alteration of the labelling – which has to appear in the labelling of the product.

The above mentioned information is provided on the basis that in the event of a dispute arising on the meaning of a provision of EU Law it is, under the European Treaties, ultimately for the Court of Justice of the European Union, to provide a definitive interpretation.

Yours sincerely,



José Manuel SILVA RODRIGUEZ  
Director General