



Organic Food Federation

Explanatory Note 310

These notes are intended to help applicants comply with Organic EC Regulation 2092/91. They are not exhaustive and are for explanation only. In cases of doubt the Regulation or the OFF should be consulted.

Organic Requirements for Retailers

1. When do you need to be certified?

- 1.1 When you carry out activities that are covered by Reg EC 2092/91 you are obliged to be certified by an authorised inspection body (such as the Organic Food Federation) if any organic claims are made when products are sold.

2. You Do Not need to be certified if:

- 2.1 You sell pre-packed organic products which have been produced and packed by companies which are certified by authorised organic inspection bodies to produce the goods in question providing that the goods are sold in the original unit packaging in which they were supplied.
- 2.2 You import and sell organic products which have been produced in the EU and certified by an authorised EU Organic Inspection body, or any organic products which have been imported into the EU by an EU company which is authorised to import organic products from third countries providing that the goods are sold in the original unit packaging in which they were supplied.
- 2.3 You may sell organic bread that is unwrapped without the need for certification providing that the bakery producing it has been certified to produce organic bread by an authorised organic inspection body providing that the bread is physically separated from non-organic bread and that the loaf is sold whole.

3. You DO need to be certified if:

- 3.1 As a retailer you sell organic products for the listed activities below. You will therefore be treated as a processor and are obliged to be registered and certified with an authorised organic inspection body.

- Self-service of loose commodities from containers that are replenished from bulk organic raw materials. In this context, bulk means any quantity purchased by a retailer which is opened up in order to replenish a self-service container or which is presented to the consumer for self service from the bag, box, drum or other container in which it is supplied, and includes fresh produce.

- Processing activities such as: -

Slicing of meat or cheese,
Pre-packing of commodities e.g. nuts, dried fruit, cereals, rice etc.
Preparation of filled rolls and sandwiches,
Preparation of ready to eat salads etc,
Pressing or comminuting fruit or vegetables to produce juices,
Preparation of hot or cold beverages from tea, tisanes, coffee,
chocolate etc.

- 3.2 Any other activity that involves changing the state of, and/or adding value to raw materials are all subject to certification if these activities are carried out beyond the sight of customers and it is proposed to make any claims as to the organic nature or content of any of these foodstuffs.

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- 3.3 If you import products directly from third countries. In such cases it is mandatory to seek prior authorisation from DEFRA to import products from third countries to the EU. In order to seek authorisation it is necessary for the importer to be registered with an authorised inspection body prior to making the application to DEFRA.

4. Rules of Organic Production

- 4.1 All products referred to above must comply with the rules of organic production and the compositional requirements laid down in the Reg EC 2092/91 as amended.
- 4.2 A product cannot be called organic unless:
- It contains not less than 95% of its agriculturally derived ingredients from products produced under the rules of organic agriculture.
 - A company that holds a valid certificate of organic compliance issued by an authorised inspection body supplies each of the organic ingredients used.
 - The ingredients used have been stored and handled in isolation from non-organic ingredient storage or preparation and are clearly labelled to show their organic nature and adequate information to provide traceability back to the specified origin.
- 4.3 It is possible to make reference to organic ingredients in an ingredient list providing that 70% - 95% of the total content of agriculturally derived ingredients are organic. When this is the case:
- The only organic claim that can be made is that "X% of the agricultural ingredients used were produced in accordance with the rules of Organic Agriculture".
 - A company that holds a valid certificate of organic compliance issued by an authorised inspection body supplies each of the organic ingredients used.
 - The ingredients used have been stored and handled in isolation from non-organic ingredient storage or preparation and are clearly labelled to show their organic nature and adequate information to provide traceability back to the specified origin.

5. Record Keeping Requirements

- 5.1 Records of all deliveries of organic products must be maintained and summarised.
- 5.2 Because of the difficulties of accounting for the usage of self-service items, an accurate estimate of weekly usage should be made which must be recorded.
- 5.3 All invoices for organic products should be filed in a manner that enables them to be retrieved for the purposes of audit on all occasions required by the inspection body or DEFRA OSB.
- 5.4 In all cases where products are offered for sale as non-organic and as organic, it is essential to keep full records of deliveries (inputs) and sales (outputs). It is therefore advisable not to list both non-organic and organic products of the same kind.
- 5.5 With products that are prepared from multiple organic ingredients, the recipe or composition must be specified in writing and must not be changed without prior reference to the certification body. This requirement is necessary because of the need to confirm whether the product complies to the 95% Rule or the 70%-95% Rule. A written specification is also essential to the retailer for the purpose of costing and yield calculations.

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- 5.6 Every organic product or raw material that is covered by certification at retail level must be listed and a record made of the certification body and the date of expiry of each current certificate. Alternatively a copy of each certificate should be held on file.
- 5.7 When products are imported from third countries, evidence of authorisation from DEFRA OSB must be held on file for each product imported.
- 5.8 If there is any discontinuity in the availability of an organic material, the product in which it is used should be temporarily de-listed rather than offering a substituted non-organic or an in-conversion (year2+) ingredient. **This would be a critical non-compliance which could result in the loss of certification.**

6. Consumer Communication

- 6.1 If any organic product that is covered by certification at retail level is de-listed, customers should be informed as to the fact of the de-listing and the reason for it. This is to develop customer faith in the integrity of organic standards and to demonstrate the retailer's diligence in applying them.
- 6.2 Organic products that are unpackaged at the point of sale should have the identity of the organic certification body or the body's logo displayed at the point of sale. The use of notices and pamphlets to highlight organic products must be accurately targeted so that consumers cannot take non-organic products to be organic.
- 6.3 All organic products must be clearly marked organic and must not be displayed in a manner that could cause confusion to the consumer. For unwrapped bakery products, it is essential that organic and non-organic products are merchandised on separate shelves or from separate display units. There must be no duplication of products that are sold as organic and non-organic.

7. Storage & Organic Separation

- 7.1 The storage of pre-packaged and loose products prior to display must be in conditions that comply with the rules of organic separation. Where non-organic products are in the minority it is they that should be stored in a dedicated space.
- 7.2 Particular care must be taken to ensure complete separation of organic, non-organic products and non-food products that are susceptible to risk of taint. In such cases the volatile product must not be stored in proximity to any products packed in permeable packaging

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