

The Organic Farming Regulation Proposal

Presented by:

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Article 1 - Subject matter

This Regulation establishes the principles of organic production and lays down the rules concerning organic production and the use of indications referring thereto in labeling and advertising.

Article 2-*Scope*

- This Regulation shall apply to agricultural products listed in Annex I to the Treaty on the Functioning of the European Union ('the Treaty') and to some other products listed in Annex I to this Regulation, insofar as those agricultural products and those other products are intended to be produced, prepared, distributed, placed on the market, imported or exported as organic. (Annex I may be amended through delegated acts)
- The products of hunting and fishing of wild animals shall not be considered as organic products.

Article 2-*Scope*

- This Regulation shall apply to any operator involved in activities, at any stage of production, preparation and distribution, relating to the products referred to in paragraph 1. (this implies that even small retailers selling pre packaged products must be included in the Control System)
- Mass catering operations carried out by a mass caterer as defined in point (d) of Article 2(2) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council shall not be subject to this Regulation.

Article 3-Definitions

- Contains various definitions and interpretations of the terminology to be used throughout this proposal.

Article 4-Principles of Organic Production

- In this Article the General Principles to govern Organic Farming are provided.
- Objectives' and 'Overall principles' of Reg. EC No 834/2007 have been moved to 'General principles' of the proposal with the following modifications:
 - - *"Air and biodiversity" have been added in Article 4(1) of the proposal.*
 - - *The concepts of "risk assessment" and "precautionary measures" have been deleted (this could be connected to the move of controls to another regulation)*
 - - Objectives of Art. 3(b) and (c) of Reg. EC No 834/2007 have been deleted :
 - *(b) aim at producing products of high quality*
 - *(c) aim at producing a wide variety of foods and other agricultural products that respond to consumers' demand for goods produced by the use of processes that do not harm the environment, human health, plant health or animal health and welfare.*

Article 5 - Specific principles applicable to agricultural activities and aquaculture

Specific principles applicable to agricultural activities and aquaculture

- It corresponds to Art. 5 of Reg. EC No 834 with some small amendments:
- - point (d) of Art. 5 of Reg. EC No 834/2007 is deleted : *"taking account of the local or regional ecological balance when taking production decision"*
- - *"Soil water retention" and "loss of soil organic matter" are added in point (a) of the proposal*
- - *"the maintenance of the biodiversity of natural aquatic ecosystems" is added in point (n) of the proposal*
- - *"exclusion of genetic engineering, animal cloning, artificially induced polyploidy and ionising radiation from the whole organic food chain" is added in point (h) of the proposal.*
- Introducing *artificially induced polyploidy* in this list has the effect that many plant varieties will be excluded in the future. These are varieties of corn, pasture crops, triticale, rapeseed, rye and fruits.
- In the current regulation it is forbidden only for aquaculture production.

Article 6 - Specific principles applicable to the processing of organic food and feed

- It corresponds to Art. 6 of Reg. EC No 834 with only one small amendment: the exception for ingredients that are not available on the market has been deleted for food and feed.
- Food and feed have been put together in this article.

Article 7-General production rules

- The obligation for farms and aquaculture units to be entirely managed organic is inserted.
- Only during the conversion period, mixed production is possible - see derogation in Art. 8(5).
- In practice there are several (economical or technical) reasons for which a farm could decide to convert only partially the holding.

Article 8-Conversion

- 8.2: conversion shall start at the date of “subjecting the holding to the control system” (in practice: signing the inspection contract) as worded in the current regulation, however in the draft it is now worded as the date of notifying the activity to the Competent Authority.
- 8.3: Retroactive recognition of conversion period is restricted to fallow land.
- 8.4: In-conversion products cannot be sold as organic.

Article 9 -

Prohibition of the use of GMOs

- GMOs and products produced from or by GMOs shall not be used in food or feed or as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, plant reproductive material, micro-organisms and animals in organic production.

Article 10- Plant production rules

- A computerised database is established for listing the varieties and heterogeneous material for which plant reproductive material obtained by the organic production method is available at MS level
- All the requirements of Reg. EC No 834/2007 Art. 12(1) - from (a) to (j) - , (2) and (3) are no longer in the general part and are therefore amendable in every moment through delegated acts.

Article 11-Livestock Production

- All the requirements of Reg. EC No 834/2007 Art. 14(1) - from (a) to (f) - and (2) are no longer in the general part and are therefore amendable in every moment through delegated acts.

Article 12- Production rules for seaweed and aquaculture animals

- All the requirements of Reg. EC No 834/2007 Art. 13 and 15 are no longer in the general part and are therefore amendable in every moment through delegated acts.



Article 13- Production rules for processed food and feed

- All the requirements of Reg. EC No 834/2007 Art. 18 and 19 are no longer in the general part and are therefore amendable in every moment through delegated acts.
- Food and feed have been put together in this article.

Article 14-Production rules for Wine

- Production rules are set out in the annex and are to be decided through Delegated Acts.

Article 15- Production rules for yeast used as food or feed

- All the requirements of Reg. EC No 834/2007 Art. 20 are no longer in the general part and are therefore amendable in every moment through delegated acts. Almost all have been moved to annexes.

Article 16-Production rules for other products

- This article can explain the deletion of the possibility to have national and private standards for animal species not currently covered by technical requirements.

Article 17-Adoption of exceptional production rules

- Article 22 of Reg. (EC) No 834/2007 which establishes the cases in which exceptions can be provided (climatic, geographical, structural constraints, availability on the market etc.) has been replaced by this article which limits the use of exceptions exclusively to event of catastrophic circumstances.

Article 18-Collection, packaging, transport and storage

- It re-directs to Annex III, which can be amended and supplemented through **delegated acts**.

Article 19-Authorisation of products and substances used in organic production

- Input for farm and processing have been merged
- Art. 16(4) and 16(5) of Reg. (EC) No 834/2007 on the possibility to regulate the use of other products within the Member State territory have been deleted.

Article 20-Presence of non- authorised products or substances

- The issue is the automatic decertification of the organic product in case of contamination. (being it accidental or otherwise)

Article 21-Use of terms referring to organic production

- Obligation for identification of organic ingredients in the ingredient list is deleted in case less than 95% of the ingredients are organic.
- Feed and their ingredients will be regulated by delegated acts.
- Products of hunting or fishing cannot bear the terms referring to organic any longer.

Article 22-Compulsory indications

- The percentage of non-EU ingredients that can be included in a product with labelling “EU” is increased from 2 to 5%.
- The obligation of placing the “place of farming indication” directly underneath the code-number of the control body is deleted (Art. 58(2) of Reg. EC No 889/2008).

Article 23-Organic production logo of the European Union

- The organic logo is considered an official attestation as per OFFC regulations.

Article 24-Organic Certification System

- The chapter on "controls" of Reg. (EC) No 834/2007 has been deleted and replaced by this chapter called "organic certification".
- In particular art. 27, 28 (2), 30 and 31 of Reg. (EC) No 834/2007 and Art. 63 to 92 of Reg. (EC) 889/2008 have been completely deleted. As a result, all control provisions and measures directed to organic operators have been deleted.
- According to point (1) of this article, the operator has to notify the Competent Authority his/her plan to convert, before signing the inspection contract.
- Responsibility for the publication of the list of operators has been shifted from control bodies to the Competent Authorities. This will probably slow down publication of relevant changes.
- Transparency in fees is added.

Article 25-Organic Certificate

- This article called 'organic certificate' replaces Art. 29 of Reg. (EC) No 834/2007 on the "documentary evidence".

Article 26-Group of Operators

- Each group of operators shall establish a system for internal controls. That system shall consist of a documented set of control activities and procedures, in accordance with which an identified person or body is responsible for verifying compliance with this Regulation of each member of the group.

Article 27-Export of Organic Products

- Export Requirements have been inserted.

Article 28-Import of Organic Products

- The current import regime will be changed into an import system with two alternatives: control bodies and authorities recognised for the purpose of compliance and countries recognised equivalent under a trade agreement.
- Recognition of control bodies for the purpose of equivalence and the countries recognised as equivalent will fade out. Import authorisations for imports not covered by the proposed systems do not exist anymore.
- The Third Country equivalence will in the future only be connected to trade agreements.

Article 29-Recognition of control authorities and control bodies

- Accreditation of control bodies in third countries will be only granted either by European national accreditation bodies or by non-EU accreditation bodies that signed a multilateral recognition arrangement (MLA) within the International Accreditation Forum (IAF).
- For the recognition of control bodies, the certificate of accreditation and assessment reports are requested.

Article 30-Equivalence under trade agreement

- A recognised third country referred to in the first indent of Article 28(1)(b)(ii) is a third country which the Union has recognised under a trade agreement as having a system of production meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity as those of the Union.

Article 31-Equivalence under Regulation (EC) No 834/2007

- A recognised third country referred to in the second indent of Article 28(1)(b)(ii) is a third country which has been recognised for the purpose of equivalence under Article 33(2) of Regulation (EC) No 834/2007, including those recognised under the transitional measure provided for in Article 42.
- The recognition of the third countries referred to in the first subparagraph shall expire on [a date to be inserted which corresponds to 5 years following the date of application of the Regulation].

Article 32-Non-prohibition and non-restriction of the marketing of organic products

Competent authorities, control authorities and control bodies may not, on grounds relating to the production, to the labelling or to the presentation of the products, prohibit or restrict the marketing of organic products controlled by another competent authority, control authority or control body located in another Member State, if those products comply with this Regulation. In particular, no official controls and other official activities other than those under Regulation (EU) No XXX/XXX (Official controls Regulation) may be performed and no fees for official controls and other official activities other than those under Article 76 of that Regulation may be collected.

Article 33/34-Information and Reporting

- They correspond to Arts. 35 and 36 of Reg. (EC) No 834/2007 with two additions:
 - Member States shall make public a regular updated list containing: 1) names and addresses of the competent authorities 2) names and addresses of the control authorities and control bodies, and their code number
 - The Commission shall publish annually on the internet the above point 2)

Thanks for your attention.

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