

November 18, 2025

Organic Trade Association Comments on European Commission Organic Production Rules Targeted Amendment (Regulation EU 2018/848)

The Organic Trade Association (OTA) appreciates the opportunity to submit comments on the targeted amendment initiative to the European Union's Organic Production Rules (Regulation 2018/848). 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 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.

1. Support for a practical and legally sound solution to the EU Court of Justice Herbaria Case

The judgement of the EU Court of Justice regarding Herbaria Kräuterparadies GmbH (Herbaria) has important implications for EU trading partners. If the interpretation of the ruling requires imported products to fully comply with EU organic production rules to carry the EU organic label, regardless of equivalence status, it is reasonable to expect a similar requirement to be put in place for EU organic products imported into the United States. This action would not only contradict the spirit of organic equivalence arrangements, but it could lead to significant trade disruption and market loss for EU organic businesses.

The EU widely surpasses the U.S. in exports under our bilateral equivalence arrangement. U.S. import data only track a limited number of organic imports. The tracked organic imports from the EU surpassed 517,000 metric tons between 2018-2023 and in the last year grew by 38%². European organic exports to the US are approximately 12 times greater than US organic exports to the EU, totaling an estimated \$800 million. In contrast, we estimate that 2024 U.S. exports to the EU reached \$50 million in high value products, including fresh produce, nuts, beans and other legumes, alcohol, and other packaged goods.

While the EU is the United States' 23rd largest export market for organic products, the EU alone is the U.S.' 4th largest organic import market. If the outcome of this ruling is that the current organic equivalence is altered or narrowed in scope, it will likely hurt EU exporters significantly more than U.S. exporters. U.S. consumers regularly purchase EU organic packaged goods like olive oil, wine, and chocolate, however, these can also be sourced elsewhere.

The intention of organic equivalence arrangements is to recognize two systems as comparable and verifiable,

though not necessarily identical, and acknowledge in certain instances that technical requirements will differ by jurisdiction or region. Equivalencies reduce trade barriers and strengthen the supply chain and additionally reduce certification burdens and costs. Ultimately, the goal of these arrangements is to recognize two countries' standards as comparable without compromising the integrity of the organic designation in both markets. If the interpretation of the Herbaria case maintains that all organic products exported to Europe must comply with EU production regulations, including allowed inputs and production methods back to the farm level, it undermines the justification for maintaining an organic equivalence in the first place.

We understand that the judgement made a specific allowance for the USDA organic label to still be placed on products sold into the EU market. However, in a 2024 OTA consumer study it was found that only 2% of German consumers recognized the USDA organic seal versus 50% recognizing the EU organic seal. U.S. businesses also do not have access to the EU country specific labels.

In a recent OTA consumer survey, we found that 74% of U.S. consumers recognized the USDA organic seal while only of 8% of consumers recognized the EU seal. If the U.S. were to impose the same labeling restrictions on the EU, EU organic products will not have the same level of consumer recognition in an important export market.

The Organic Trade Association urges the European Commission to consider a solution that upholds the integrity of the organic label and maintains the strong bilateral trade in organic products under the U.S. - EU organic equivalence arrangement. Should logo reciprocity be rejected, OTA will be compelled to urge the U.S. government to pursue comparable labeling requirements for EU organic products entering the U.S. market. Such an outcome is not our preferred path, but ensuring a level playing field for both producers and consumers in both markets is essential.

2. Support for postponing the expiration of third country recognitions under equivalency

We strongly support extending the current 31 December 2026 deadline for the expiration of third-country organic equivalence recognitions. 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 Equivalency was originally negotiated and several issues remain to be considered. A ten-year extension would provide 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.

3. Amend and update rules related to presence of non-authorized substances for consistency and to reflect operational realities

While not explicitly requested as part of the targeted amendment initiative, we strongly suggest amending and updating the rules related to the presence of non-authorized substances. Organic production and standards take a systems- and process-based approach in the practices applied on farms and in processing facilities. However, we acknowledge that such production does not occur in a sealed environment. Even when an operation implements



a robust organic plan, unavoidable contact with or contamination from non-authorized substances can occur. These challenges are compounded when investigating presence of residues in concentrated products for which application of established tolerances is either not set or inconsistently applied.

While determining the reason or source of detection can be important to determine needs for operational improvement and oversight, undue burden is often placed on an operation to investigate a source that is outside their control. Such investigations can lead to inefficient use of resources with no conclusive resolution. Further, the requirements of such investigations and the determination that an investigation is sufficiently resolved varies considerably across Member States. These inconsistencies lead to serious logistical and financial burdens for an operation with product held for indeterminate lengths of time while an investigation is conducted.

We urge that this issue be prioritized through better defining what “presence” of non-authorized substances means and how presence can be differentiated between a willful application or a lapse in sufficient handling, and presence due to unavoidable contact with non-authorized substances. Additionally, establishing common and consistent responses to presence of non-authorized substances across Member States will fairly uphold the terms and spirit of the U.S. – EU organic equivalence arrangement and provide the organic market clear expectations and paths to resolution when non-authorized substances are detected.

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 with the European Commission and our counterparts in the EU to identify constructive solutions to the challenges raised by the Herbaria case and 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.

Sincerely,

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