ORGANIC TRADE ASSOCIATION

March 16, 2026

Organic Trade Association Comments on European Commission Organic Production Rules Targeted amendment (Regulation (EU) 2018/848) - Published 12/16/2025

The Organic Trade Association (OTA) appreciates the opportunity to provide comments on the targeted amendment to the European Union's Organic Production Rules (Regulation 2018/848) that was published on 12/16/2025. The Organic Trade Association (OTA) is a membership-based business association for organic agriculture and products and is the leading voice for the organic trade in the United States. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, brands, retailers, material input providers, and others. OTA's mission is to grow and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

We value the U.S. - EU Organic Equivalence Arrangement as a trusted mechanism for facilitating trade in organic products between the U.S. and EU. The Arrangement, signed in 2012, has allowed for the expansion of the global organic marketplace and facilitates over $850 million in annual bilateral trade.[1] The U.S. and EU are the two largest global markets for organic products, accounting for nearly 80% of global organic sales.[2] Failing to extend and renew the U.S. – EU Organic Equivalence Arrangement would severely challenge bilateral organic trade and the supply chains of operations in both areas. While we support a renewed equivalence arrangement, it is important to recognize the current trade imbalance between U.S. and European organic exports. Though we do not have complete U.S. import data, tracked organic imports from the EU surpassed 929,000 metric tons between 2018-2025.[3] European organic exports to the US are approximately 12 times greater than US organic exports to the EU, totaling an estimated $800 million.[4] The European Commission additionally recognizes both the trade imbalance and what is at stake for their own operators, noting, "If the equivalence arrangements were to expire on 31 December 2026, it would be more difficult to continue current trade with the equivalent third countries concerned. This would be particularly detrimental to EU operators, as the EU enjoys a positive trade balance with those third countries."[5] We underscore this trade imbalance to ensure that the renegotiation of the U.S. - EU organic equivalence provides equal opportunities for U.S. and EU businesses.

Our comments regarding the provisions in the targeted amendment are aimed at maintaining the spirit and intent of bilateral trade via organic equivalence arrangements as well as upholding consumer trust in the organic label, both in the U.S. and EU. However, we urge negotiators to prioritize equitable organic market access and fair trade practices that support both the U.S. and EU organic industries.

The following comments and questions address specific proposals in the new legislation.

1. Postponement of the equivalence arrangement renegotiation deadline to December 31, 2036

[1] 2024 OTA estimate based on USDA GATS and TRACES data.
[2] FIBL World of Organic Agriculture, 2025.
[3] USDA GATS data.
[4] OTA estimate based on NOP import data.
[5] European Commission Staff Working Document published 12/16/2025 amending EU regulation 2018/848.

OTA is supportive of the extended timeline to reach an updated equivalence arrangement with the European Union. The renegotiation of an updated bilateral organic trade arrangement has been more complex and time-intensive than predicted, involving multiple partners and regulatory systems. Both the U.S. and European Union have significantly updated their regulations since the equivalence was originally negotiated and several issues remain to be considered. A ten-year extension provides the stability and predictability necessary to avoid trade disruption, maintain consumer confidence in organic labels, and allow sufficient time for balanced, transparent negotiations that safeguard the integrity of the EU and U.S. organic systems while ensuring continued market access for U.S. and European organic importers and exporters.

QUESTIONS:

1. Will the current equivalence terms remain in place until a new arrangement is reached?

2. Does the European Commission have the authority to unilaterally impose additional requirements on imports of U.S. organic products traded under equivalence while negotiations to update the current equivalence arrangement are ongoing?

2. Updates to Articles 30, 32, 33 - Access to the EU Organic Label

The new language in Articles 30, 32, and 33 related to labeling and the use of the EU organic label add new requirements for exports to the European Union, including for equivalence partners. Importantly, it is our understanding that organic ingredient imports to the EU that do not comply with these additional requirements are limited to just 5% of a multi-ingredient product. This limit essentially treats these imported ingredients akin to the treatment of non-organic ingredients in a final formulation.

The proposed regulation states that "the organic production logo of the European Union is the food product logo of which Europeans are the most aware. It is essential to both consumers and producers because it makes it easier for consumers to identify organic products and helps producers to market them across the Union."[6] OTA has conducted similar research; a 2024 OTA consumer study found that only 2% of German consumers recognize the USDA organic seal versus 50% who recognize the EU organic seal. A 2025 OTA consumer study found that 74% of U.S. consumers recognized the USDA organic seal while only of 8% of consumers recognized the EU seal. The proposed language in Articles 30, 32, and 33 undermines access for U.S. businesses to the EU organic label. As a result, OTA has urged our government partners to consider appropriate reciprocal labeling restrictions for EU organic exports to the U.S. to ensure a level playing field for U.S. organic businesses.

QUESTIONS/COMMENTS:

1. We do not fully understand the scope of the 5% tolerance for ingredients in a multi-ingredient product that are not in compliance with the Annex VII requirements. Does the requirement only apply to imports of ingredients into the EU that will be manufactured in the EU to be sold as an EU organic product?
    a. Would a multi-ingredient organic product that is manufactured in the U.S. and later exported to the EU under equivalence not be required to meet the 5% tolerance?
    b. Is the 5% tolerance only calculated at the final product formulation stage?
    c. Will there be an allowance for products manufactured in the EU to be certified as export-only products that do not need to comply with the Annex VII requirements?

[6] Proposal amending EU 2018/848 published 12/16/2025 page 8.

d. The additional attestation requirements will create additional burden on U.S. certifiers responsible for verifying compliance to the equivalence arrangement.

2. Will there be a transition period for domestic operators and/or equivalence partners to meet the new requirements under Annex VII? **We strongly urge the Commission to implement a minimum 24-month transition period if equivalence partners will be expected to meet the new requirements prior to the conclusion of the ongoing equivalence negotiations.**

3. It is our understanding that Article 33, paragraph 7 allows the European Commission to add (or remove) requirements under Annex VII at any point in the future. Does the proposed regulation allow Annex VII to be amended through a Delegated Act or would changes require an opening of the Basic Act?
    a. If Annex VII can be amended though a Delegated Act, we are strongly concerned that this will empower the European Commission to unilaterally change requirements for imports of organic products under equivalence arrangements at any point in time without consultation or input from equivalence partners. The additional requirements already proposed under Annex VII move the U.S. and EU further away from the spirit and intent of these equivalence arrangements. Further restrictions would move trade even closer to a compliance regime and undermine the purpose of maintaining an equivalence arrangement, especially given the current trade imbalance.
    b. We urge the European Commission to allow for consultation and alignment with organic equivalence partners if additional requirements under Annex VII or other critical variances will be introduced into equivalence arrangements.

3. Annex VII Amendments

The new requirements detailed in Annex VII present a break in the historical structure of the U.S. - EU organic equivalence arrangement and will likely add an additional attestation for U.S. organic exports trading under the equivalence to verify compliance with Annex VII. Below are comments addressing our understanding of these requirements as well as associated impacts.

QUESTIONS:

1. Two of the Annex VII requirements relate to organic livestock production and handling. Our understanding of these requirements is that they would pertain to any livestock derived product (meat, milk, cheese, etc.) What will be scope of the livestock requirements and will further clarification be provided in the final regulation?

Annex VII Requirements

1. **<u>Prohibition of Hydroponic Production.</u>** This represents a new critical variance as the USDA NOP allows hydroponic production in line with NOP regulations. The most common hydroponic crops are blueberries and strawberries (potentially dried), tomatoes, peppers, cucumbers, and herbs.

    Trade Impact: It is our goal to maintain as many export opportunities as possible for U.S. organic exporters and this requirement adds a new trade barrier that did not previously exist for hydroponically produced organic products. Dried berries in particular are a common ingredient in bars and cereals and this prohibition could lead to sourcing challenges, potentially requiring U.S. manufacturers to import these types of ingredients. **We urge**

the European Commission to allow container-grown crops to be excluded from this hydroponic production prohibition.

2. **Tethering and Isolation (Livestock Production Rules).** While the U.S. and EU approach this issue differently, the outcomes are similar. Therefore, we support an equivalence designation on this added requirement.

3. **Loading and Transport of Animals (Livestock Production Rules).** While the U.S. and EU approach this issue differently, the outcomes are similar. Therefore, we support an equivalence designation on this added requirement.

4. **Use of Minerals and Vitamins in Processing – Fortification.** The current EU organic regulations allow fortification of products if it is "legally required". The proposed regulation amends the language to allow fortification only if "directly legally required".

   Trade Impact: The U.S. Food and Drug Administration (FDA) allows the addition of nutrients to "restore" levels lost during storage/handling, or to prevent "nutritional inferiority" when replacing a traditional food. Therefore, a U.S. organic juice manufacturer can add Vitamin C and Calcium and label it "Organic Orange Juice with Calcium," provided they follow FDA labeling rules. From our understanding of the EU regulations, this same product would likely be non-compliant in the EU because the calcium addition is not "directly legally required". This requirement would likely affect many U.S. organic exports such as infant formula, enriched flour, cereals, bars, fluid and powdered milk, etc.

   We urge the European Commission to allow the fortification of organic products processed in the EU for export to a third country in accordance with that third country's requirements. However, we also request clarification on the intent of the "directly legally required" language and if any pathway exists for exports of U.S. organic products that are fortified with common nutrients.

Ensuring Fair and Reciprocal Trade

Given these new proposed requirements and likely trade barriers, OTA has encouraged our government partners to require additional controls on European organic exports to ensure a level playing field for U.S. organic businesses. In particular, if new requirements for U.S. organic exports to the EU will be required prior to the conclusion of ongoing U.S. - EU organic equivalence negotiations, additional requirements for EU organic exports to the U.S. should be anticipated on a similar timeline to comply with important updates and provisions in the NOP regulations. Additionally, U.S. control bodies have strict, clearly defined mechanisms for verifying compliance with critical variances under equivalence arrangements. OTA requests that the European Commission and/or Member States provide clarity on the procedure for EU control bodies to monitor and validate EU export compliance with the terms of the equivalence arrangement, in particular compliance with any critical variances.

The long-standing U.S. - EU organic equivalence arrangement serves as a foundation for fair, transparent, and mutually beneficial trade in organic products. This partnership has supported consumer trust, business growth, and a commitment to organic integrity on both sides of the Atlantic. We remain committed to working closely our government partners, the U.S. organic industry, and our counterparts in the EU to contribute actively to a successful, balanced renegotiation of the equivalence framework. Our goal is to ensure that transatlantic organic trade continues to thrive while upholding the integrity and credibility of the global organic sector and a level playing field for U.S. organic businesses.

ORGANIC TRADE ASSOCIATION

Sincerely,

Tom Chapman
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Organic Trade Association