


May 25, 2012

TO: European Union Control Bodies and Control Authorities
FROM: Miles McEvoy, Deputy Administrator 
RE: Exporting European Union Organic Products to the United States

Beginning June 1, 2012, certified organic products of the United States (U.S.) and the European Union (EU) can be represented as organic in each other's market. This memo provides instructions for EU-authorized control bodies and authorities to ensure that organic products exported to the U.S. meet the terms of the trade partnership.

Terms of the Arrangement. In addition to certification to the EU organic regulations, all products traded under the organic trade partnership must meet the following requirements:

1. Livestock must be produced without antibiotics.
2. Products must travel with a National Organic Program (NOP) import certificate that has been completed by an EU-authorized body.
3. Products must be either produced or have had final processing or packaging occur within the EU.

Excluded Products. The following EU organic products are outside the scope of the U.S./EU organic trade partnership and may not be exported to U.S. at this time:

- Aquatic animals

NOP Import Certificate. EU-authorized bodies must complete an NOP import certificate for all products traded under the partnership. EU-authorized control bodies and authorities must provide the signed NOP import certificates to the certified operation so that it may travel with the product to the U.S. Download NOP import certificate (<http://1.usa.gov/nop-import-certificate>) and instructions (<http://1.usa.gov/nop-import-instructions>).

Labeling

Retail Products

An overview of the four retail labeling categories recognized by the USDA organic regulations is provided below. All traded retail products' labels must state, "Certified Organic By (insert name of EU-authorized control body or authority), and may also include the code assigned to each EU-authorized control body or authority.

Organic products. Products certified as "organic" in the EU and meet the terms of the equivalency arrangement listed above may be sold as "organic" in the U.S. Products may include the EU organic logo and/or the USDA organic seal.

100% organic products. Products certified as “organic” in the EU, meet the terms of the equivalency arrangement listed above, used only organic processing aids, and contain 100 percent organic ingredients may be sold as “100 percent organic” in the U.S. Products may include the EU organic logo and/or the USDA organic seal.

“Made with” organic products. Products that contain 70 – 95 percent organic ingredients and meet the terms of the equivalency arrangement listed above may include the statement, “made with (insert specified organic ingredient or category)” on the principle display panel. For example, a bag of tortilla chips that contains at least 70 percent organic corn; non-organic, non-GMO canola oil; and salt may be labeled “made with organic corn.” These products may not be labeled with the U.S. or EU organic seal.

Less than 70 percent organic products. Since they are not overseen by a certifying agent, products that contain less than 70 percent organic ingredients may not be traded under this partnership.

Wholesale Products

The name of the EU-authorized control body or authority is not required to be stated on wholesale containers. Instead, lot numbers must be present that allows for a complete audit trail to verify the product’s integrity.

For more information on each of the labeling categories, please review the labeling section of the USDA organic regulations: <http://bit.ly/usda-organic-labeling>.

Wine

The U.S. – EU Organic Working Group is currently determining how EU and U.S. organic wines may fit into the equivalency arrangement. In the interim, EU organic wine may be exported to the U.S. under the terms of the arrangement if it meets the criteria for the labeling categories described below:

Organic wine. An EU control body must verify that prohibited substances, such as sulfur dioxide or potassium metabisulphite, were not added to the wine. Substances not listed under 7 CFR 205.605 are prohibited. Wine meeting this criteria may be exported to the U.S. under the arrangement and labeled with the USDA organic seal.

Wine “made with” organic grapes. Sulfur dioxide may be used in wine labeled as “made with” organic grapes; an EU control body must verify that the total sulfite concentration does not exceed 100 parts per million. Other prohibited substances, such as potassium metabisulphite, may not be used. Substances not listed under 7 CFR 205.605 are prohibited. Wine meeting these criteria may be exported to the U.S. under the arrangement. The front label may state, “made with organic grapes,” provided that the statement appears in letters that do not exceed one-half of the largest type size on the panel. The USDA organic seal must not be used.

All wine sold in the U.S. must be approved by the Alcohol and Tobacco Tax and Trade Bureau. Application information is available at http://www.ttb.gov/alfd/alfd_organic.shtml.