

Revision of the Organic Regulation 2092/91 and the new implementing rules

Dear Members,

You receive this newsletter as an extra edition of our IFOAM EU Group newsletter. This is to inform and update you about the major topic for the organic world in Europe which has kept you, as well as us busy: The Revision of the Organic Regulation 2092/91 and the formulation of the implementing rules.

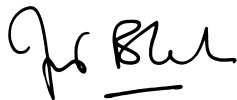
The two most important recent developments have been the Commission withdrawing the proposed new EU logo, and the publication of the first formal draft of the new implementing rules – hence the timeliness of this newsletter.

When it first emerged that the Commission was withdrawing the proposed new logo, we called for the requirement for a mandatory logo to be also withdrawn, so that it did not jeopardise the introduction of the new regulation in 2009. The EU logo is a fiasco. Every twist of this sorry saga just reinforces the folly of trying to introduce a mandatory EU logo.

Looking through the just published draft implementing rules, we are glad to find some of the changes we have been requesting in our meetings and communications with the Commission. However, there are still a number of key aspects that are not addressed. We will continue to work hard on your behalf to ensure that this regulation meets the needs of organic farmers, processors and consumers.

As spring starts to appear, I wish you all the best for a great growing season!

Yours sincerely

A handwritten signature in black ink, appearing to read "Francis Blake".

Francis Blake, President



You can read more about the revision of the organic regulation and the implementing rules on our [revision website](#)

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1. Purpose of this newsletter

With this third special edition of the IFOAM EU Group newsletter on the new organic regulation we intend to update our members and the organic sector about the political process, the IFOAM EU Group activities and the latest developments in the EU institutional decision making.

To get a complete picture of the new regulation, we recommend you read the previous special edition newsletters.

They can be downloaded here:

- 1st extra edition: [July 2006](#),
- 2nd extra edition: [December 2006](#).
- Additional information can be found at the [IFOAM EU Revision info page](#)

2. Background information on the political process

In June 2007 the European Council adopted the new [Council Regulation EC 834/2007](#) on organic production and labelling of organic products which will completely replace the [current regulation 2092/91](#). It will come into force at the beginning of January 2009. Therefore this regulation will define the new legal basis for organic production in the EU and for imported products.

The decision making process took more than two years after the European Commission published [its proposal](#) on December 21, 2005. This was due to a heavy criticism by the organic sector, the European Parliament as well as many Member States. Thus the final version was a result of several amendments. After the European Parliament decided on its opinion in May 2007 the

The new organic regulation will bring some changes compared to the current organic regulation 2092/91 (see chapter 3). However, the new organic regulation will be accompanied by detailed implementing rules which are currently being set up by the European Commission. They will define the exact rules for the organic operators.

The Council finally adopted the new organic regulation on 28 June 2007.

Date	Political Process
June 2004	The Commission published The European Action plan on organic food and farming indicating the revision of organic regulation
October 2004	Council asked the Commission to come up with detailed proposal
September 2005	Commission launched working paper on the revision to member states and stakeholders asking for comments within three weeks
21 December 2005	Commission published its revision proposal
January – June 2006	<i>European Council working group discussed revision proposal of Commission and drafted two compromise papers</i>
8 June 2006	<i>European Parliament launched work document in its agriculture committee</i>
1 July 2006 – 31 December 2006	<i>Finnish Council Presidency takes over from the Austrian Presidency</i>
July – November, 2006	<i>Intensive negotiation in the Council working group and the Special Committee on Agriculture with new compromise papers</i>
December, 2006	<i>Finnish Presidency forwarded to Member States new compromise on organic imports and on the whole regulation</i>
21 December 2006	<i>Council decided on “general approach” on the new organic regulation and approved new import regulation</i>
May 2007	<i>European Parliament adopted its report on the revision</i>
28 June 2007	<i>Council adopted the new Council Regulation EC 834/2007 on organic production and labelling of organic products’</i>
July 2007	<i>Commission started work on detailed implementing rules framed by the new organic regulation 834/2007.</i>

The IFOAM EU Group was and is intensively following up and influencing the

process on the revision of the regulation.

3. Issues in the new regulation (834/2007) – What will come into force on January 1st 2009?

The new [Council Regulation EC 834/2007](#) was decided in June 2007. We have informed about the differences from regulation 1992/91 in previous newsletters but this chapter gives a summarised overview of the expected changes.

The new rules outlines a complete set of objectives, principles and basic rules for organic production, and include a new permanent import regime and a more consistent control regime. The basic technical standards for organic farming and processing will remain the same, but there are various changes in the new legislation:

- A description of the objectives and principles of organic production has been included in the legislation for the first time;
- The scope has been extended to cover aquaculture, wine, seaweed and yeast. There is a commitment to report on possible further extension by 2011;
- There is now a set of criteria for the approval of new substances (the current list of approved pesticides remains, but it will be reviewed against the new criteria);
- Included for the first time are principles for food and feed processing, which will result in reviewing how organic food and feed can and cannot be processed.

a. What is new?

In addition, a number of other aspects have been changed compared to the existing regulation.

- Flexibility

Adjustments to the common standards will be possible under new 'flexibility' provisions, if the standards cannot be met due to structural, geographic, climatic reasons or due to the limited availability of organic inputs. These will be decided by the Commission and member states, not the certification bodies (although if local expertise is needed, the certification body will be consulted). Thus one coordinated system will replace the many individual 'derogations' in the current regulation.

NB the official term for certification and/or inspection bodies is now control bodies.

- Labelling

The labelling rules have been changed.

- The lower limit for when the term 'organic' can be used next to ingredients in ingredient lists has been removed (currently at least 70% of the ingredients must be organic). The 95% lower limit still applies for determining when the whole product can be called 'organic'.
- The EU logo for organic production will have to be used on all packaged products (though it will be redesigned before the end of 2008).
- Next to the EU logo, there will have to be an indication of the place of farm

production for all the ingredients except herbs, stating whether it is “EU agriculture” (or the national identity, if the member state allows) or “non-EU agriculture”. If the ingredients are a mixture of EU and non-EU, then the label would state EU/non-EU agriculture. (Regional farm origins can be added voluntarily.)

- GMO’s

The most controversial aspect was the attempt by the Commission to ‘clarify’ the ban on GMOs in organic production. The ban on using GM inputs and derivatives

remains. However, the new text now allows organic farmers to rely on the absence of a GM label for any inputs such as feed or seed, for implementing this ban. This means that inputs with up to 0.9% contamination could be legally accepted, although by law such contamination should be restricted to that which is 'adventitious or technically unavoidable'. However, the general EU GM labelling rules will still need to be observed, which means that any *known* GM contamination, however little, requires the product to be labelled as ‘GM’, which then cannot be sold as ‘organic’.

4. The implementing rules

a. The process of setting up the implementing rules

After the new Council Regulation EC 834/2007 was adopted, the European Commission started to work on the implementing rules to lay down the exact rules for organic operators. The new organic regulation can thus be considered as a framework regulation, which will be completed by the implementing rules. These may be separated in different documents (e.g. general part, imports). The implementing rules will have to be adopted by the Standing Committee on Organic Farming (SCOF).

After heavy criticism from the sector for not involving the stakeholders sufficiently in the process of developing the new organic regulation, the European Commission promised more involvement with the implementing rules. In September 2007, the European Commission launched a consultation round for stakeholders and

member states by circulating a comparative [analysis table](#) and [questionnaire](#) on the implementing rules. These were followed by the release of a first working paper

Date	Political Process
July 2007	<i>Commission starts working on implementing rules and aims to forward its proposal in January 2008 to the standing committee on organic farming.</i>
September 2007	<i>Commission forward to member states and stakeholders a questionnaire as well as an analysis table</i>
November 2007 & January 2008	<i>Commission organises expert meetings to discuss organic aquaculture rules</i>
January 2008	<i>Commission issues non paper for general implementing rules and imports</i>
February/March 2008	<i>Commission collects comments from member states and stakeholders on the implementing rules.</i>
April 2008	<i>Commission launches general proposal for implementing rules and on imports to member states for discussion in the standing committee on organic farming</i>
May /June 2008	<i>Possible decision on amended proposal discussion in standing committee on organic farming?</i>
July/August 2008?	<i>Commission opens call for suggestions for design of new organic logo</i>
Autumn 2008	<i>Decision on aquaculture rules?</i>

(otherwise known as a non-paper) outlining the implementing rules in January this year ([general](#) and [imports](#)).

The latest step in the process was the official Commission proposal ([general](#)) which was sent to the member states on April 10th, as well as on [imports](#) at March 25th. These were discussed at the SCOF on April 15th and 16th. The European Commission aims to get it formally adopted by the SCOF in May/June 2008. It would then be published in the official journal of the European Commission by September 2008. The new areas (aquaculture, yeast, wine and seaweed) will be adopted later.

Below is a summary of some of the key elements in the implementing rules.

- **Transfer of current annexes:** All the existing annexes of Regulation 2092/91 need transposing into the new implementing rules, the intention being to do this without change.
- **Imports** - After January 2009 imports will have to follow one of two possible routes:
 - **Equivalence** (achieving the same objectives as the regulation): Requires accepted imports to be *either* on a list of third countries (and their accredited control bodies) *or* on a control body list for equivalence; **or**

- **Compliance** (complies fully with the regulation): Requires acceptance on control body list for compliance.

- **Derogations** - All of the current derogations need to be reviewed: some have been adopted in the new regulation as common standards, the others will need decisions under the new provisions for flexibility.
- **New areas** - The new areas (aquaculture, yeast, wine and seaweed) included in the new regulation will be worked out in a separate process and added later. The rules on aquaculture and seaweed are under the responsibility of DG Fish, while the new rules on wine and yeast will be under the responsibility of DG Agriculture.
- **Organic Logo** – The Commission eventually agreed to develop a new EU logo. The new regulation will make it mandatory on all packaged foods.
- **New inputs/additives** – Substances and additives allowed under the current regulation will be transferred to the new regulation. However, the new regulation foresees criteria how to evaluate new substances to be allowed in organic production.

The IFOAM EU Group has forwarded several detailed comments and suggestions to the European Commission in autumn 2007 and the first months of 2008 (See chapter 5 on IFOAM EU work below).

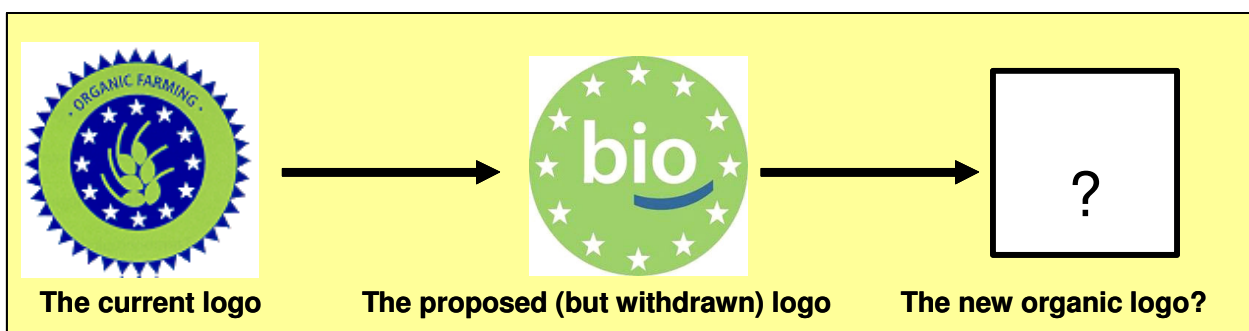
b. Transfer of current annexes to the implementing rules – difficulties and changes

All the existing annexes of the Regulation 2092/91 need transposing into the new 'implementing rules', the intention being to do this without change (although some parts have already been incorporated in the

'production rules' in the new regulation). However many aspects are interpreted differently in different countries, so the Commission wants to clarify all these to eliminate these differences when the

annexes are transferred into the implementing rules. Nevertheless the IFOAM EU Group identified several problematic issues in the non-paper. The 10 most important/problematic areas were highlighted in a letter to the Commission:

- The limit of 170 Kg N/ha is being interpreted very differently in the different countries;
 - The definition of ‘extensive husbandry’ in relation to import of manure from these systems is not clear and is interpreted very differently among the member states;
 - In contradiction to regulation 2092/91 the new proposal leaves no possibilities for small holdings with tethering systems to convert to organic farming;
 - The general rules on disease prevention are not clearly defined and contains inconsistencies;
 - Calculation of organic ingredients – it is unclear how the percentage of organic ingredients in recipes should be calculated.
- It is not clear which substances (additives) should be considered as being of agricultural origin – this has a big impact on competition in the market and it is therefore very important that the implementing rules lay down exact instructions for calculation of percentage of ingredients;
 - The requirements for poultry buildings are not clearly defined, which leaves room for very different interpretations in the member states;
 - The management of granted exceptional production rules on member state level is a potential problem;
 - The article on control visits requires annual physical control of all operators – the IFOAM EU Group calls for a more risk based approach;
 - Currently, only seed/potato species listed in Annex X of the implementing rules are allowed – the IFOAM EU Group suggests including subspecies in case of unforeseen shortage of propagating material.



c. A New organic logo?

In March 2000 the European Commission introduced a logo bearing the words 'Organic Farming - EC Control System' to be used on

a voluntary basis by producers whose systems and products have been found to satisfy EU regulations. The new

implementing rules set the usage of the EU logo to become mandatory from the introduction of the new regulation from January 2009. The IFOAM EU Group opposes an EU wide obligatory logo but not the logo per se.

Further, the current EU logo has always been criticised by the sector for being too similar to other EU quality logos (e.g. the geographical indications) and therefore not sufficiently distinguishable from non-organic products. Agriculture Commissioner Fischer Boel took the consequences of the criticism and announced at Biofach 2007 that the Commission will develop a new and better EU logo for organic products.

By the end of last year, a new organic logo was submitted to and approved by the SCOF. However, not long after it became evident that the new logo was too similar to that used by the German discount supermarket ALDI on their organic private label products. This caused problems with the property rights, so the Commission withdrew it and aim to launch a new tendering process in the summer 2008. They will also be recommending to the Council to postpone the mandatory use of the EU logo to 2010. This will include the use of the EU origin labelling.

However, there are other labelling changes that are still planned to be introduced in January 2009. Therefore, at its seminar in Bulgaria in April 2008, the IFOAM EU Group called on the Commission to withdraw the requirement for a mandatory logo and related labelling requirements, so that the rest of the regulation could come into force in January 2009.

This would at least save the new regulation and avoid the industry having to print new packages/labels for its products twice.

d. Aquaculture and seaweed

From January 2009, the area of organic aquaculture will be officially regulated at the EU level for the first time. The responsibility of setting up detailed implementing rules lies with the Directorate General (DG) Fishery (instead of DG Agriculture).

The Commission organised two expert meetings in November 2007 and January 2008 on the subject and will have a further meeting in May this year. The Commission aims to work out a proposal by September 2008, which then must be adapted by the SCOF.

The IFOAM EU Group and its members dealing with organic aquaculture were involved in the Commission meetings and the IFOAM EU Group established an aquaculture expert group to work out positions on the issue. A first [initial position paper](#) has been submitted to DG Fishery in January and the group is currently working on a more detailed position.

e. Wine

The European Commission will probably start to work on the rules for processing of organic wine after the general implementing rules will be adopted. On the other hand the Commission wants to profit from the results of the EU funded [ORWINE](#) project, which should work out recommendations. The IFOAM EU Group is one of the partners in this three year project and will develop a position paper on the issue in the course of 2008.

f. New substances and inputs/additives

In order to allow new substances for organic production/processing, there has to be evaluation against the new criteria in the new regulation. The Commission has also set up ad hoc expert working groups to evaluate the use of certain substances (e.g. in January 2008 [ad hoc expert group on pesticides](#)). At the meeting of the Standing Committee on Organic Farming in April 2008 the following substances were

approved for the use in organic production (but still needs to be published in the official journal of the European Commission before they are officially allowed):

- spinosad,
- potassium bicarbonate
- copper octanoate
- the uses of ethylene for degreening of citrus/sprouting inhibition in potatoes and onions.

5. IFOAM EU’s work on the regulation and impact on the decision process

The IFOAM EU Group has been focusing its work during the last years on the revision process of the new regulation and provided several inputs to the member states and the Commission. The constellation of the IFOAM EU Group with its European wide network of organic experts in various fields and the close contact to the vital decision making institutions and other stakeholders via the office in Brussels secures the EU Group a central position for making the sector’s voice heard and thereby influencing the regulation processes.

authorities whenever necessary. Below is a list of letters and position papers that has been issued to the Commission in relation to the revision process:

After the Organic Congress in Brussels in December 2007, the visibility and the reputation of the IFOAM EU Group have even increased. In general all IFOAM EU input to the revision and regulation processes have been received well and the current communication with the Commission is open and cooperative.

Position papers/Letters

a. IFOAM EU Group communication to policy makers

The IFOAM EU Group follows the work on the new regulation closely and communicates the organic sector’s position to the Commission and other relevant

- **April 18, 2007** - [letter](#) to the Commission on Annex VI of Reg 2092/91
- **August 2007** - Position on [risk based inspection](#)
- **September 2007** - Position on [Exceptional Production Rules](#)
- **September 2007** - Initial response to the Commission's [Consultation questionnaire on the future detailed applicatory rules](#)
- **September 3, 2007** - [letter](#) to the European Commission about integrating sodium and potassium carbonates into the implementing rules.
- **October 2007** - Position on [Labelling of Seed Mixtures](#)
- **October 2007** - Position on the [Minimum Conversion Periods](#)
- **October 2007** - Comments on the [Commission's Analysis Table on the Implementing Rules](#)
- **November 27** - [letter](#) to the Head of Unit Organic Farming of the European Commission on acids for salt bath treatment in cheese production.
- **December 19, 2007**- [Letter](#) to the European Commission on the new implementing rules of organic production.
- **January 2008** - [position on imports](#)
- **February 2008** - [comments on the draft implementing rules on organic farming](#)

- **February 20, 2008** - [Letter](#) to the European Commission on the new implementing rules for organic production, version Jan. 10, 2008
- **April 14, 2008** - [Letter](#) to the European Commission on the new implementing rules for organic production, version April 10th, 2008

b. IFOAM EU Group activities

Apart from issuing various written inputs to the revision process, the IFOAM EU Group is involved in many other activities that focus or relate to the development of the organic regulation.

Organic Congress - [The European Organic Congress](#), organised by the IFOAM EU Group on December 4th and 5th 2007, was a major event of the organic movement last year. A specific workshop and speeches were allocated to the organic regulation. The Congress included speakers such as the Commissioner for Agriculture, Mariann Fischer Boel, members of her cabinet and the Head of Unit from the organic unit (DG Agri F5).

You can download the presentations from the [congress webpage](#).



From the left: Commissioner for Agriculture and Rural Development, Mariann Fischer Boel, IFOAM EU President Francis Blake and IFOAM EU Director Marco Schlüter at the European Organic Congress 2007.

Biofach 2008 - At this year’s Biofach the IFOAM EU Group arranged a workshop on the new organic regulation in cooperation with the Organic Unit in DG AGRI and DG Fish. The workshop was well attended and there was a clear signal from the participants that the regulation is an area that spurs interest, worrying - and a lot of questions. The questions were answered by representatives from the EU institutional services, including the Head of the Organic Farming Unit in DG AGRI, Jean-Francois Hulot and Richard Bates from DG Fish.

Download the [presentations](#) from the workshop.



Head of the Organic Unit in DG Agriculture, Jean-Francois Hulot at Biofach 2008.

Meeting the Commission - The EU Group have on several occasions met with the Commission officials to discuss further the elements of the revision process. IFOAM EU Group board members met with Unit F5 in December 2007 to discuss the revision process.

A second whole day meeting between representatives of the IFOAM EU Regulation Committee and the Organic Unit

in March 2008 was held in order to give input to and discuss the setting up of the new implementing rules. Furthermore IFOAM EU is taking part in meetings in the Advisory Group for Organic Farming.

Apart from the meetings with the Organic Unit, the EU Group also provides and helps identify experts in various areas related to organic farming whenever the Commission needs expert opinions on specific issues.

CAP seminar and Board meeting in Bulgaria – The IFOAM EU group organised a CAP seminar, co-financed by the European Community, Directorate-General for Agriculture and Rural Development in Plovdiv, Bulgaria from April 3rd – 4th. One of the main topics was the new organic regulation and the implementing rules. The seminar was announced on April 1st in Sofia at a press conference at the Bulgarian Ministry of Agriculture with presence of the Deputy Agricultural Minister, Dimiter Peychev and IFOAM EU director Marco Schlüter. The results of the seminar were presented in a public presentation on April 4th.



Deputy Agricultural Minister, Dimiter Peychev IFOAM EU Director Marco Schlüter and Head of the IFOAM EU Research Committee, Otto Schmid at the Bulgarian Ministry of Agriculture.

The seminar press releases and report can be downloaded from [the seminar webpage](#)

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Please send any comments on the newsletter to info@ifoam-eu.org. For further information contact your national board member or the office in Brussels.

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