



AMERICERT INTERNATIONAL

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Guidance Regarding the US-European Union Organic Equivalency Arrangement

v. 080726

A. Background: The USDA National Organic Program has negotiated a number of international equivalency arrangements whereby products certified to the USDA National Organic Program can be represented as organic in certain other countries. Each equivalency arrangement has its own requirements and restrictions, including requirements for labeling. This document is intended to summarize the requirements for the US-EU Organic Equivalency Arrangement (USEU). If you intend to export product to the EU under the equivalency arrangement, or supply products into a supply chain destined for the EU, your operation must comply with the requirements described in this document. Note that this document does not include all factual situations that may occur but is intended to address the common situations.

B. General Requirements:

1. USEU is an Additional Certification: An operation must request in writing to have the USEU compliance added to their certification. Americert charges a fee for this, as stated in the current fee schedule, and the compliance certification must be updated each year on a product by product or crop by crop basis. Self-attestations of compliance are not sufficient and are not recognized. The compliance language required on certificates is that a product or crop is "Certified in compliance with the terms of the U.S.-EU Organic Equivalence Arrangement."

2. Eligibility and Exclusions: This equivalence arrangement is limited to direct trade to or from the U.S. and EU. For U.S. exports to the EU, it is limited to products certified to the USDA organic regulations that have been produced or had their final processing occur within the U.S. For EU exports to the U.S., it is limited to products certified to the EU organic regulations that have been produced or had their final processing occur in an EU member state.

Allowed product categories: Crops, Wild Crops, Livestock, and Processed Products.

To be eligible for export to the EU, USDA certified organic products must:

- Be raised or produced in the United States; or
- Have final processing or packaging occur within the United States

The allowed product categories are: crops, wild crops, livestock, and processed products.

The allowed label claims are limited to "Organic" (labels and packaging may not state "Made with Organic" or "100% Organic" as these label claims are not recognized under this agreement.)

The following restrictions and exclusions apply to products exported under this agreement:

- Apples and pears (and/or ingredients containing apples and pears) produced using antibiotics* (for fire blight control) may not be exported as organic to the EU.

* Note: USDA removed streptomycin and tetracycline from the National List on October 21, 2014; they are no longer allowed. Streptomycin and tetracycline are synthetic substances that



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were previously allowed for use in organic crop production for the treatment of fire blight. There are currently no antibiotics on the National List approved for such use.

- Organic wine and wine “made with organic grapes” may be exported to the EU under the arrangement if it meets the following criteria:
 1. Contains 100 percent organic grapes and organic ingredients. Non-organic substances not allowed under 7 CFR 205.605 are prohibited.
 2. Have been produced only using the winemaking practices and substances detailed in the [EU organic regulations](#).
- The EU does not recognize the USDA “100% organic” or “made with organic” label categories. Therefore, all organic products eligible for export under the equivalence must contain 95% or greater organic content and only use an “organic” claim.

3. Trade Documentation: Exports of USDA Organic Products. A USDA-accredited certifying agent (also called “control body”) must complete an electronic Certificate of Inspection (COI) through [the EU’s Trade Control and Export System \(TRACES\)](#) for all USDA organic products traded under the arrangement. The European Union regulations require that the COI be issued by the USDA-accredited certifying agent prior to or *at the moment the consignment leaves the U.S. port of export*, and not after. Shipments of USDA organic products that leave the U.S. port without a COI, or with a COI issued after departure, risk being refused entry, seized, or destroyed by foreign port authorities.

Americert certified operations requesting a COI for export to the EU must submit:

- A completed Request for COI.
- Copies of compliant labels and packaging (if not already submitted and approved).

The COI request must be submitted at least 5 business days prior to the expected shipment date. It may take up to 5 business days for Americert to review, approve, and issue the COI.

Product may not ship until the COI has been issued.

Americert charges a fee for review of a request for COI, as described in the current fee schedule. COIs that have to be re-issued through TRACES due to errors, omissions, or changes caused by the exporter or the importer are in addition to the fee for the original review and are reviewed at the same price as the original COI review.

C. Labeling & Packaging Requirements:

1. Available Label Claims: Certified organic products shipped to the EU under the equivalency arrangement may only make an “Organic” label claim. The label claims “100% Organic” or “Made With Organic (Specified Ingredients or Food Groups)” may not appear on the label. The EU does not recognize these label claims and they cannot be used for products to be exported to the EU. Products certified in the U.S. as 100% organic may only be labeled as “organic” since the EU does not have a 100% organic category.

2. Identification of Certifying Agent (Retail Labels): All retail labels must identify organic products as organic and must contain the phrase “Certified Organic by Americert International US-ORG-38.” (“US-



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ORG-38” is Americert’s identifier under the EU regulations and must be included as part of the COB statement.) If the product is packaged by a copacker, the COB statement may identify the copacker’s certifying agent but must use the EU code for that certifying agent. The EU Code will be in the format of “US-ORG-XX” where the XX is the number assigned by the EU.

3. Products with less than 95% Organic Content: Products with less than 95% organic content (those that would qualify in the U.S. as “made with organic”), may display a percentage statement of organic content on the label, but may not be labeled with the EU organic logo or USDA organic seal. The EU does not have a “made with organic” labeling category.

4. Use of EU and/or USDA Seal Optional: The use of the USDA seal on “organic” products exported to the EU is purely optional. If used, it must be compliant in colors and design. Such products may also use the EU organic logo but specific requirements apply. Please see section F below.

5. Non-Retail Containers and Packaging: Product not packaged for retail sale (e.g., bulk or wholesale products) must contain:

The name of the product and its organic status.

Traceability Information that links to the audit trail (e.g., lot numbers and weight).

6. Use of the EU Organic Seal: The use of the EU organic seal is purely optional and specific additional requirements apply if it is to be used. See section F of this document for more information if you choose to use the EU Organic Seal.

D. Policy and Procedures for Review:

1. Request: Operations must request USEU certification in writing and must specify what products or crops the certification is being requested for. For packaged products, a copy of the proposed label must also be submitted. Operations must submit written documentation that the requirements for review described in the next paragraph are met.

2. Review: Americert personnel will review the request and confirm that the requirements stated in section B, C, and F (if optional use of EU logo) are met and that none of the exclusions apply. If approved, the organic system plan summary or organic certificate will be updated to reflect the product(s) or crop(s) are “Certified in compliance with the terms of the U.S.-EU Organic Equivalence Arrangement.”

3. Fees: Americert charges a fee for the review of USEU compliance as stated in the current fee schedule as well as for the issuance of COIs. These fees apply for the review, not the approval, and can be charged even if the product is denied USEU certification or denied issuance of a COI. If changes are required to be made after the issuance of a COI, and the cause is something other than Americert error, the operation may be charged an additional full fee for the issuance of a revised COI.

4. Duration of Certification: The certification lasts until the product is dropped upon initiation of the applicant, removed by Americert as being no longer eligible for USEU certification, or annually on the operation’s annual anniversary date as determined by Americert and listed on the certificate and OSPS.



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5. Duty to Disclose: Operations have a duty to disclose if any of the underlying eligibility requirements for USEU certification of the product or ingredient change.

E. Imports into the U.S. under USEU:

1. Scope: This equivalence arrangement is limited to direct trade to or from the U.S. and EU. For U.S. exports to the EU, it is limited to products certified to the USDA organic regulations that have been produced or had their final processing occur within the U.S. For EU exports to the U.S., it is limited to products certified to the EU organic regulations that have been produced or had their final processing occur in an EU member state. Allowed product categories: Crops, Wild Crops, Livestock, and Processed Products.

Generally, USDA and EU certified organic products are eligible for trade under this equivalence, but there are some stipulations.

The following are additional requirements for EU certified organic products exported to the U.S.:

- Agricultural products derived from animals treated with antibiotics shall not be sold, labeled, or represented as organic in the U.S.
- Aquatic animals (e.g., fish, shellfish) and salt are not included in the equivalence arrangement and are not eligible to use the USDA organic seal.
- There are important differences in how the U.S. and EU define and label wine as organic. For EU organic wine to enter the U.S. market, it must fully comply with either of the following content and labeling requirements:
 - Organic wine: To label EU wine exports to the U.S. as organic, the wine must not contain sulfur dioxide, potassium metabisulfite, or other ingredients not allowed under the USDA organic regulations (7 CFR 205.605). EU wine exports meeting these criteria may make the “organic” claim and carry the USDA organic seal. EU wine labeled with an organic claim in any language per the [Regulation \(EU\) 2018/848 Annex IV](#) must comply with these terms.
 - Wine made with organic grapes: To label EU wine exports to the U.S. as “made with organic grapes,” the wine’s total sulfite concentration (from sulfur dioxide) must not exceed 100ppm and all grapes used must be certified organic. Substances not listed under 7 CFR 205.605 are prohibited. The USDA organic seal must not be used on the label.
 - The EU control body or other control authority is responsible for verifying compliance of EU wine with the U.S. requirements for labeling “organic wine” or “wine made with organic grapes” before issuing the NOP Import Certificate.

All wine sold in the U.S. must be approved by the Alcohol and Tobacco Tax and Trade Bureau.

- View resources for [importers/exporters and wholesalers.](#)



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- View [information on alcohol beverages labeled with organic claims.](#)

2. Trade Documentation for Imports into U.S.: EU organic products imported into the U.S. under the arrangement must be associated with an [NOP Import Certificate](#). EU-accredited certification bodies generate NOP Import Certificates in USDA's [GLOBAL Organic Integrity Database](#) (Global Integrity). Operations that export products from the EU to the U.S. under the organic equivalence arrangement are also listed in Global Integrity under the Trade Partners tab. The NOP Import Certificate documentation must include the following attestation statement:

"Certified in compliance with the terms of the U.S.-EU Organic Equivalence Arrangement."

3. Labeling for EU Imported Products: For retail products, labels or stickers must state, "Certified Organic By (insert name of EU-authorized body) and may also include the code assigned to each EU-authorized body. Retail labels or stickers may use the USDA Organic seal and/or the EU organic logo. Exported products must meet the USDA organic labeling requirements.

Bulk (non-retail) products must display identification of the product as organic and the production lot number, shipping identification or other unique information that links the container to audit trail documentation. The name of the EU-authorized certification body is not required to be stated on bulk containers.

F. Optional Use of the EU Logo for Exports to the EU from the U.S.:

The use of the EU organic logo is not required for products exported as organic from the U.S. under the US-EU Equivalency Arrangement. However, if used, the use of the EU organic logo must meet certain requirements as described below:

1. Form and Color:

The EU organic seal must be used in specific format and colors as defined by EEC 271/2010. The seal is a green (Pantone no. 376) rectangle with white stars in the shape of a leaf. Rectangle must be at least 9mm high by 13.5mm wide and maintain a height to width ratio of 1 to 1.5.

The one-color version (black and white) is to be used if the printing process does not allow the application of the original green color. This version is to be printed in black or in a dark color on a white or a light-colored background only.





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2. Required Modifications for Non-EU Imports:

All products imported into the EU using the EU Seal must indicate the source of ingredients within the same visual fields as the seal, using one of these statements:

- “EU Agriculture” if the agricultural raw material has been farmed in the EU,
- “Non-EU Agriculture”, if the agricultural raw material has been farmed outside the EU
- “EU/non-EU Agriculture”, if part of the agricultural raw materials has been farmed in the EU and part outside the EU.

The name of a specific country may be used instead of the terms ‘EU’ or ‘non-EU’ where all agricultural raw materials have been farmed in the same country.

If the EU organic seal is used, Americert International’s control number must be in the same visual field as the seal. Americert’s control number under the EU standards is: US-ORG-038. AI recommends that the AI control number is used to identify all boxes or labels used for organic products shipped to the EU under Americert certification. This is illustrated as follows for non-EU agriculture:



US-ORG-038

Non-EU Agriculture