

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION
WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND
WINDSOR FRAMEWORK**

COM (2025) 780 FINAL

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL AMENDING REGULATION (EU) 2018/848 AS REGARDS CERTAIN
PRODUCTION, LABELLING AND CERTIFICATION RULES AND CERTAIN RULES
ON TRADE WITH THIRD COUNTRIES**

Submitted by the Department for Environment, Food and Rural Affairs on 9 March 2026

SUBJECT MATTER

1. The original Regulation (EU) 2018/848 set out the rules on production, certification, labelling and advertising of organic food and feed. It applies to any organic products which are produced, processed, packed, or imported in the EU or Northern Ireland.
2. Regulation (EU) 2018/848 came into force on 1 January 2022, repealing the previous Council Regulation (EC) 834/2007.
3. Through the action of the Withdrawal Agreement and the Windsor Framework, Regulation 2018/848 applies in Northern Ireland (NI), while retained Regulation 834/2007 continues to apply in Great Britain (GB). The Trade and Cooperation Agreement recognises the EU and UK as equivalent for the purpose of trade in organic products so there is no impact for GB/EU trade.
4. The European Commission published its proposed revision to Regulation (EU) 2018/848 in December 2025. The proposal responds directly to the CJEU judgment in *Herbaria Kräuterparadies II* (Case C-240/23), ensuring legal clarity on how imported organic products may use terms referring to organic production and under what conditions the EU organic logo may appear.
5. The proposal includes a number of measures aimed at streamlining administrative burdens for organics producers, retailers, and operators. As per the amendment text, the Commission estimates that the targeted simplifications could lead to annual administrative cost reductions of EUR 47.8 million, alongside substantial one-off and annual adjustment cost savings for operators.
6. The headline proposal of the regulation is the extension of the recognition of equivalent third countries' organics regimes from 2026 to 2036. This is described

as intending to avoid disruption in organic trade flows and maintain continuity for operators while agreements are being concluded.

7. While unlikely to face substantial opposition due to its overall aim of streamlining technical functions already broadly scrutinised in the original 2018/848 act, the passage of the proposal remains subject to the EU's Ordinary Legislative Procedure.

Labelling and Certification

8. Products imported from third countries whose organic production and control systems have been recognised as equivalent to those of the Union, either through an international agreement between the Union and those third countries or where the third countries were recognised for the purpose of equivalence under Regulation (EC) No 834/2007, which have access to the Union market as organic products, have been allowed to bear terms referring to organic production.
9. The use of the organic production logo of the European Union should be allowed in the labelling, presentation and advertising of products imported from those third countries, provided that, in addition to those equivalent rules, those products comply with certain additional production and control requirements.
10. The proposal adapts the conditions for the exemption of smaller operators selling unpacked organic products other than feed directly to the final consumer from the obligation of being in possession of a certificate pursuant to Article 35(1) of 2018/848, by removing the annual turnover limit and increasing the upper threshold on annual sales volume for these small operators to 10,000kg per year.

Veterinary and cleaning and disinfection products

11. The proposal recommends that the requirement for the Commission to authorise products for cleaning and disinfection in processing and storage facilities for use in organic production and include them in restrictive lists be deleted.
12. The proposal amends withdrawal periods for veterinary medicines as defined in the 2019/6 act by removing the requirement for a minimum 48-hour withdrawal period, so that the period will be twice the withdrawal period as stated in the product information for the medicine being used. This eradicates circumstances where there must be a 48-hour withdrawal period, despite the applicable normal withdrawal period of the medicinal product being zero days. The proposal also seeks to align the provisions for terrestrial and aquaculture animals, which are slightly different in their existing forms and places a higher burden on terrestrial animals.

Operators

13. The proposal increases the maximum eligible surface areas of members' holdings and abolishes the annual turnover limit in order to address difficulties preventing smaller operators from becoming part of groups of operators.

Livestock production

14. The amendments modernise poultry husbandry rules by allowing outdoor access only once birds are sufficiently feathered, improving welfare protections for younger birds.
15. The original 2018/848 legislation included generic poultry rules and slow-growing poultry provisions but had no specific regulatory category for quails. The amendment introduces both a specific conversion period (5 weeks) and minimum slaughter age (42 days).

SCRUTINY HISTORY

16. The Parliamentary Scrutiny history relevant to this EM is contained in Annex A.

MINISTERIAL RESPONSIBILITY

17. Responsibility lies with the Secretary of State for Environment, Food and Rural Affairs.

INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)

18. The Secretary of State for Environment, Food and Rural Affairs is the Competent Authority for the purposes of organic production in the United Kingdom (UK). Organic production is a devolved matter and is managed through the structures of the Provision Common Framework on Organic Production.
19. Defra officials meet with the Devolved Administrations monthly at the Organics Four Nations Working Group, which discusses organic policy across the UK. The Devolved Governments also attend regular meetings with the organic control bodies. This provides the opportunity for Devolved Governments to participate in decision making at a policy level as well as a more technical implementation level.

POLICY AND LEGAL IMPLICATIONS

20. Outside of the organics industry, the proposed amendments do not introduce new obligations on consumers, public services, or community-level actors in NI.

21. The 10-year equivalency extension guarantees longer term stability for the European organics trade regime ecosystem.
22. Under the Windsor Framework, goods destined for consumers in NI are clearly labelled 'Not for EU' to prevent the onward movement of those goods into The Republic of Ireland or elsewhere in the European Union, so the amendment should not affect regular GB-NI trade. There should also not be significant implications for operators in NI as the change in the proposal aims to remove regulatory burden on organic operators. These rules will apply to organic goods imported into NI from third countries.
23. The amendment gives the Commission new powers to update or expand Annex VII, allowing the EU to respond to evolving differences in welfare, soil management, or processing standards in third countries. Given the UK's commitment to move closer to European agri-food standards however, this is unlikely to factor into long-term considerations for EU-UK trade relations.

CONSULTATION

24. No consultation has taken place and impact assessment is not within scope.

FINANCIAL IMPLICATIONS

25. Minimal financial implications to the industry as there are benefits for industry and many of the changes are introduced aim to reduce trade and operations friction at relatively little administrative cost for NI organics stakeholders.

A handwritten signature in black ink, reading 'Angela Eagle'.

DAME ANGELA EAGLE DBE MP
MINISTER OF STATE (MINISTER FOR FOOD SECURITY AND RURAL AFFAIRS)
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 2018/848 AS REGARDS CERTAIN PRODUCTION, LABELLING AND CERTIFICATION RULES AND CERTAIN RULES ON TRADE WITH THIRD COUNTRIES

C (2023) 2781 FINAL + ANNEX: COMMISSION DELEGATED REGULATION (EU) /... AMENDING REGULATION (EU) 2018/848 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS DETAILED PRODUCTION RULES FOR ORGANIC SEA SALT AND OTHER ORGANIC SALTS FOR FOOD AND FEED

DATE DEFRA EM SIGNED: 6/7/2023

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA 41 6/9/23)	DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB- COMMITTEE (AT CHAIR'S SIFT NO 39; 20/7/23)

CONSOLIDATED EM ON 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

DATE DEFRA EM SIGNED: 17/3/2022

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 1 11/5/22)	CLEARED BY HOL LETTER 2/7/22. SIFTED FOR SCRUTINY TO THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 17; 1/4/22)