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Judgment of the Court in Case C-240/23 | Herbaria Kräuterparadies II

### Labelling of organic products: a foodstuff imported from a third country may bear the organic production logo of the European Union only if that foodstuff complies with all the requirements of EU law

*That is the case even if the production rules of the third country are recognised as equivalent to those laid down by EU law, although such a foodstuff may nonetheless bear the organic production logo of that third country*

The prohibition on using the organic production logo of the European Union for products manufactured in a third country according to rules merely equivalent to those laid down by EU law also extends to the use of the terms referring to organic production. However, provided that a product complies with those rules, the organic production logo of that third country may be used in the European Union for such products, even where it contains terms referring to organic production.

Herbaria, a German manufacturer, produces a beverage comprising a mixture of fruit juice and herb extracts, which contains, in addition to organic products, non-plant vitamins and ferrous gluconate. The packaging of that product shows, inter alia, the organic production logo of the European Union.

The German authorities ordered Herbaria to remove the organic production logo of the European Union from that product's packaging in that the product did not meet the requirements of the Regulation on the labelling of organic products.<sup>1</sup> Indeed, that regulation allows vitamins and minerals to be added to processed products bearing the term 'organic' only if their use is legally required, which is not the case with the beverage at issue.

Herbaria submits before the German Federal Administrative Court that there is unequal treatment between its product and a similar product also containing non-plant vitamins and minerals, imported from the United States, which, it is stated, is not subject to such a prohibition. Indeed, the United States is recognised as a third country whose production and control rules are equivalent to those of the European Union. This means that products from that third country which comply with the latter's production rules can be marketed in the European Union as organic products. However, according to Herbaria, that recognition would thereby allow competing US products to bear the organic production logo of the European Union and terms referring to organic production, provided only that those products comply with the US production rules, that is to say even where they do not comply with the production rules of EU law.

The Court of Justice, when asked about such unequal treatment, by the national court hearing the case, holds that **a product imported from a third country** and manufactured in accordance with production and control rules recognised as being equivalent to those provided for by EU law **may not use either the organic production logo of the European Union or terms referring to that production where that product does not fully comply with the production rules laid down by EU law.** The contrary would risk harming fair competition within the internal market in organic products and giving rise to ambiguity that could mislead consumers. Indeed, the organic

production logo of the European Union is intended to inform consumers, in a clear manner, of the fact that the product on which it appears is fully compliant with **all the requirements of EU law, and not merely with rules equivalent to those requirements.**

That said, the Court holds that that **the organic production logo of a third country may be used in the European Union for such imported products, even where it contains terms referring to organic production.** Indeed, such a logo is not likely to give the impression that the imported products concerned comply with all the EU production and control rules.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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<sup>1</sup> [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.