

# Procedure file

Basic information		
CNS - Consultation procedure Regulation	<a href="#">2005/0278(CNS)</a>	Procedure completed
Organic farming: organic production and labelling of the products (repeal. Regulation (EEC) No 2092/91)		
Amended by <a href="#">2008/0097(CNS)</a> Repealed by <a href="#">2014/0100(COD)</a>		
Subject 3.10.09.04 Organic farming 3.70.17 European ecolabel and ecolabelling, ecodesign		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AGRI</b> Agriculture and Rural Development		26/01/2006
		Vers/ALE <a href="#">AUBERT Marie-Hélène</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>INTA</b> International Trade	The committee decided not to give an opinion.	
	<b>ENVI</b> Environment, Public Health and Food Safety		09/02/2006
		GUE/NGL <a href="#">MUSACCHIO Roberto</a>	
	<b>IMCO</b> Internal Market and Consumer Protection	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2812</a>	28/06/2007
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2806</a>	11/06/2007
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2774</a>	19/12/2006
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2758</a>	24/10/2006
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2730</a>	22/05/2006
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2703</a>	23/01/2006
European Commission	Commission DG	Commissioner	
	<a href="#">Agriculture and Rural Development</a>	FISCHER BOEL Mariann	

Key events			
21/12/2005	Legislative proposal published	<a href="#">COM(2005)0671</a>	Summary
23/01/2006	Debate in Council	<a href="#">2703</a>	
02/02/2006	Committee referral announced in Parliament, 1st reading/single reading		
22/05/2006	Debate in Council	<a href="#">2730</a>	
24/10/2006	Debate in Council	<a href="#">2758</a>	Summary
	Debate in Council		Summary

19/12/2006		<a href="#">2774</a>	
27/02/2007	Vote in committee, 1st reading/single reading		Summary
14/03/2007	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0061/2007</a>	
28/03/2007	Debate in Parliament		
29/03/2007	Decision by Parliament, 1st reading/single reading		
22/05/2007	Decision by Parliament, 1st reading/single reading	<a href="#">T6-0191/2007</a>	Summary
28/06/2007	Act adopted by Council after consultation of Parliament		
28/06/2007	End of procedure in Parliament		
20/07/2007	Final act published in Official Journal		

### Technical information

Procedure reference	2005/0278(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by <a href="#">2008/0097(CNS)</a> Repealed by <a href="#">2014/0100(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/6/32936

### Documentation gateway

Legislative proposal		<a href="#">COM(2005)0671</a>	21/12/2005	EC	Summary
Document attached to the procedure		<a href="#">SEC(2006)0800</a>	15/06/2006	EC	
Committee opinion	ENVI	<a href="#">PE370.326</a>	27/06/2006	EP	
Document attached to the procedure		<a href="#">SEC(2006)1108</a>	01/09/2006	EC	Summary
Committee draft report		<a href="#">PE380.703</a>	27/11/2006	EP	
Amendments tabled in committee		<a href="#">PE382.624</a>	29/01/2007	EP	
Committee opinion	JURI	<a href="#">PE386.307</a>	13/03/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0061/2007</a>	14/03/2007	EP	
Text adopted by Parliament, partial vote at 1st reading/single reading		<a href="#">T6-0095/2007</a>	29/03/2007	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2007)1901/2</a>	03/05/2007	EC	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0191/2007</a>	22/05/2007	EP	Summary

Commission response to text adopted in plenary	<a href="#">SP(2007)3179</a>	14/06/2007	EC	
Follow-up document	<a href="#">COM(2012)0212</a>	11/05/2012	EC	Summary

### Additional information

European Commission

[EUR-Lex](#)

### Final act

[Regulation 2007/834](#)  
[OJ L 189 20.07.2007, p. 0001](#) Summary

## 2005/0278(CNS) - 21/12/2005 Legislative proposal

**PURPOSE :** to lay down rules on the production, placing on the market, import, export and controls of organic products, and the use of indications referring to organic production in labelling and advertising.

**PROPOSED ACT :** Council Regulation

**CONTENT :** Council Regulation 2092/91/EC the first ever Community framework for organic farming and food production. More than a decade later and having seen a strong development of organic farming, the Commission has started the process of reviewing this framework on the basis of the experience gained. Organic production has seen an impressive growth since the adoption of the Regulation in 1991 and the contribution of the organic agricultural sector is still on the increase in most Member States. According to the most recent statistical data, 149 000 holdings are certified as organic or in conversion to organic production. In 2003 these holdings represent 1.4% of the total of agricultural holdings in the 25 Member States.

Following consultations, the most important conclusions in the regulatory domain were the need to lay down more explicitly the principles and objectives of organic farming, the importance of safeguarding the integrity of the inspection system, the need to overcome dysfunctions of the internal market caused by national and private logos and standards, the need to complete and improve standards and the need to make import provisions more efficient. The proposal makes the following points:

-The essential requirements defining organic production and labelling of organic products are laid down by the principles and production rules formulated in this proposal.

-The application of these principles will require further detailed rules, the management of which necessitates frequent decisions, such as on the approval of ingredients and substances that may be used in organic products.

-In order to facilitate the decision making process and to further integrate quality into the Common Agricultural Policy and its management systems, a Management Committee should replace the current

'Regulatory Committee'.

The main points of the draft Regulation are as follows:

**Scope:** the proposal explicitly covers 'organic production' and not just labelling. The proposal does not cover the preparation and sale to the final consumer of meals in large scale kitchens. As regards products, the proposed scope covers unprocessed agricultural products regardless of their final use; namely livestock, unprocessed plant and livestock products and live or unprocessed aquaculture products. Processed agricultural products are proposed to be covered for as far as they are intended for human or animal consumption; namely feed, processed plant, livestock and aquaculture products. It thus provides for objectives, principles and production rules for all products including for organic wines, aquaculture products and processed foodstuffs. Detailed rules for all products may be laid down by a comitology procedure. The latter is particularly relevant for the adoption of detailed rules on organic wine production as that is excluded under the current rules. Production rules for aquaculture will also be established at a later date. No extension of the scope is foreseen at this stage.

**Objectives and principles for organic production:** an appropriate definition of objectives and principles is needed to strengthen the Regulation. In this regard, the proposal formulates certain objectives for organic production, such as the protection of consumers' interest, ensuring consumer confidence and avoiding misleading labelling. The proposal also establishes the basic 'production rules', which should set the parameters of the detailed rules to be laid down by Commission Regulations.

**Flexibility:** the proposal provides for a, certain strictly, regulated flexibility. Under this flexibility provision Member States will be allowed, by a comitology procedure, to apply less strict production rules to account for variation in local climatic, development and specific production conditions. It basically provides for transforming the current multitude of derogations into a general but strictly regulated system. But, contrary to the current system, the conditions, scope and division of competencies between the actors involved in granting exceptions is clearly laid down.

**Labelling:** In order to continue protecting the term 'organic', current rules on use of or references

to 'organic', derivatives, diminutives and translations should be maintained. In addition:

-The EU logo should continue to be available on all products that comply with the Regulation, including for all imported products. The EU logo will not be compulsory for the time being, as it may be viewed as an excessive EC interference in commercial freedom in other areas. However, it is

proposed in those cases where the product does not bear the EU logo, to make the use of a simple standardised text fragment EU-ORGANIC on labels compulsory for products produced within the Community. This aims at communicating efficiently to all operators in the production chain and to the consumer that the product conforms to a single EU standard.

-In order to maintain consumer confidence, the use of GMOs and of products produced from or by GMOs should continue to be prohibited in organic farming, as it is the case in the current Regulation. Despite this, in cases where products have been accidentally contaminated by GMOs, the current organic rules do not prohibit the simultaneous labelling as organic and GMO. The proposal prohibits the use of the term 'organic' for GMO labelled products. Finally, the labelling thresholds for organic and non-organic produce should be identical, unless detailed rules foresee specific thresholds for example possibly for organic seeds.

-The current provision requiring a minimum 95% of the agricultural products to be 'organic' should be maintained. However, the category allowing references to the organic production method on the list of ingredients if it contains between 70% and 95% of the agricultural ingredients from organic origin, will be suppressed. In fact, due to the development of the organic sector in recent years, this category of products is not considered to be needed anymore.

Controls:

-Regulation 882/2004/EC on official food and feed controls (OFFC) enters into application on 1 January 2006 which covers organic farming. The specific requirements of organic farming need to be aligned with the OFFC. In this regard, the proposal recasts the organic control provisions using the OFFC framework as far as possible to achieve the desired reforms and updates. The detailed provisions specific to organic production remain under the new organic Regulation.

-As provided for in OFFC, Member States will have to include all production and operations covered by the new Regulation in their multi-annual national control plans and fulfil the requirements of mutual assistance. The multi-annual national control plans have to be notified to the Commission who may ask for amendments and use them to guide Community inspections. Moreover, pursuant to the OFFC private control bodies will have to be accredited. Finally, the proposal requires that competent authorities and control bodies promote and do not undermine the EC organic standard, in line with the principle of a 'single concept of organic production'.

-In order to guarantee the free movement of organic products within the Community, the current provisions requiring Member States to uphold the single market will be retained. In this context the requirement of OFFC on compulsory accreditation of private control bodies, impartiality and freedom of any conflict of interest of designated control bodies is particularly relevant. One of the main purposes of the reform of the organic regulatory framework is to reduce the trade hampering impact on the internal market of multiple public and private certification. The instruments proposed for improving impartiality and reducing conflicts of interest are the integration of private control bodies in the control system, a healthy competition between control bodies and recognition of prior certification decisions for equivalent standards.

-As regards access to national logos and marks of conformity the proposal foresees imposing full access for all products that comply with the Community rules.

-The issuing of certificates stating that a certain operator or a specific lot of products is found to comply with the principles and rules of organic farming is a well-established tool in trade of organic products and often conditions access to marks of conformity. Certification practices used by competent authorities or by control bodies to which the competent authority has delegated control tasks should not have restrictive effects on the free movement of organic goods, nor on the freedom of establishment and the free provision of services in the area of issuing of certificates. In this regard certification practices should be more strictly supervised, in particular where mutual recognition of certificates and the collection of fees are concerned. As regards access to private logos and marks of conformity the proposal foresees rules facilitating access for products that comply with equivalent standards, by placing the burden of proof for not complying with equivalent standards on the control body which logo the operator wishes to use. The fees for control and certification tasks must be reasonable.

-Furthermore, promoting a 'single concept' of what constitutes organic production will contribute to consumer recognition and confidence, which in turn is expected to improve the free movement of organic produce. To this end general claims that a certain set of standards will guarantee a 'better, stricter or higher standard organic', directly on organic products or in their advertising or in publicity material should be prohibited. However, non-misleading and true claims of fact will be allowed.

Imports: With regard to trade with third countries, it is proposed to grant access to the EU market either on the basis of compliance with the EU rules or on equivalent guarantees provided by Third Country authorities or certified EU approved control bodies. The equivalency assessments for the purpose of import will be based on the international standard (Codex Alimentarius) or on the Community regulation. Third countries may add their own arrangements where needed. The current system of 'Community list of third countries' will be maintained. Annual reporting and follow up control visits with Member States involvement are foreseen. Single product access to the EU market will be granted either on the basis of compliance with the EU standards and submission to the EU system of controls, or on the basis of equivalent guarantees certified by control bodies that have been approved by the Community for that purpose.

Entry into force and application of the new rules: The date for application is set at 1 January 2009 allowing for the reworking and transposing of the existing detailed rules to the new Regulation.

Part of the import provisions of the current Regulation 2092/91/EEC run out on 31 December 2006. The new import scheme should thus apply as from 1 January 2007. However, this will leave little time for its implementation, in particular as regards the recognition of control bodies competent to carry out control in those countries which are not on the list of recognised third countries. In order not to disrupt international trade, it is considered necessary to extend the possibility for Member States to continue to grant import authorisations for individual products until the measures necessary for the functioning of the new import scheme have been put in place. The Commission includes a second proposal amending Regulation 2092/91/EEC. (Please see CNS/2005/0279).

## 2005/0278(CNS) - 01/09/2006 Document attached to the procedure

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The proposal for a Regulation on organic production (COM/2005/671) requires the Member States to include controls on organic operators in line with Regulation 882/2004/EC on official food and feed controls (referred to as OFFC). The scope of OFFC covers controls on organic production.

The Commission is of the view that the OFFC represents an important reinforcement of the food/feed controls conducted at a Community-wide level. Its control methodology is modern and includes risk-based action. Further, the OFFC requires the Member States to integrate all controls

on food and feed into control planning. The distribution of responsibilities, as regards reporting and transparency, are clearly laid out in the OFFC.

As such, the Commission does not, in its new proposal, intend to dismantle the current control system as laid down in Regulation 2092/91/EC. The existing rules are tailor-made and have been designed based on extensive experience pertaining to the organic Regulation.

The Commission is of the opinion, therefore, that in terms of structure, the current organic rules are compatible with the OFFC. Thus, control provisions, enshrined in Article 8 and 9 are reflected in the proposal in so far as the OFFC is concerned.

## 2005/0278(CNS) - 24/10/2006 Debate in Council

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The policy debate, held in Council, focused on labelling matters in relation to organic products and was based on a questionnaire prepared by the Council Presidency. To find a compromise solution the majority of delegations agreed that any future approach should be based on three categories, namely:

- 95% ?golden standard?;
- 70% ?labelling; and
- Below 70% ?ingredients labelling?.

The EU logo should be awarded to the first category only. The Commission stated that if the majority of delegations supported this approach, then so could it. At the Special Committee on Agriculture, the concerns and comments of some of the delegations? comments will be taken into account. The Special Committee will then prepare an overall compromise text which it will submit to the Council in December.

## 2005/0278(CNS) - 19/12/2006 Debate in Council

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The Presidency noted that the Council could support the general approach on the draft Regulation pending the European Parliament's opinion.

The upcoming German Presidency expressed its intention to reach an agreement on this file after the opinion of the European Parliament is made available (end of March 2007).

## 2005/0278(CNS) - 27/02/2007 Vote in committee, 1st reading/single reading

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The committee adopted the report by Marie-Hélène AUBERT (Greens/EFA, FR) amending - under the consultation procedure - the proposed regulation on organic production and labelling of organic products. The key amendments were as follows:

- the wording of Article 4 ('Overall principles') was tightened up so as to specify that GMOs and products produced from or with GMOs shall not be used in organic production. The exception to this rule in the case of veterinary medicinal products, as proposed by the Commission, was deleted;

- the wording of Article 7 ('General farm production rules') was also tightened up to ensure that, where "farmers or any other providers of organic produce" use products purchased from third parties to produce organic food or feedstuffs, they must require the vendor to confirm that their products "have not been produced from or by GMOs and do not contain or consist of GMOs". Moreover, "in the case of an adventitious or technically unavoidable contamination with GMO", they must be able to "supply evidence that they have taken all necessary steps" to avoid such contamination;

- a number of amendments laid down stricter rules for the use of plant-health products and veterinary treatments as well as national derogations thereto;

- a new clause specified that meat and bone meal shall not be fed to food-producing animals;

- on labelling, MEPs in the committee said that, in the case of processed products, the terms for the labelling of organic products listed in the Annex to the regulation may only be used where at least 95% of the ingredients of agricultural origin are produced organically. Member States should take the necessary steps to prevent fraudulent use of these terms;

- the Community organic production logo should be compulsory on products covered by the regulation and should constitute the "main identifying symbol for organic products throughout the EU". However, national organic production logos (which may be better known to consumers) should be allowed as well. The use of the Community logo would not be permitted for processed products containing more than 5% by weight of conventional ingredients or for products from farms in the process of conversion to organic production. The labelling indication EU-ORGANIC, as proposed by the Commission, may be confusing for consumers, leading them to believe that the product originates in the EU (even though it may come from a third country which complies with EU standards), and should therefore be replaced by the term ORGANIC;

- national control bodies should be accredited in line with European standards. In addition, Member States must ensure that their inspection systems enable products to be traced "at every stage of production, preparation and distribution". An up-to-date list of operators subject to the control system must be made available to interested parties;

- operators from non-EU countries must be in a position to provide importers or national authorities with documentary evidence issued by a competent Community control body. Assessment reports issued by the accreditation body should be published on the Internet;

- the regulation should also cover the catering industry (take-aways, canteens, restaurants and similar service providers) as well as products such as wool, preserved fish, cosmetics, food supplements and essential oils. Moreover, apart from the production, processing, packaging and labelling of products, the new rules should also cover conditioning, preparation and storage;

- the separation requirements (in cases where not all of a farm is used for organic production) should be extended to cover aquaculture, and the Commission should present a legislative proposal on production rules, including rules on conversion, applicable to organic aquaculture;

- lastly, the legal basis for the proposal should be not only Article 37 of the EC Treaty (agriculture) but also Article 95 (internal market), since it covers the production and distribution of processed food and not just agricultural produce.

## 2005/0278(CNS) - 29/03/2007 Text adopted by Parliament, partial vote at 1st reading/single reading

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The European Parliament made several amendments to the proposed regulation on organic production and labelling of organic products in a report drafted by Marie-Hélène AUBERT (Greens/EFA, FR). However, Parliament did not vote to adopt the report, which has been referred back to the Agriculture Committee in accordance with Rule 53 of the EP's Rules of Procedure. The European Parliament wants the right of co-decision in this area, which notably covers the production and distribution of transformed commodities in the internal market.

The House voted by 585 votes to 35, with 38 abstentions, for the regulation to be made subject to the co-decision procedure, and changed the legal base to Article 95 in its amendments. On the subject of organic farming, MEPs want stricter rules on genetically modified organisms (GMOs), and called for the maximum allowable figure for accidental contamination by GMOs to be reduced to 0.1%. This amendment was passed by 324 votes to 282, with 50 abstentions.

The key amendments were as follows:

- taking account of growing risks of contamination of organic seeds, feed and food with GMOs and in the absence of national legislation in many Member States on related precautionary measures and liability, the Commission should, before 1 January 2008, publish a proposal for a framework directive on precautionary measures to avoid GMO contamination throughout the food chain, including a legislative framework of liability rules concerning any GMO contamination based on the polluter pays principle;

- the use of synthetic plant protection products is incompatible with organic production;

- given the current diversity of cultivation and stock farming practices in organic farming, Member States should be allowed the option of applying additional, more stringent rules to organic farming on their territory;

- Member States should establish the necessary legislative framework, based on the precautionary principle and the polluter pays principle, to prevent any risk of the contamination of organic products with GMOs. Operators should take all necessary precautionary measures to prevent adventitious or technically unavoidable contamination with GMOs. The presence of GMOs in organic products should be confined exclusively to adventitious and technically unavoidable quantities not exceeding 0.1 %;

- the import rules for organic products should be considered as a model for qualified market access, giving third country producers access to a high value market, provided that they respect the standards of that market;

- the powers conferred on the Commission under the Regulation should therefore be exercised in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC, rather than the Management procedure as the Commission had proposed;

- several definitions were amended and there were a number of new definitions, including "operator", "green manure", "veterinary treatment" and "synthetic";

- the objectives of the Regulation are: (a) to enhance the sustainable development of organic farming systems and the whole organic food and feed chain; (b) to ensure the functioning of the internal market for organic products and fair competition between all producers of organic products; (c) to establish reliable rules for organic production systems, including on inspection, certification and labelling;

- only living organisms and mechanical production methods shall be used, the use of synthetic materials and production methods involving synthetic materials being permitted only in accordance with the Regulation. Biological and mechanical production methods shall be preferred to the use of external inputs like synthetic materials. The Commission had proposed a looser form of wording;

- the regulation should also cover the catering industry (take-aways, canteens, restaurants and similar service providers) as well as products such as wool, preserved fish, cosmetics, food supplements and essential oils. Moreover, apart from the production, processing, packaging and labelling of products, the new rules should also cover conditioning, preparation and storage;

- the wording of Article 4 ('Overall principles') was tightened up so as to specify that GMOs and products produced from or with GMOs shall not be used in organic production. The exception to this rule in the case of veterinary medicinal products, as proposed by the Commission, was deleted. Ionising radiation may not be used, and accidental contamination due to proximity to GMO production areas must be avoided. There shall be no hydroponic crop production or other form of crop production without soil or livestock production without soil. Organic production shall maintain and create employment, enable farmers and consumers to establish a social compact for sustainable practices, quality food production and consumption patterns, including a combination of measures for nature conservation, sustainable production and short-distance marketing;

- where farmers or any other providers of organic produce use products purchased from third parties to produce organic food or feedstuffs, they must require the vendor to confirm that the products supplied have not been produced from or by GMOs and do not contain or consist of GMOs. In the case of an adventitious or technically unavoidable contamination with GMOs, operators must be in a position to supply evidence that they have taken all necessary steps to avoid such contamination;

- a number of amendments laid down stricter rules for the use of plant-health products and veterinary treatments as well as national derogations thereto;

- a new clause states that meat and bone meal shall not be fed to food producing animals;

- at least 95%, by weight, of the ingredients of agricultural origin of the product shall be organic when they are incorporated; however, specific rules shall be laid down for products containing more than 5% fish, seaweed, wine or vinegar;

- on labelling, MEPs said that, in the case of processed products, the terms for the labelling of organic products may only be used where in the product designation and labelling, at least 95% by weight of the ingredients which are of agricultural origin are produced organically and all essential ingredients are produced organically; and in the list of ingredients, the information about the organic ingredients is imparted in the same way and using the same colour and font size and style as the other information in the list of ingredients. These products shall not bear a logo indicating organic production;
- the Community organic production logo should be compulsory on products covered by the regulation and should constitute the main identifying symbol for organic products throughout the EU. The labelling indication EU-ORGANIC, as proposed by the Commission, may be confusing for consumers, leading them to believe that the product originates in the EU (even though it may come from a third country which complies with EU standards), and should therefore be replaced by the term ORGANIC;
- Member States shall in all cases ensure that the system of controls set up allows products to be traced at every stage of production, preparation and distribution, so as to give consumers a guarantee that organic products have been produced in compliance with this Regulation;
- the recognised control bodies or control authorities shall provide assessment reports issued by the accreditation body or, as appropriate, the competent authority on the regular on-the-spot evaluation, surveillance and multi-annual re-assessment of their activities. These assessment reports shall be published on the Internet;
- on the basis of these assessment reports the Commission, assisted by the Member States, shall ensure appropriate supervision of recognised control authorities and control bodies by regularly reviewing their recognition. The nature of the supervision shall be determined on the basis of an assessment of the risk of the occurrence of irregularities or infringements of this Regulation;
- the competent national authorities shall be involved in the process recognising inspection and certification bodies. Importing operators shall send them certificates of all import activities. They shall establish a public Community database on imports;
- the competent national and Community authorities may conduct random on-the-spot checks of the inspection and certification bodies.

## 2005/0278(CNS) - 22/05/2007 Text adopted by Parliament, 1st reading/single reading

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The European Parliament adopted a resolution drafted by Marie-Hélène AUBERT (Greens/EFA, FR), and approved the Commission proposal as amended on 29 March 2007. (Please refer to the summary of that date.) The report was adopted by 611 votes in favour to 61 against with 23 abstentions. To recall, Parliament did not vote on its amendments in March, in order to continue negotiations with the Council so as to have their demands better taken into account. Member States refused to accept Parliament's demand for a right of co-decision in this legislation.

In passing this legislative resolution, MEPs decided that a sufficient number of Parliament's amendments had been accepted by the Council, including some on stricter controls and certification, especially for imports, the clarification of rules on the use of logos and the consultation of interested parties.

## 2005/0278(CNS) - 28/06/2007 Final act

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**PURPOSE:** to introduce a general framework for organic production and the labelling of organic products.

**LEGISLATIVE ACT:** Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91.

**BACKGROUND:** the share of organic agriculture is on the increase in most of the EU Member States and consumer growth and demand for organic products in recent years has grown considerably. This growth needs to be accompanied with appropriate legislation in order to maintain an open, competitive and well-protected internal market for organic products. The 1991 Regulation (Regulation (EEC) No 2092/91 on organic production of agricultural products and indicators), which to date has regulated the organic market is considered outdated, in need of simplification and in need of replacing with a Regulation that takes account of recent developments.

**CONTENT:** the purpose of this Regulation, therefore, is to provide the basis for the sustainable development of organic production. At the same time provisions have been drafted in order to ensure the effective functioning of the internal market for organic products and fair competition. Organic production is defined, in the recitals of the Regulation, as an overall system of farm management and food production that combines best environmental practices, a high level of biodiversity, the preservation of natural resources, the application of high animal welfare standards and a production method in line with a preference of certain consumers for products using natural substances and processes.

The Regulation establishes common objectives and principles on:

- the production, preparation and distribution of organic products and their control;
- the use of indications that refer to organic production in both labelling and advertising.

and applies to:

- live or unprocessed agricultural products;
- processed agricultural products for use as food;
- feed;
- vegetative propagating material and seeds for cultivation; and
- yeasts used as food or feed.

It does not apply to wild animals that have been hunted or fished, nor does it apply to mass catering operations.

The overall objective of organic production, as defined by this Regulation, is to establish the sustainable management of agriculture that

respects nature's systems and cycles and sustains the health of soil, water, plants and animals. Organic production must also contribute to a high level of biological diversity, use energy and natural resources responsibly, offer high animal welfare standards and produce a wide variety of food that responds to consumers' demand for environmentally friendly products.

Organic farming should apply the principle of maintaining and enhancing soil life and nourishing plants, primarily, through the soil system. Organic farming should also minimise the use of non-renewable resources, recycle wastes and plant by-products, take account of local ecological balances, maintain animal health by encouraging the natural immunological defence of animals, choose plant species that are resistant to pests and diseases, rely on crop rotation rather than fertilisers, feed livestock with organic feed, exclude the rearing of artificially induced polyploid animals, maintain natural aquatic ecosystems and feed aquatic organisms with feed from sustainable exploitation of fisheries.

Organic products, on the other hand, should only be produced from organic food. The use of food additives, micronutrients and processing aids should be restricted. Producers of organic products should exclude substances and processing methods that might be misleading.

Organic feed must be produced from organic feed materials (except where a feed material is not available on the market in organic form), restrict the use of feed additives and process aid to a minimum extend and preferable use biological, mechanical and physical methods.

Production rules: The framework Regulation sets out the general production rules and requirements linked to organic production. For example, the use of GMO's is forbidden as is the use of ionising radiation. Special provisions are spelt out regarding: farm production, plant production, the production of seaweed, livestock production, aquaculture animals production and the production of processed food - all of which organic farmers must comply with if they want to label their products as 'organic'.

For example, in the case of farming, farmers must keep their 'organic production units' separate from non-organic units and keep records to show this separation. In the case of plant production, farmers must use cultivation practices that increase soil organic matter and multiannual crop rotation. Mineral nitrogen may not be used and damage caused by pests, disease and weeds must rely primarily on 'natural enemies' protection. Livestock production rules include, inter alia, the requirement that personnel in charge of organically reared livestock must possess enough basic knowledge and skills as regards their health and welfare. Livestock must have permanent access to open air (preferably pasture) and the number of livestock must be limited in order to minimise overgrazing, soil erosion or animal pollution.

On the matter of processed food the Regulation specifies that processed organic feed and food must be kept separate in time or space from the production of processed non-organic feed.

Labelling: Specific labelling and advertising rules are set out. Products may only be labelled 'organic', 'eco', 'bio' etc. if they fulfil the conditions set out in this Regulation. Processed foods may only call themselves organic if they are at least 95%, by weight, made of organic products. Should products fulfil the requirements of this Regulation they are then allowed to display the Community organic production logo - although national and private logos may be used as well.

Controls: In order to monitor the correct application of the requirements specified in the framework Regulation the Member States will be responsible for setting up a system of controls as well as designating the competent authorities whose task it will be to monitor organic farming and production.

Trade with third countries: third-country organic products may be placed on the Community market on condition that: i) they comply with the provisions set out in this Regulation, ii) all operators, including exporters have been subject to recognised control bodies and iii) the operators concerned are able to provide documentary evidence of their products' organic status.

In the final provisions, the Regulation states that the Commission will be assisted by a regulatory Committee on organic production, the Member States will regularly transmit information on organic production to the Commission and organic products produced in compliance with this Regulation will enjoy free movement across the EU.

By 31 December 2011, the Commission shall submit a report to the Council. The report shall, in particular, review the experience gained from the application of this Regulation and consider in particular the following issues: a) the scope of this Regulation, in particular as regards organic food prepared by mass caterers; b) the prohibition on the use of GMOs, including the availability of products not produced by GMOs, the vendor declaration, the feasibility of specific tolerance thresholds and their impact on the organic sector; c) the functioning of the internal market and controls system, assessing in particular that the established practices do not lead to unfair competition or barriers to the production and marketing of organic products.

ENTRY INTO FORCE: 27 July 2007.

APPLY: 1 January 2009.

REPEAL: Regulation (EEC) no 2092/91.

## 2005/0278(CNS) - 11/05/2012 Follow-up document

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The Commission presents a report on the application of Council Regulation (EC) No 834/2007 covering the period from 1st January 2009. This Regulation together with its implementing Regulations, Commission Regulations (EC) No 889/20083 and (EC) No 1235/2008, constitute the legal framework on organic food and farming at EU level.

The report notes that organic agriculture occupies 8.6 million hectares in the EU in 2009, which represents 4.7 % of EU-27 utilised agricultural area. In the period 2006-2009, its average annual rate of growth was 7.7 % in the EU-15 and 13 % in the EU-12 (EU-15 represented 81 % of all EU organic area in 2009). There were about 197,000 holdings involved in organic agriculture in 2008, i.e. 1.4 % of all EU-27 holdings. It is estimated that the organic sector represented 2 % of total food expenses in the EU-15 in 2007.

In accordance with the requirements of the Regulation, the report focuses on the following:

- the scope of the Regulation itself, in particular as regards organic food prepared by mass caterers;
- the prohibition on the use of GMOs, including the availability of products not produced by GMOs, the vendor declaration, the feasibility of specific tolerance thresholds and their impact on the organic sector;



the functioning of the internal market and controls system, assessing in particular that the established practices do not lead to unfair competition or barriers to the production and marketing of organic products.

Scope: the report makes the following observations:

- Mass catering: this is steadily gaining importance, in both private and public sectors. However, most Member States are of the opinion that mass catering operations should not become subject to EU Regulation on organic production in the short term, not only because of possible increased complexity, but also because of the limited impact on trade due to their local character. The Commission concludes that there is currently no need to include mass catering operations in the Regulation but will closely follow developments in this sector.

- Textiles and cosmetics: during the last few years, there has been significant market growth for textiles and cosmetics bearing reference to organic production. Private certification schemes for these products have been developed. The Commission considers that it may be worth exploring the opportunities offered by the Union legislation to extend the protection of the use of the word "organic" to textiles and cosmetics.

Prohibition on the use of GMOs in organic farming: the report considers that the prohibition on the use of GMOs in organic production is correctly implemented. Supervising the control system on the prohibition of the use of GMOs did not pose major problems for Member States. However, feed is singled out as a risk product for adventitious presence of GMOs. Some very low findings of authorised GMOs below 0.1% were reported in soya and maize. Operators make considerable efforts and take common initiatives to keep organic products free from adventitious GMO presence. They bear the costs for these preventive actions. In some Member States specific risk analysis and risk management tools have been developed, which offer a systematic approach for deciding on additional sampling and control visits. The Commission will monitor the development of these tools and propose them for EU wide application if appropriate. Preventive measures and harmonised actions are preferred to a specific GMO threshold for organic products, which does not seem to be justified under current circumstances.

With regard to the availability of products, the Commission states that some substances such as vitamins B2 (riboflavin) and B 12 (cobalamine) and the enzymes chymosin (for cheese making) and phytase (for feed) are regularly reported as available only produced by GMOs. Therefore the Commission will closely monitor this situation and propose appropriate action if necessary.

On the vendor declaration, the report notes that this declaration represents a commitment of the supplier with legal value. However, stakeholders signal that many companies do not fully understand its function, may refuse using it, or, on the contrary, sign it very easily. Some Member States also indicate that they have difficulties verifying whether a given declaration is reliable because of technical and analytical constraints.

The Commission therefore considers that the reliability and effectiveness of the vendor declaration raises some concern and needs to be further examined.

On co-existence, the [Commission's report](#) on the coexistence of genetically modified crops with conventional and organic farming concluded that GM crops have not caused any demonstrable damage to existing non-GM farming. Further, in 2010 the Commission issued Commission Recommendation 2010/C/200/01, on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops, which recognises that the potential loss of income for producers of particular agricultural products such as organic products may occur as a result of the presence of GMO traces at levels even lower than the GM labelling threshold set out in EU legislation at 0.9%. Moreover, the Recommendation acknowledges that the admixture of GMOs has specific implications for producers of particular products such as organic farmers, impacting also the final consumer, since such production is often more costly, as it requires stricter segregation efforts to avoid GMO presence to guarantee the associated price premium. In this same context, the Commission has submitted [a proposal](#) to the European Parliament and to the Council which, once adopted, would allow Member States to restrict or prohibit cultivation of GMOs on their territory.

The Commission notes the judgements of the European Court of Justice in joint cases C-58/10 to C-68 Monsanto and Case 442-09 regarding GM pollen in honey. These recent developments need to be analysed.