

The Fair Trade Advocacy Office's feedback on the European Commission's call for evidence regarding targeted updates and simplification of the EU Organic Regulation

19 March 2026

Background

This policy analysis examines the European Commission's proposal to simplify the EU Organic Regulation (Regulation (EU) 2018/848), as set out in COM/2025/780. The analysis evaluates the Commission's proposed amendments to the basic act, reviews the accompanying staff working document, and considers the implications of the Commission's roadmap to reduce the administrative burden on organic operators and national administrations.

The Fair Trade Advocacy Office (FTAO) welcomes the Commission's initiative as a positive and necessary recognition of the challenges faced by smallholder organic farmers worldwide, including those participating in Fair Trade supply chains. The proposed amendments represent a meaningful step toward improving the practical implementation of EU organic rules. FTAO calls on the European Parliament and the Council to adopt these changes swiftly, so that timelines for implementation can be communicated without delay to Control Bodies. This is particularly pressing given that Control Bodies must address 2025 non-conformities and adapt their 2026 control plans accordingly.

KEY FTAO POSITION

The Fair Trade movement broadly supports the Commission's simplification proposal and urges its rapid adoption. Where the proposal falls short of the movement's demands, specific amendments to the basic act and secondary legislation are recommended below.

Part I – Proposed Amendments to the Basic Act (Regulation (EU) 2018/848)

The Commission's proposed amendments to Articles 36(1)(b) and 36(1)(d) are broadly welcome. Raising the holding-size thresholds for Group of Operators membership reflects the operational realities of smallholder farming in many producer countries. However, the complete removal of the turnover-based eligibility criterion risks producing perverse outcomes: without a cost-proportionality test, all farmers with holdings exceeding the revised thresholds would be ineligible for group certification unless they formally restructure their operations.

The FTAO therefore recommends retaining a modified version of the existing 2% cost-proportionality criterion—without the EUR 25 000 and EUR 15 000 annual turnover caps—as an alternative qualification pathway alongside the revised holding-size thresholds. This would

preserve meaningful access to group certification for smallholders and family farmers whose certification costs are disproportionate to their income, while removing the arbitrary financial ceilings that have proven unworkable in practice.

On Article 36(1)(d), the Commission's proposed wording requires further clarification to prevent unintended interpretations that could permit contract production arrangements. The explicit introduction of the 'subgroup' concept, and the restriction of eligible parent entities to farmer-owned or farmer-controlled organisations, would address these ambiguities and align the provision with the cooperative principles that underpin Fair Trade certification.

Part II – Delegated and Implementing Acts: Commission Roadmap

The Commission's roadmap to reduce the administrative burden on organic operators and national administrations represents a substantive and timely response to a range of procedural and technical concerns raised by the Fair Trade movement and other stakeholders. The roadmap addresses four main areas, each with indicative timelines. FTAO's assessment and recommendations for each area are set out below.

1. High-Risk Product Classification (Regulation 2021/1698, Article 8) – Q3 2026

The Commission's roadmap announces a delegated act to define clearer, more transparent criteria for identifying high-risk products (Regulation 2021/1698, Article 8), directly responding to the Fair Trade movement's demand for predictability and agreed risk-based classification. FTAO welcomes this commitment but underlines that the delegated act must go further: Regulation 2021/1698 should incorporate explicit criteria governing the algorithms used to identify high-risk products, so as to ensure transparency towards the third countries concerned. Classification must be based exclusively on substantiated, agreed criteria, and the use of unproven residue cases as a trigger must be excluded. In this regard, Article 8 should be amended to reflect these requirements explicitly.

A particular concern arises from Regulation 2025/2651, which introduced suspicion of non-compliance as a basis for placing products and countries on the high-risk list. FTAO has consistently highlighted that this approach conflicts with the general principles of the rule of law and calls for this provision to be revisited in the context of the forthcoming delegated act.

Article 10 of Regulation 2021/1698 should be amended to allow larger, individually certified farmers to remain members of a group of operators and to sell their certified products to the group as organic suppliers. This is essential for group viability and logistical efficiency, particularly as farm sizes and certification pathways continue to diversify. The Commission's proposed amendment to Article 36.1(d) of the basic act should already facilitate this outcome; nonetheless, a corresponding update to the reference in the secondary legislation would provide the necessary legal certainty.

Article 12 should be amended to introduce differentiated re-inspection and sampling quotas based on risk category. Specifically, lower thresholds — of 5% and 2% respectively — should apply to groups with well-functioning internal control systems and demonstrated low-risk profiles. The current uniform approach contributes directly to the significant certification cost

increases experienced by compliant operators, and a risk-proportionate framework is both operationally justified and consistent with the broader simplification objective.

Article 24 should be amended to simplify retroactive recognition for areas previously certified under other recognised organic standards, such as the US National Organic Program (NOP), where no disqualifying treatments were applied. Alongside this, Control Bodies should be permitted to submit annual batch reports for granted derogations of retroactive recognition, replacing the current requirement for continuous updates, which imposes unnecessary administrative burden without commensurate control benefit.

More broadly, the conformity transition period should be extended to at least the end of 2025, enabling operators and Control Bodies to align their inspection and adaptation cycles with the new regulatory requirements. Finally, individually certified larger farms should be permitted to remain statutory members of their farmer organisations in the capacity of suppliers, operating outside the group's joint marketing system, so that formal membership ties and the associated cooperative relationships are not severed solely on account of individual certification status.

2. Authorised Substances – Fast-Track and Simplification (Regulation 2021/1165) – Q3 2026

A revised Regulation 2021/1165 should permit the temporary use of local plants and botanicals that were approved under previous equivalence schemes, pending formal approval of submitted dossiers. In parallel, Article 10 should establish a shorter procedural pathway for technical dossiers on low-risk substances, and Annex VI should be amended to enable the collective and expedited approval of traditional botanical preparations commonly used by organic farmers under predecessor equivalence arrangements.

3. Residue testing and unauthorised substances – Procedural clarification (Regulation 2021/279) – Q1 2026

The procedures governing the investigation of residues and unauthorised substances continue to impose disproportionate costs and operational disruption on organic operators, including those in Fair Trade supply chains. FTAO welcomes the Commission's commitment to providing further guidance and clarification in Q1 2026 but notes that guidance alone is unlikely to be sufficient. Regulatory amendments would be welcomed in several respects:

The Commission's roadmap foresees further guidance and clarification on the handling of residues and investigations under Regulation 2018/848 (Article 29) and Regulation 2021/279, without setting numerical thresholds. While FTAO welcomes this commitment, guidance alone is insufficient and targeted regulatory amendments are needed to deliver the predictable and proportionate procedures the sector requires.

Article 1(b) of Regulation 2021/279 should be amended to clarify that where the cause of contamination is demonstrably beyond the operator's control and can be substantiated, the investigation may be abbreviated or exempted. This is particularly pressing in cases involving very low trace levels, where the current framework can trigger a full official investigation regardless of the level detected. Such investigations are costly, disruptive to organic business continuity, and disproportionate – an issue that affects European operators as much as third-country producers.

On sampling, Article 7(d) of Regulation 2021/279 should introduce a risk-based approach for Control Bodies, allowing for a lower minimum baseline sampling rate — expressed as a variable, not a fixed percentage — for groups with strong compliance records. Article 7(e) should be amended to set a minimum re-inspection rate of 5% for groups of fewer than 700 members, and to apply the formula $1.4 \times \sqrt{\text{(number of members)}}$ for groups of between 700 and 2,000 farmers, with a floor of 10 farmers. This formula, which mirrors the re-inspection rate adopted under the US National Organic Program, would result in a rate of approximately 3.1% for a group of 2,000 farmers and 4.4% for a group of 1,000 — a meaningfully more proportionate framework than the current fixed-percentage regime.

4. Reasonable transitional periods (implementation support)

The Commission's roadmap includes guidance, training and phased implementation actions to support operators in adapting to regulatory changes, partially responding to the Fair Trade movement's demand for realistic transition and adaptation support. While these measures are welcome, they fall short of extending legal deadlines, which remains a significant gap for smallholder farmers and groups of operators in third countries who face structural capacity constraints that guidance and training alone cannot address.

FTAO calls on the Commission to ensure that implementation support is genuinely accessible to producer organisations in developing countries, including through dedicated outreach via EU delegations and partner networks, and that phased implementation timelines are set with full awareness of the administrative realities faced by Control Bodies and operators on the ground.

Part III — Handling of residues: Legislative outlook

In accordance with Article 29(4) of Regulation (EU) 2018/848, the Commission is preparing a report to the European Parliament and the Council on the implementation of Article 29, covering the presence of non-authorized products and substances, and the assessment of national rules adopted under Article 29(5). The Commission has indicated that this report may be accompanied by a legislative proposal for further harmonisation.

FTAO strongly supports legislative harmonisation in this area. The current patchwork of national rules has created significant legal uncertainty for organic operators, including those in Fair Trade supply chains whose products are traded across multiple EU member states. Pending the formal legislative proposal, FTAO urges the Commission to issue practical clarifications through the mechanisms already at its disposal—including FAQ documents, dedicated working groups, and targeted workshops—so that Control Bodies and operators have access to consistent guidance without delay.

About the Fair Trade Advocacy Office (FTAO):



The Fair Trade Advocacy Office (FTAO) leads political advocacy for the Fair Trade Movement at the EU level. It has the purpose of promoting justice, equity and sustainable development at the heart of trade structures and practices so that everyone, through their work, can maintain a decent and dignified livelihood and develop their full human potential.

The FTAO is a joint initiative of Fairtrade International, the World Fair Trade Organization, and the World Fair Trade Organization-Europe.

Get in touch:

For more information, please reach out to our International and Institutional Relations Manager, Virginia Enssle at enssle@fairtrade-advocacy.org

Fair Trade Advocacy Office

Village Partenaire – Bureau 2
Rue Fernand Bernier 15 - 1060 Brussels, Belgium
EU Transparency Register Nr: 860901940087-20
info@fairtrade-advocacy.org
www.fairtrade-advocacy.org