

Ministry of Agriculture and Fisheries

Rules governing the use of the “AB” mark

ARTICLE 1 - PURPOSE

The “AB” mark may be used for the certification of products and/or for informational purposes.

The “AB” mark, as used for the purposes of certification, the logo of which is described and reproduced in Annex 1, is intended to enable identification by its use of an organic agricultural product or foodstuff certified to be from an organic farming source in accordance with the European regulation (Council Regulation (EC) No 834/2007 as amended and its implementing regulations) and French regulations in force, and of the certification of that product or foodstuff by a body or public authority responsible for inspection in accordance with the same regulations.

The “AB” mark, as used for informational purposes, the logo for which is described and reproduced in Annex 2, is intended to highlight organic farm production and to help inform the consumer accordingly.

ARTICLE 2 - LEGAL STATUS

The “AB” mark as used for certification purposes is a collective certification mark governed by Article L. 715 of the French Code of Intellectual Property Law.

The “AB” mark, as used for informational purposes, derives from it and benefits from the same protection.

ARTICLE 3 - OWNERSHIP OF THE MARK

The “AB” mark is the sole and exclusive property of the Ministry of Agriculture and Fisheries on the basis of registration with the INPI of title to a collective certification mark for France, registration at EU level, and international registration with WIPO, in addition to any other registration possibly needed for its protection.

The “AB” mark constitutes the mark for which provision is made in Articles R. 641-31, Title IV, Book VI of the French Code of Rural Law.

The “AB” mark is neither transferable nor attachable, pursuant to the provisions of Article L. 715 - 2 - §4 of the French Code of Intellectual Property Law.

ARTICLE 4 - ADMINISTRATION OF THE MARK

The control body or public authority which has certified the product is responsible for compliance with the present rules governing the use of the "AB" mark for certification purposes.

Administration of the “AB” mark for informational purposes is the responsibility of the Agence BIO (French agency for the development and promotion of organic farming) subject to the relevant conditions set forth in a contractual agreement between the Ministry of Agriculture and Fisheries and the Agence BIO.

ARTICLE 5 – TERMS AND CONDITIONS OF USE

Use of the “AB” certification mark is authorised under the terms and conditions laid down in the present rules governing its use, with which all private individuals and legal entities granted such a right of use give a formal undertaking to comply.

Only individuals or legal entities having applied for a right to use the mark under the procedure defined in Article 7 hereof and having received the requisite authorisation may incorporate the “AB” mark for the purposes of certification in the labelling of agricultural products or foodstuffs pursuant to the requirements of Article 6.

All uses of the “AB” mark for informational purposes in presentational or informational material are subject to the authorisation procedure laid down in Article 8 hereinafter.

ARTICLE 6 - SCOPE OF APPLICATION

6.1. - The “AB” mark as used for the purposes of certification of the following products :

- agricultural products;
- foodstuffs made up of at least 95% of organic ingredients of agricultural origin;
- feedingstuffs for breeding animals ;
- pet food may be incorporated in the labelling of an agricultural product certified as deriving from organic farming, if they comply with the EC regulations in force and/or with the French specifications, as approved by a decree, in particular as regards production, preparation, labelling, inspection and import operations.

An information note by the Ministry of Agriculture and Fisheries specifies which products are authorized under paragraph 1, in the light of EU or national regulations in force.

6.2.- The “AB” mark as used for informational purposes may not be used other than in connection with activities or products covered by point 6.1. of the present article.

ARTICLE 7 - APPLICATION PROCEDURE FOR AUTHORISATION TO USE THE “AB” MARK FOR CERTIFICATION PURPOSES

The use of the “AB” mark for certification purposes in the labelling of products of agricultural origin or foodstuffs is subject to an application procedure. It is reserved for market operators who have declared their activities in the country where they take place to the body charged with the task of checking notifications and have placed their business under the supervision of an inspection body or public authority responsible for inspection in the European Union in accordance with articles 27, 28, and 35 of Regulation (EC) 834/2007, or of a body or public authority in charge of inspection in third countries in conformity with articles 32 and 33 of Regulation (EC) 834/2007 and other connected regulations.

The application shall be made in the form of a document shown in Annex 4 of the present rules governing use or the corresponding document issued by the operator’s inspection body.

The market operator must submit the signed application to the body responsible for inspection of the agricultural product or foodstuff on which the “AB” mark may be placed for certification purposes. The operator may not make use of the mark without the written authorisation of the inspection authority or body. The inspection authority or body is bound to verify at any time that the use of the “AB” mark with regard to the products designated in the application complies with the present rules governing such use.

Any change in the manner in which the mark is used (new labelling or packaging, a change in the size of the logo, for example) cannot become effective until a prior application for authorisation has been made to the inspection authority or body and that application has been accepted.

ARTICLE 8 – USE OF THE “AB” MARK FOR INFORMATIONAL PURPOSES IN PRESENTATIONAL OR INFORMATIONAL MATERIAL

Use of the “AB” mark for informational purposes is subject to the prior authorisation of the Agence BIO.

All private individuals or legal entities requesting permission to use the “AB” information mark for all purposes other than those specified in Article 7 are subject to this requirement of prior authorisation. They must submit their application to the Agence BIO. The application is to be made in the form of the document shown in Annex 5 to the present rules governing use, or the corresponding document issued by the delegated body, and it must be accompanied by the final proposed version, artwork included, in which it is proposed to use the “AB” information mark.

ARTICLE 9 – PENALTIES

It is strictly prohibited to make use of the “AB” mark for informational or certification purposes without having obtained prior authorisation from the inspection body or authority or from the mark administrator.

Any breach of the present rules governing the use of the “AB” mark by those granted a right to use it, and any use of the “AB” mark which does not comply with the present rules or the provisions contained in contractual agreements or legislation in force, shall be subject to the following penalties, without prejudice to possible legal proceedings in criminal or civil law:

- Requirement of corrective action to be implemented within a defined time limit;
- Suspension of the right to use the mark until such time as due compliance is assured;

- Suspension of the right to use the mark;
- Withdrawal of the right to use the mark for a period determined by the public authority responsible for verification, the inspection body or the Agence BIO.

Prior to such withdrawal, the interested party is to be invited to present its observations to its inspection authority or body, or to the Agence Bio, doing so within the time limit laid down by the latter.

The detailed provisions for penalties are set out in Annexes 3-1 and 3-2.

ARTICLE 10 – APPROVAL AND AMENDMENT BY THE MINISTRY OF AGRICULTURE AND FISHERIES

The present rules governing use of the mark have been approved by Ministry of Agriculture or its representative, after having heard the views of the national committee for organic farming of INAO (*Institut National de l'origine et de la qualité* / French national institute for origins and quality).

The rules governing use of the mark may be amended by means of the same procedure.

ARTICLE 12 - IMPLEMENTATION

The present rules governing use of the “AB” mark are effective from 1st January 2009

Done in Paris on 24 December 2008

Signed for the Ministry of Agriculture and Fisheries

The Head of the General Directorate for Agricultural,
Agrifood and Regional Policies

Signed

Jean-Marie AURAND

ANNEX 1

GRAPHIC CHART FOR THE “AB” CERTIFICATION MARK

Introduction

The embodiment of an organic farming reference in the “AB” logo used for certification purposes makes it possible to provide the consumer, immediately on sight of an organic farming product, with the whole range of guarantees that that product complies with national and EU regulations in force for organic farming and growing as laid down in Council Regulation (EEC) 2092/91 of 24 June 1991, as amended, applicable to plant and animal products, and the national set of specifications supplementing this Regulation where animal products are concerned. It also guarantees that the agricultural product or the ingredients of agricultural origin entering into the composition of a foodstuff have been produced, processed and packed by a market operator placed under the supervision of an approved inspection body or authority.

❶ Scope of application

The “AB” logo, as used for certification purposes, which is the exclusive property of the Ministry of Agriculture, Food, Fisheries and Rural Affairs, can be used only in strict compliance with the rules governing the use of the “AB” mark.

❷ Logo components

The new “AB” logo, created in 1996 and registered with INPI under number 97/697491, comprises 4 inseparable components:

→ An original graphical rendering of the characters “AB” in capitals, in white on a pantone 361 green background, with the “B” surmounted by two leaves forming an arc, the two characters being printed in resist on a solid rectangle whose width is 1.12 times its height.

→ As a derogation to the above, in the case of process colour printing it is possible to replace pantone green 361 by the nearest process colour.

→ Under the solid rectangle, the words “*AGRICULTURE BIOLOGIQUE*” [“ORGANIC FARMING”] in capitals on two lines of text and underlined with a continuous line of same thickness as the text characters, in pantone 361 green against a white background.

→ A special colour code: against a white background, the content of the solid rectangle, the text “*AGRICULTURE BIOLOGIQUE*” [“ORGANIC FARMING”], in the typeface HELVETICA BOLD or similar, and the continuous green line in the reference green pantone 361, the two letters “AB” surmounted by the two leaves, in white. Exclusively in the case of black-and-white documents and/or labelling, the logo may be reproduced in black and white, and in this event the green shall be replaced by black, with the white remaining as white.

→ On the labelling of agricultural products or foodstuffs, above the green box and surmounted by a continuous line, the text “*CERTIFIÉ*” [“CERTIFIED”] must appear in the same typeface (HELVETICA BOLD or similar) and in the same size characters as the text “ORGANIC FARMING”.

❸ Dimensions of logo on label

The logo must be easily visible and all associated text fully legible. To ensure this, its diagonal must measure at least 30mm.

The logo must remain easily visible and all text legible in all circumstances.

Where the AB logo is used in the same visual field as the EU logo, they should be of equivalent size. Consequently, the diagonal of the AB logo may be the same size as the minimum diameter of the EU logo.

→ As a derogation to the above concerning logo dimensions, in the case of small product labels (where the diagonal or diameter measures less than 15cm), the minimum size may be reduced, subject to the requirement that the diagonal of the logo must not measure less than 9 mm.

④ Use on coloured base materials

Irrespective of the colour of the base material, the logo must, as far as is feasible, retain its original visual aspect and must therefore appear against a white background, whether it is reproduced in pantone 361 green or in black and white.

→ As a derogation to the above, where the packaging or the label material is coloured, the white background of the logo may be replaced by the background colour of the label or packaging, on condition however that that colour shall be light in tone (natural unbleached colour, Kraft paper, etc.).

⑤ Location on containers

The logo must be easily located and should therefore be present as far as is possible both on the main face (or top) and on the front face.

As far as is feasible, the logo must be as close as possible to the text “Organic Farming - EEC Control System”, when this is present. It may also be placed in proximity to the list of ingredients.

The name of the inspection authority or body or its code number, according to the choice made by the Member State, must be within the visual field occupied by the “AB” mark.

Where the “AB” certification mark is placed on stickers or small self-adhesive labels subsequently affixed to the labelling or packaging of the product or ingredient, such stickers or labels must obligatorily include the name and contact details of the market operator and the certification body or its code number.

⑥ Logo



ANNEX 2**GRAPHIC CHART FOR THE “AB” MARK
AS USED FOR INFORMATIONAL PURPOSES****Introduction**

The embodiment of an organic farming reference in the “AB” logo used for informational purposes is intended to highlight organic farming and to help inform the consumer accordingly

❶ Scope of application

The “AB” logo, as used for informational purposes, which is the exclusive property of the Ministry of Agriculture, Food, Fisheries and Rural Affairs, can be used only in strict compliance with the rules governing the use of the “AB” mark.

❷ Logo components

The new “AB” logo, created in 1996 and registered with INPI under number 97/697491, comprises 3 inseparable components:

→ An original graphical rendering of the characters “AB” in capitals, in white on a pantone 361 green background, with the “B” surmounted by two leaves forming an arc, the two characters being printed in resist on a solid rectangle whose width is 1.12 times its height.

→ As a derogation to the above, in the case of process colour printing it is possible to replace pantone green 361 by the nearest process colour.

→ Under the solid rectangle, the words “*AGRICULTURE BIOLOGIQUE*” [“ORGANIC FARMING”] in capitals on two lines of text and underlined with a continuous line of same thickness as the text characters, in pantone 361 green against a white background.

→ A special colour code: against a white background, the content of the solid rectangle, the text “*AGRICULTURE BIOLOGIQUE*” [“ORGANIC FARMING”], in the typeface HELVETICA BOLD or similar, and the continuous green line in the reference green pantone 361, the two letters “AB” surmounted by the two leaves, in white. Exclusively in the case of black-and-white documents and/or labelling, the logo may be reproduced in black and white, and in this event the green shall be replaced by black, with the white remaining as white.

The text “*Certifié*” [“Certified”] must not appear in the logo of the “AB” mark as used for informational purposes.

❸ Dimensions of logo on informational material

The logo must be easily visible and all associated text fully legible. To ensure this, its diagonal must measure at least 30mm.

The logo must remain easily visible and all text legible.

Where the AB logo is used in the same visual field as the EU logo, they should be of equivalent size. Consequently, the diagonal of the AB logo may be the same size as the minimum diameter of the EU logo.

→ As a derogation to the above concerning logo dimensions, in the case of small product labels (diagonal or diameter measurement less than 15cm), the minimum size may be reduced, subject to the requirement that the diagonal of the logo must not measure less than 9 mm.

④ Use on coloured base materials

Irrespective of the colour of the base material, the logo must, as far as is feasible, retain its original visual aspect and must therefore appear against a white background, whether it is reproduced in pantone 361 green or in black and white.

→ As a derogation to the above, where the packaging or the label material is coloured, the white background of the logo may be replaced by the background colour of the label or packaging, on condition however that that colour shall be light in tone (natural unbleached colour, Kraft paper, etc.).

⑤ Location on informational material

The logo must be easily located.

Its purpose is to assist in informing the consumer with regard to organic farming. For this reason, its location must allow only the products of organic farming to be highlighted without creating doubt or confusion in the minds of consumers.

⑥ Logo



ANNEX 3 - 1

PENALTY TABLE

Table of penalties for improper use of the “AB” mark for certification purposes

Three levels of penalty have been laid down (enforcement by the inspection body or authority):

- Requirement of corrective action;
- Suspension of the right of use until such time as compliance is assured;
- Withdrawal of the right to use the mark by **the authority** or the **inspection body for a defined period**.

NON-COMPLIANCE	PENALTY
1: Non-compliant raw material or ingredient origin	Suspension of the right of use until compliance is assured
2: Product containing less than 95% of ingredients not derived from organic production methods	Suspension of the right of use until compliance is assured
3: Failure to abide by the graphic chart for the “AB” logo (colour, size, characters)	Requirement of corrective measures (maximum 6 months to sell off existing stock)
4: Use of “AB” logo without prior authorisation	Withdrawal of the right to use the mark for a period determined by the inspection authority or body.
5: Use of “AB” logo on products not covered by the rules governing use	Requirement of immediate corrective measures and/or withdrawal of the right to use the mark for a period determined by the inspection authority or body.
6: Complete or partial absence of traceability	Suspension of the right of use until compliance is assured
7: Further recorded non-compliance	More severe penalty than in previous instance

The above provisions shall apply without prejudice of any civil or criminal proceedings likely to be initiated.

ANNEX 3 - 2

PENALTY TABLE

**Table of penalties for improper use of the “AB” mark
for informational purposes**

Three levels of penalty have been laid down (implementation by the Agence BIO):

NON-COMPLIANCE	PENALTY
1: Failure to abide by the graphic chart for the logo in the artwork submitted	Requirement of immediate corrective measures
2: Presentations or advertising relating to products not derived from organic production methods	Suspension of the right of use until compliance is assured
3: Use of “AB” logo without prior authorisation	<ul style="list-style-type: none"> • Requirement of immediate compliance • If non-compliant: Withdrawal of the right to use the mark for a period determined by the Agence BIO
4: Further recorded breach	More severe penalty than in previous instance

- 1. The above provisions shall apply without prejudice of any civil or criminal proceedings likely to be initiated.**

- ANNEX 4 – (model application form)

**DECLARATION OF USE OF THE “AB” MARK
FOR CERTIFICATION PURPOSES**

To be completed by the applicant and submitted to the applicant’s approved control authority or body

Family name, first name or company name (company stamp):		
Address:		
Telephone number:	Fax number:	
Producer <input type="checkbox"/>	Processor <input type="checkbox"/>	Importer <input type="checkbox"/>
Agricultural product	<input type="checkbox"/>	
Processed product containing at least 95% organic ingredients	<input type="checkbox"/>	
Where applicable, the remaining ingredients shall satisfy the requirements of Article 28 or 29 of Regulation (EC) 889/2008	<input type="checkbox"/>	
Animal feed made up of at least 95% of organic ingredients	<input type="checkbox"/>	
Products in compliance with specifications approved in France and made up of at least 95% of organic ingredients (for example, rabbits, snails, etc.)	<input type="checkbox"/>	
<p>The applicant hereby undertakes to abide by all Community and national provisions governing organic farming, and the preparation, marketing and labelling of agricultural products and foodstuffs in general, and the general rules governing the “AB” mark for the products listed in the declaration below, giving the further undertaking to agree to all associated verifications carried out by the approved inspection authority or body, and to provide to the said inspection authority or body all labelling used and all proposed modifications for labelling and changes to the list of processed or unprocessed agricultural products.</p> <p><u>Date and signature</u> preceded by the entry “read and approved”</p>		
LIST OF PRODUCTS:	Commercial brand placed on the label:	

To be completed by the control authority or body

AGREED	<input type="checkbox"/>
AGREED SUBJECT TO MODIFICATION	<input type="checkbox"/>
REFUSED	<input type="checkbox"/>
Grounds	in (location), on (date)

- ANNEX 5 - (model application form)

APPLICATION FOR AUTHORISATION TO USE THE “AB” MARK FOR INFORMATIONAL PURPOSES

To be completed by the applicant and submitted to the mark administrator.

Family name, First name or company name (company stamp):

Name of the person to be contacted:

Address:

Telephone number:

Fax number:

The undersigned applicant hereby undertakes to abide by the rules governing the use of the “AB” mark as registered with INPI with regard to the proposed informational or presentational materials

(ARTWORK (with AB logo) TO BE ATTACHED TO THIS APPLICATION).

Date and signature preceded by the entry “read and approved”

INFORMATIONAL MATERIALS:
(Please state type of material, e.g. poster, catalogue, trade fair literature, etc.)

DISTRIBUTION: (please state place, target audience, etc.)

Document to be completed and sent by the mark administrator to:

Agence BIO – AB Mark – 6, Rue Lavoisier – 93100 Montreuil

Tel.: 33 (0)1 48 70 48 30 – Fax : 33 (0)1 48 70 48 45 – contact@agencebio.org – www.agencebio.org

To be completed by the mark administrator

AGREED

AGREED SUBJECT TO MODIFICATION

REFUSED

Grounds

Done in Montreuil, on (date)

Information note of the Ministry of Agriculture and Fisheries

Terms and conditions of use of the “AB” mark: precisions on its scope of application for certification purposes

The "AB mark as used for the purposes of certification may be incorporated in the labelling of the following products certified to be organic:

- unprocessed agricultural products,
- foodstuffs intended for human consumption where at least 95 % ¹of such products originate from organic methods of production,
- pet food,
- feed for breeding animals.

Considering the community and national provisions in force, such products must meet the following conditions:

1. The products must have been subject throughout all production and preparation operations to the inspection regime laid down in Article 27 of Council Regulation 834/2007, and to any later amendment. In the case of imported products, they shall comply with Articles 32 or 33 of Council Regulation 834/2007.
2. The agricultural products, foodstuffs and feed for breeding animals shall have been produced, prepared, labelled and inspected in accordance with Council Regulation 834/2007.
3. The foodstuffs shall comply with Article 23 (1) and (4) of Council Regulation 834/2007.
4. The feeding stuffs shall comply with article 59 and Article 60 (1) of EC Regulation 889/2008.
5. As regards wine, pending the harmonization of methods of wine making at the community level, the "AB" mark may only be used if accompanied by a clear, readable and closely associated text stating "wine made from organically grown grapes" or "wine from organic grapes".
6. Animal products and products of animal origin not yet covered by Commission Regulation (rabbits, snails, ostriches, aquaculture) shall have been produced and prepared in accordance with mandatory specifications officially approved for France on 30 August 2000, as amended.
7. Pet food shall have been produced and prepared in accordance with the French set of specifications "pet food based on raw materials produced by organic farming" as approved by decree of 16/02/2004: only feeding stuffs governed by point 2.2.2. of Chapter II, that is to say feedstuffs in which "at least 95 % of raw materials of agriculture origin shall have been produced by organic farming methods".

* * * * *

¹ Where applicable, the remaining ingredients shall meet the requirements of Article 28 or 29 of Regulation EC 889/2008