

General:

The revision of the EU regulation 2092/91 is an important process for the EOCC certification bodies. In particular the revision of the annexes is being considered, from two points of view. Firstly the existing annexes of 2092/91 should be revised to improve inspectability. Secondly new annexes and amendments are needed to clarify and give specific rules for new articles in the regulation.

1 Parts of the existing annexes of 2092/91 page

2 Issues arising from the revised version of the regulation for the annexes page

1 Inspectability of existing annexes of 2092/91

Annex I A:

Conversion (Annex I A 1.2-1.4)

Retroactive recognition:

There have been difficulties concerning the inspectability of starting point of conversion in the past. This is a critical point of inspections with regard to competition between inspection bodies and the equivalence of products coming from third countries. Therefore we see a strong need for harmonization of the procedure within Europe and between European and non-European countries.

Suggestion:

- a. starting point of conversion must be
 - for new operators starting with organic cultivation of land: the date of notification with the control body
 - for certified operators who include new fields in their cultivation: the application date when the operator notifies to the certification body that the parcel is applying for organic certification.
- b. retroactive recognition has to be restricted to cases where the previous cultivation practices can be proven by field related documents from a national authority.

Wild crop harvest (Annex I A 4)

More detailed criteria are needed for the sustainability of wild harvested crops.

Suggestion:

Include certification requirements for:

- minimal distances from conventional agriculture and preventive measures against possible sources of contamination,
- operators and control bodies to have access to data concerning all (harvest) operations in the area where wild harvesting is performed,
- operators to provide a description of their activity and its impact (to prepare plans to include areas, yields, traceability and effect on other species etc.).

Annex I B:

Use of conventional feed

Approval of need:

Missing basic information for recognition of use of conventional feeding stuffs (Annex I B 4.8) by control body (neither the control body nor the farmer does know the day to day details of the raw material market).

Suggestion:

Remove the obligation to approve the need and simultaneously restrict the list of admitted conventional feed that is not available in organic form (referring to procedure in Annex VI C).

Inspectability of percentage of conventional feed coming from pasture:

Criteria for calculation / inspection the 5% range for pasture (Annex I B 4.8).

Suggestion:

- a. calculation of feed %: audited at inspection and where required in the office.
(Calculation based on the following variables: average daily intake of grassland feed per animal type / number of days pasture for the referring year; or the potential harvest of the C1 grassland registration; this quantity is taken into the calculation based on the maximum quantity an animal can eat during a year),
- b. without calculation of feed %: having non-productive animals grazing C1 grassland without having to apply this restriction of "%". Non-productive animals could be young and male herbivorous animals,
- c. in addition to paragraph b): after grazing the C1 grass, non-productive animals go through a 'reduced conversion period'. This reduced conversion period could be e.g. 50% of the usual conversion period.

Simultaneous conversion

No requirements defined in Annex I B 2.3 concerning the time frame when the animal housing has to be adopted.

Suggestion:

Add to Annex B I 2.3 that animal housing has to fulfill the requirements of Annex I B 8 at latest at the end of the 24 months of conversion.

Housing conditions

Vague requirements given on housing conditions (littering, light, etc.) raise difficulties in inspectability and create important differences between certifying authorities.

Suggestion:

No concrete suggestions available at the moment. However, there is an intensive discussion in EOCC on that point. If desired / needed EOCC will be pleased to give further information.

Calculation of maximum density of animals per ha / broken down to nitrogen units

Suggestion:

Calculate the average number of animals based on the calculation given in the referring national programmes for agricultural operations or based on documentation in operators' bookkeeping e.g. taking a number of 6 random dates during the past year and calculate an average density.

Management practices (mutilations) performed "systematically" (Annex I B 6.1.2)

Management practices do not have to be performed systematically. But, if these practices are applied in a livestock unit, in general, they are performed systematically e.g. castration and removal of horns for an entire group of animals.

Suggestion:

The incipient sentence of the referring paragraph indicating that those practises have not to be performed "systematically" should be removed from Annex I B 6.1.2.

Annex II A:

Approval of needs e.g. for fertilizers / pesticides

Is impossible for the control body to recognise for each individual farmer due to missing information available and the important administrative effort for inspection bodies.

Suggestion:

A more restricted positive list as presented in Annex VI C is enough. All products in this positive list may be used by the operator without any further need of approval. Consequently, the requirement that the control body should approve the need, should be removed from the text.

Annex II B:

Applicability of plant protection products

The use of plant protection products as post-harvest treatments is not included in actual annexes.

Suggestion:

Enlargement of applicability with post-harvest sector by inclusion of specific list of compounds that may be used. Consequently, this asks for a modification of Annex I A.3 where the use of plant protection products is restricted to cases of immediate threat to "crops".

Microorganisms for pest control

This paragraph gives no information if there are products of microorganisms included in the definition.

Suggestion:

It has to be clarified by the EC that products of microorganisms are not permitted, with any specific ones that are permitted listed separately.

Synergists in plant protection products

Suggestion:

It has to be clarified by the EC that synergists should not be included in this part.

Plant strengtheners

Suggestion:

It has to be clarified by the EC if plant strengtheners are included.

Annex II D:

Vitamins:

Procedure to issue a derogation to add synthetic vitamins A, D and E in feed for ruminants

Actually regulated by authorization of public authority of member state. In some cases, derogation has to be granted by inspection authority for each single farmer.

Suggestion:

Replace single farm authorization with general authorizations based on general veterinary statements of need for ruminants for special regions / member states.

Definition of vitamins

They are only synthetic vitamins, or they are on a carrier from non-organic agricultural origin.

Suggestion:

It has to be clarified by the EC if anti-oxidants and carriers should be included.

General information concerning anti-oxidants: According to some feed producers it is presently impossible to produce vitamin A without using ethoxyquine as an antioxidant. Given this information in Annexe II.D the feed producing companies are faced with an impossibility of producing. No concrete suggestions available at the moment. However, there is an intensive discussion in some member states on that point. If desired / needed CBs concerned will be pleased to give further information.

Annex III:

Monitoring of efficiency of the functioning system and implemented measures (internal audit system) by the operator

In Annex III there is no requirement that the operator is responsible for monitoring his own internal measures and controls to ensure that he implements the requirements of the regulation.

Suggestion:

Include an internal "audit" requirement that discloses the operator's measures and controls by the operator in Annex III 4. The documentation requirements of the audit system have to be adapted to the structure of the operator. One additional possibility is to give a reference e.g. to the EU regulation 178/2002 to include topics linked to auto-inspection (this document served already as the basis for the development of the autocontrol systems in some member states).

Definition and number of annual inspections

The number of additional inspections is not clarified and might cause distortion of competition between different inspection bodies.

Suggestion:

Add to Annex III 5 that the number of additional (means: additional to the annual inspection) announced or unannounced inspections has to be based on risk-evaluation of the operators. Furthermore, a minimum percentage of additional announced or unannounced inspections e.g. 10% of all operators based on risk-evaluation should be defined on a national level / by national authorities.

Word addition

"random" inspection visits (Annex III 5).

Suggestion:

Amend the word "random" with the term "risk-based" inspection visits since both have to be included in the inspection system

Sampling procedure

General statement on sampling has to be cleared:

Annex III 5 gives only some very general requirements for sample taking and testing by the inspection body

Suggestion:

Sample taking by public authorities or inspection bodies should be based on risk-evaluation of the operators and their activity/ies. Certification bodies should disclose a policy of sample taking, approved by the accreditation body.

On a national level, a minimum level of samples (e.g. xy % of the operators) to be taken either by the operator or by other competent public authorities or by the inspection body may be given. The decision on where the samples are taken is based on a risk-evaluation. Alternatively, a low minimum level of samples may be given on the European level to harmonize it for all member countries. The level may be increased gradually over the years.

Indicators or limits for the interpretation of results are missing

Suggestion:

No concrete suggestions available at the moment. However, there is an intensive discussion in EOCC on that point. If desired / needed EOCC will be pleased to give further information.

Obligation of sealing open transports (Annex III 7)

Sealing of open transports does not add additional value of the protection of organic food.

Suggestion:

Remove the requirement for sealing open transports.

Annex III part A:

Documentation requirements:

**Comment EOCC on Revision 2092/91
May 2007**

Inspections require more and more statistical data collection due to documentation requirements e.g. (Annex III A) "quantities sold directly to the final consumer shall be accounted on a daily basis".

A daily basis of documentation is not suitable for all operators and does not necessarily raise the quality of record keeping.

Suggestion:

Remove the requirement for "on a daily basis". Add a functional definition of documentation requirements such as "the documentation has to be traceable and to disclose the quantities produced and sold".

Plant production and livestock records (Annex III A 1 and A 2.1)

There is no requirement for keeping records of inputs for plant production as there is for livestock production in Annex III A.2. and there is no description of what such a document should contain (there is no requirement for "records of cultures" but there is one for "livestock records" point A.2.3).

Suggestion:

Add to Annex III A 1 that operators must keep documentary records of plant production and indicate similar references as given in Annex III A 2.3, second part, (e.g. crop protection, fertilizer use, cultivation measures etc.).

Annex III part E:

Preparing animal feedstuff (Annex III E 1, 4 and 5)

Requirements prescribed for units preparing animal feedstuff are different from requirements for food processing units. There is no transparent reason for these specific requirements since processing procedures and critical points like e.g. critical ingredients or points of potential contamination, are the same for preparing feedstuff or products for human consumption.

Suggestion:

Remove specific requirements for units preparing animal feedstuff or implement only the supplementary requirements for units preparing animal feed in Annex III B.

2 Issues arising from the revised version of the regulation for the annexes

1. Referring to Article 8, potential environmental impacts must be considered e.g. for inputs in agricultural systems:

At this point we see a need to clear the inspectability. On what basis must environmental impacts of inputs to be taken into account? E.g. the input of copper (allowed ref. Annex II B) on soil ecological systems? What evidence for impact or non-impact must be documented or taken into account?

2. Article 11.1 E & F: New lists of products are needed.

3. Article 22. Risk-based inspections.

Minimum criteria are needed for assessment and approval of risk in order to avoid a distortion of the requirements of different inspection bodies. These criteria should be given by the association of European accreditation bodies (EA) or the member states.

4. Article 23a 1. Documentary evidence/

There is a very strong need for harmonization of information given and layout of certificates. The points given in Article 23.a 1 are not sufficient to meet that task.

Suggestion:

Enlarge the information required on certificates with identification of the inspection body (e.g. code number of inspection body compulsory).

Include a sample certificate in annexes like the import certificates.