

EOCC Statements on the proposal for the new organic EU regulation

(Draft proposal for the revised Regulation 834/2007 published by the EU Commission on 24th of March 2014)

The amendments in the draft for the new organic EU regulation aim to

- Satisfy and ensure consumer confidence,
- Prevent fraud and ensure the reliability of the system,
- Adapt to the dynamic development of organic markets, in particular to facilitate small producers access to the system.

EOCC considers some of the new requirements in the future organic EU regulation as suitable steps towards reaching these goals, as the amended **scope of the new organic regulation** (including e.g. beeswax, mate, cooked meals, sea salt, pollen and essential oils), the **new concept of conversion** or the requirement for **electronic certificates** (Art 25.1 of the new organic regulation). As it is published, the current regulation proposal is incomplete. All additional, future requirements will have an impact on organic production, control and certification that cannot be foreseen at present.

From EOCC understanding, the current draft for the new organic EU regulation does not meet the named revision goals in the following aspects:

- **Deleting the legal requirement for annual controls**

Removing the mandatory requirement for at least mandatory annual controls of all operators except the ones handling pre-packed organic products in the new organic EU regulation is not a suitable measure to ensure reliability of the control system neither to increase consumer confidence in organic products!

EOCC Proposal: Keep the requirement of annual on-site controls of all certified operators – most suitably by implementing a “control” cycle, where a full on-site inspection (e.g. every 3rd – 5th year) alternates with annual on-site surveillance inspections which are risk-based. The frequency for these “on-site” controls shall be determined under Art 23.3(c).

- **Group certification:** Group certification will be introduced to facilitate small farmers’ access to the organic system. Setting suitable eligibility criteria for group members is a sensible and critical point for achieving this goal. One criteria may be the size of operation, several others are provided in the Guidelines on imports of organic products into the European Union.

EOCC comment: The eligibility criteria provided in the current Commission Import Guideline shall be reviewed and if necessary revised. EOCC members are ready to contribute with practical experience and expertise.

Points of specific concern

- EOCC welcomes that the new organic EU regulation addresses explicitly the highly critical topic of a **maximum level of non-authorized substances in organic**

products and that e.g. the follow up on positive residue levels will be harmonized in all EU member states and Third Countries. It has to be taken into account that this maximum level may be considered as renunciation of the definition of organic production as a process.

And for sure, it is not enough to simply create a maximum level but to develop additional legislation regarding specific criteria and conditions for its application and adaptation in the light of technical developments. Any decertification level requires specific and harmonized criteria on all tools and measures as sampling procedures, how to take into account measurement uncertainties etc. (attached EOCC Discussion Paper on Critical Pesticide level).

EOCC emphasizes its availability as a technical expert group for the development of the announced delegated acts. EOCC will be able share experience in a practical context (control and sampling) and in relation to the legal framework for organic production (decision making).

- **Estimated impact on the Organic Control system**

a) The rules for the structure of the control system (current Article 27 of Regulation 834/2007) **are transferred to the new regulation of official controls.** Therefore it is essential to consider the revision of both regulations together. This new regulation on official controls (current Regulation 882/2004) contains references to delegated and implementing acts. The real impact of the revision of the organic regulation on the organic control system cannot be evaluated before both regulations and their subsequent acts are published.

It is in the interest of all stakeholders that these acts are tackled timely and with meaningful stakeholder involvement. For EOCC members is important that there is transparency and information exchange about the proposals for the delegated and implementing acts.

EOCC proposes that the current requirements of Article 27 of Reg. (EC) No. 834/2007 are fully transferred to the regulation of official controls.

b) Delegation of control and certification tasks (Art 44 point 2 amending Art 353 of the regulation on official controls): Competent authorities **may** confer official control tasks or other official activities to one or more control authorities for organic production and labelling of organic products.

EOCC emphasizes that control bodies should be able to react flexibly and effective also in future and be able to take independent certification decisions in line with the requirements of ISO 17065. This can be achieved by introducing corresponding requirements into the new Regulations on organic production and on official controls.

c) The draft for the new organic EU regulation contains most of the production rules and labelling rules. However **the (general and specific) control requirements for organic operators have not been proposed** yet: The equivalent of Articles 63 till 89 of current Regulation 889/2008 shall be developed by the Commission as delegated acts in relation to the new regulation of official controls (Art 23.2).

- **Import scheme**

Under the new organic regulation, the import system will be based on compliance and on bilateral equivalency agreements. **The end of multiple certifiers' standards and a harmonization of practices is generally welcomed by EOCC members.**

EOCC emphasizes that creating a suitable import scheme for the organic sector is not a question which scheme to choose (equivalence or compliance) but it is the issue to write the new organic EU regulation in a clear manner taking into account socio-agro-economic aspects of all countries – inside and outside the EU. The current draft of the new organic EU regulation is a start e.g. by including group certification. The successful implementation of a new import scheme will strongly depend on

- ✓ *Providing adequate capacities for supervision, accreditation and control of the system.*
- ✓ *Involve all parties active in the scheme: traders/importer, accreditation bodies, authorities, certifiers and customs.*
- ✓ *Providing the organic sector enough time to adapt.*

In order to investigate and control frauds, it is essential to amend the current draft of the regulation with the obligation for importers to inform the control body or control authority of each consignment to be imported providing: (a) the name and address of the first consignee; (b) any details the control body or authority may reasonably require. This allows cross checks and sampling when needed.

- **Since frauds are criminal acts, the possibility of prevention by new legal requirements are strongly limited.** From EOCC's point of view, to reach that revision goal, there is a need for action at operator level (provide less complicated rules), at the level of control authorities/control bodies (improved verification of the rules) and at competent authorities level (by improved supervision and more support to control bodies).

EOCC emphasizes the need to strengthen the proposed control system for organic and to maintain the principle of annual controls as well as the mandatory on-site controls.

- **Ensuring consumer trust by addressing environmental performance and benefits of organic farming:** The proposed regulation introduces e.g. "responsible use of energy" or "responsible use of water" without further definition. However, there will be no impact on certification without detailed definition of requirements!

Further issues that need follow up and detailed consideration before entering into force are available as EOCC "technical list".

With kind regards,

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