



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 23 November 2006**

**DS 812/06**

**PRESIDENCY NOTE**

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to: Special Committee on Agriculture

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No. prev. doc. : 13584/06

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No. Cion prop. : 5101/06

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Subject : Proposals for Council Regulations on organic production of agricultural products

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Delegations will find attached the revised text on the GMO and Labelling provisions which has been prepared by the Presidency in co-operation with the Commission Services and which amends the provisions contained in doc. 13584/06.

**TITLE I  
AIM, SCOPE AND DEFINITIONS**

*Article 2*

**Definitions**

- (p) "Genetically modified organism (GMO)" means an organism as defined in Article 2 (2) of Directive 2001/18 and which is not obtained through the techniques of genetic modifications listed in Annex I.B of Directive 2001/18.
- (q) "produced from GMOs" means derived in whole or in part from GMOs but not containing or consisting of GMOs.
- (r) "produced by GMOs" means derived by using a GMO as the last living organism in the production process, but not containing or consisting of GMOs nor produced from GMOs.

*Article 7aa*

**Prohibition on the use of GMOs**

1. GMOs and products produced from or by GMOs shall not be used as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, seeds, vegetative propagating material, micro-organisms and animals in organic production.
2. For the purpose of the prohibition referred to in paragraph 1 concerning GMOs or products produced from GMOs for food and feed, operators may rely on the labels accompanying a product or any other accompanying document, affixed or provided pursuant to Directive of the European Parliament and of the Council 2001/18/EC, Regulation of the European Parliament and the Council 1829/2003 or Regulation of the European Parliament and the Council 1830/2003. Operators may assume that no GMOs or products produced from GMOs have been used in the manufacture of purchased food and feed products when the latter are not labelled, or accompanied by a document, pursuant to those Regulations, unless they have obtained other information indicating that labelling of the products in question is not in conformity with those Regulations.
3. For the purpose of the prohibition referred to in paragraph (1) concerning products not being food or feed, or products produced by GMOs, operators using such non organic products purchased from third parties shall require the vendor to confirm that the products supplied have not been produced from or by GMOs.

4. In accordance with the procedure referred to in Article 31 (2) the Commission shall decide on measures implementing the prohibition on the use of GMOs and products produced from or by GMOs.

### **Chapter 3**

#### **PRODUCTION OF PROCESSED FOOD**

##### *Article 14*

#### **General rules on the production of processed food**

0. Preparation of processed organic food shall be kept separate in time or space from non-organic food.
1. The following conditions shall apply to the composition of organic processed food:
  - (a) the product shall be produced mainly from ingredients of agricultural origin; in order to determine whether a product is produced mainly from ingredients of agricultural origin added water and salt shall not be taken into account.
  - (b) only additives, processing aids, flavourings, water, salt, preparations of micro-organisms and enzymes, minerals, trace elements, vitamins, as well as aminoacids and other micronutrients in foodstuffs for particular nutritional uses may be used in so far they have been authorized for use in organic production in accordance with Article 15;
  - (c) non-organic agricultural ingredients may be used only if they have been authorized for use in organic production in accordance with Article 15 or have been provisionally authorized by a Member State;
  - (d) an organic ingredient shall not be present together with the same ingredient in non-organic form or from conversion;
  - (e) food produced from in conversion crops shall contain only one crop ingredient of agricultural origin.
2. Substances and techniques, other than by adding natural flavourings, that reconstitute properties that are lost in the processing and storage of organic food, that correct the results of negligence in the processing of these products or that otherwise may mislead regarding the true nature of these products shall not be used.

The measures necessary for the implementation of the production rules contained in this Article, and in particular regarding processing methods, the conditions for the provisional authorization by Member States mentioned in paragraph 1 (c) and the conditions for the use of non-organic agricultural ingredients in the preparation of organic food by mass caterers, shall be adopted in accordance with the procedure referred to in Article 31 (2).

#### **TITLE IV LABELLING**

##### *Article 17*

#### **Use of terms referring to organic production**

1. The terms listed in the Annex, their derivatives or diminutives, such as "bio" and "eco", alone or combined, may be used throughout the Community and in any Community language for the labelling and advertising of a product or its ingredients which satisfy the requirements set out under or pursuant to this Regulation.

As regards food, these terms may be used

(a) in the sales description provided that:

- (i) the food complies with Article 14;
- (ii) at least 95% by weight, of its ingredients of agricultural origin are organic;

(b) only in the list of ingredients, provided that the food complies with Article 14 (0), 14 (1)(a), 14 (1)(b) and 14(1)(d).

(c) in the list of ingredients and in the same visual field as the sales description, provided that:

- (i) the main ingredient is wild fish or wild game;
- (ii) all other ingredients of agricultural origin are organic;
- (iii) the food complies with Article 14 (0), 14 (1)(a), 14 (1)(b) and 14(1)(d).

2. In the case where point (a) of paragraph 1 applies, the list of ingredients shall indicate which ingredients are organic.

In the case where points (b) and (c) of paragraph 1 apply, the list of ingredients shall include an indication of the total percentage of organic ingredients in proportion to the total quantity of ingredients of agricultural origin.

The terms and the indication of percentage referred to in the first subparagraph shall appear in the same colour, identical size and style of lettering as the other indications in the list of ingredients.

3. The terms referred to in paragraph 1 shall not be used anywhere in the Community and in any Community language for the labelling, advertising and commercial documents of a product which does not satisfy the requirements set out under this Regulation, unless they are not applied to agricultural products in food or feed or clearly have no connection with organic production.

Furthermore, any terms, including terms used in trademarks, or practices used in labelling or advertising liable to mislead the consumer or user by suggesting that a product or its ingredients satisfy the requirements set out under this Regulation shall not be used.

4. The terms referred to in paragraph 1 shall not be used for a product for which it has to be indicated in the labelling or advertising that it contains GMOs, consists of GMOs or is produced from GMOs according to Community provisions.
5. Member States shall take the measures necessary to ensure compliance with this Article.
6. The Commission may in accordance with the procedure referred to in Article 31(2) adapt the list of terms set out in the Annex.

#### *Article 18* **Compulsory indications**

1. Where terms as referred to in Article 17(1) are used:
- (a) the code number referred to in Article 22(6) of the control authority or control body to which the operator who has carried out the most recent production or preparation operation is subject, shall also appear in the labelling;
  - (b) the Community logo referred to in Article 19 as regards pre-packaged food shall also appear on the packaging;
  - (c) where the Community logo is used, an indication of the place where the agricultural raw materials of which the product is composed have been farmed, shall also appear in the same visual field as the logo and shall take one of the following forms, as appropriate:
    - "EU FARMED", where the total of the agricultural raw material has been farmed in the EU;
    - "non-EU FARMED", where the total of the agricultural raw material has been farmed in third countries;
    - "EU/non-EU FARMED", where part of the agricultural raw materials has been farmed in the Community and a part of it has been farmed in a third country.

The mention "EU" or "non-EU" referred to in the first subparagraph may be replaced or supplemented by a country in the case where all agricultural raw materials of which the product is composed have been farmed in that country.

The indication referred to in the first subparagraph shall not appear in a colour, size and style of lettering more prominent than the sales description of the product.

The use of the Community logo as referred to in Article 19 and the indication referred to in the first subparagraph shall be optional for products imported from third countries. However, where the Community logo as referred to in Article 19 appears in the labelling, the indication referred to in the first subparagraph shall also appear in the labelling

2. The indications referred to in paragraph 1 shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.
3. The Commission shall in accordance with the procedure referred to in Article 31(2) lay down specific criteria as regards the presentation, composition and size of the indications referred to in paragraph 1 (a) and (c).

#### *Article 19*

### **Organic production logos**

1. The Community organic production logo may be used in the labelling, presentation and advertising of products which satisfy the requirements set out under this Regulation.

The Community logo shall not be used in the case of conversion products and food as referred to in Article 17 (1) (b) and (c).

2. National and private logos may be used in the labelling, presentation and advertising of products which satisfy the requirements set out under this Regulation.
3. The Commission shall, in accordance with the procedure referred to in Article 31(2), lay down specific criteria as regards presentation, composition, size and design of the Community logo.

*Article 20 is deleted*

#### *Article 21*

### **Specific labelling requirements**

The Commission shall in accordance with the procedure referred to in Article 31(2) establish specific labelling and composition requirements applicable to:

- (a) organic feed;
- (b) conversion products of plant origin;
- (c) organic food prepared by mass caterers.

*Article 24 is deleted*

**Terms referred to in Article 17(1)**

- ES: ecológico, biológico
- CS: ekologické, biologické
- DA: økologisk,
- DE: ökologisch, biologisch,
- ET: mahe, ökoloogiline,
- EL: βιολογικό,
- EN: organic,
- FR: biologique,
- GA: orgánach,
- IT: biologico,
- LV: bioloģiskā,
- LT: ekologiškas,
- LU: biologesch
- HU: ökológiai,
- MT: organiku,
- NL: biologisch,
- PL: ekologiczne,
- PT: biológico,
- SK: ekologické, biologický
- SL: ekološki,
- FI: luonnonmukainen,
- SV: ekologisk.



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 23 November 2006**

**DS 825/06**

**NOTE**

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from :            Presidency  
to :                Special Committee on Agriculture

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No. prev. doc. : 14551/06  
No. Cion prop. : 5101/06

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Subject :        Proposal for a Council Regulation amending Regulation (EC) No. 2092/91 on  
organic production of agricultural products and indications referring thereto in  
agricultural products and foodstuffs

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Delegations will find attached a revised text on the above-mentioned proposal, which has been prepared by the Presidency in co-operation with the Commission.

Draft

**COUNCIL REGULATION**

**amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto in agricultural products and foodstuffs**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>1</sup>,

Whereas:

- (1) Given the need to advance on the implementation of the European Action Plan for Organic Food and Farming on the basis of concrete measures with a view to assuring simplification and overall coherence, the Commission has on 6 January 2006 presented to the Council a proposal for a Council Regulation on organic production and labelling of organic products<sup>2</sup> repealing and replacing Council Regulation (EEC) No 2092/91.
- (2) According to this proposal, organic products imported into the Community should be allowed to be placed on the Community market labelled with a reference to organic farming, where they have been produced in accordance with production rules and subject to inspection arrangements that are in compliance with or equivalent to Community legislation.
- (3) To this end, third countries whose production standards and inspection arrangements are equivalent to those applied in the Community should be recognised and a list thereof should be published. The inspection bodies competent to carry out inspection in countries which are not on the list of recognised third countries should also be recognised and listed. Third country operators who produce in direct compliance with Community rules should be allowed to choose to submit their activities to the inspection bodies designated by the Member States or to the inspection bodies and inspection authorities recognised by the Commission.

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<sup>1</sup> OJ C [...], p. [...].

<sup>2</sup> COM(2005) 671

- (4) Article 11(6) of Regulation (EEC) No 2092/91 provides for the possibility for Member States to grant until 31 December 2006 authorisations to importers for the placing on the Community market of individual products under certain conditions. It is thus appropriate to amend that Article, so as to allow for a replacement of the current import scheme by the new import scheme as from that date.
- (5) 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 inspection bodies competent to carry out inspection 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 authorisations to importers on a case by case basis for the placing on the Community market of products until the measures necessary for the functioning of the new import scheme have been put in place.
- (6) Regulation (EEC) No 2092/91 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2092/91 is amended as follows:

- (1) In Article 10(1), point (b) is replaced by the following:  
“(b) have been subject to the inspection system referred to in Article 9 or, **have been imported in conformity with article 11** ;”
- (2) Article 11 is replaced by the following:

*“Article 11*

1. A product imported from a third country may be placed on the Community market labelled as a product with indications referring to the organic production method provided that:
  - (a) the product complies with the provisions set out in articles 5 and 6 of this Regulation;
  - (b) the operator has submitted his activities to an inspection body or an inspection authority recognised in accordance with paragraph 2;
  - (c) on request of the importer or of the national authorities, the operators concerned shall provide a copy of a formal document permitting the identification of the operator who carried out the last operation and the type or range of products under his control, as well as permitting verification of compliance by this operator with points (a) and (b), and the period for which the statement is valid.

2. The Commission shall in accordance with the procedure referred to in Article 14(2) recognise the inspection bodies and inspection authorities referred to in paragraph 1 (b), including inspection bodies and inspection authorities as referred to in Article 9, competent to carry out inspections and to issue the formal documents referred to in paragraph 1 (c) in third countries, and establish a list of these inspection bodies and inspection authorities.

The inspection bodies shall be accredited to the European Standard EN 45011 or ISO Guide 65 'General requirements for bodies operating product certification systems' of the version most recently notified by a publication in the *Official Journal of the European Union, C series*.

When examining requests for recognition, the Commission shall invite the inspection body or authority to supply all the necessary information. The Commission may also entrust experts with the task of examining on-the-spot the rules of production and the inspection activities carried out in the third country by the inspection body or authority concerned.

The Commission assisted by the Member States ensures appropriate supervision of the recognised inspection bodies and inspection authorities 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 the provisions set out in or pursuant to this Regulation.

3. A product imported from a third country may also be placed on the Community market labelled as a product with indications referring to the organic production method provided that:
  - (a) the product has been produced in accordance with production standards equivalent to the production rules laid down in Articles 5 and 6 applied to organic production in the Community;
  - (b) the operators have been subject to inspection measures of equivalent effectiveness to those referred to in Articles 8 and 9 and such inspection measures have been permanently and effectively applied;
  - (c) the operators at all stages of production, preparation and distribution in the third country have submitted their activities to an inspection system recognised in accordance with paragraph 4 or one or more inspection bodies recognised in accordance with paragraph 5;
  - (d) the product is covered by a certificate of inspection issued by the competent authorities or inspection bodies of a third country recognised in accordance with paragraph 4, or by an inspection body or inspection authority recognised in accordance with paragraph 5, which confirms that the product satisfies the conditions set out in this paragraph.

The certificate referred to in this subparagraph must accompany the goods, in the original copy, to the premises of the first consignee; thereafter the importer must keep the certificate at the disposal of the inspection body and, as appropriate, the inspection authority for not less than two years.

4. The Commission may, in accordance with the procedure referred to in Article 14(2), recognise the third countries whose system of production complies with rules equivalent to those laid down in Articles 5 and 6 and whose inspection arrangements are of equivalent effectiveness to those laid down in Article 8 and 9, and establish a list of these countries. The assessment of equivalency should take into account *Codex Alimentarius* guidelines CAC/GL 32.

When examining requests for recognition, the Commission shall invite the third country to supply all the necessary information. The Commission may entrust experts with the task of examining on-the-spot the rules of production and the inspection arrangements of the third country concerned.

The Commission assisted by the Member States ensures appropriate supervision of the recognised third countries 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 the provisions set out in or pursuant to this Regulation.

5. For products not imported under paragraph 1 and not imported from a third country which is recognised under paragraph 4, the Commission may, in accordance with the procedure referred to in Article 14(2), recognise the inspection bodies competent to carry out inspections and issue certificates in that third country for the purpose of paragraph 3, and establish a list of these inspection bodies. The assessment of equivalency should take into account *Codex Alimentarius* guidelines CAC/GL 32.

The Commission shall examine any request for recognition lodged by a public or private inspection body in a third country.

When examining requests for recognition, the Commission shall invite the inspection body to supply all the necessary information. The Commission may entrust experts with the task of examining on-the-spot the rules of production and the inspection activities carried out in the third country by the inspection body concerned.

The Commission assisted by the Member States ensures appropriate supervision of recognised inspection bodies and inspection authorities 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 the provisions set out in or pursuant to this Regulation.

6. For a period starting on 1 January 2007 and ending 12 months after the publication of the first list of inspection bodies and inspection authorities recognised pursuant to paragraph 5, the competent authority of a Member State may authorise importers in that Member State to place on the market products imported from third countries which are not included in the list referred to in paragraph 4, provided that the importer provides sufficient evidence showing that the conditions referred to in points (a) and (b) of paragraph 3 are satisfied. If those conditions are no longer satisfied, the authorisation shall be immediately withdrawn.

The imported product shall be covered by a certificate of inspection issued by the authority or body which has been accepted for issuing the certificate of inspection by the competent authority of the authorising Member State.

The certificate referred to in this subparagraph must accompany the goods, in the original copy, to the premises of the first consignee; thereafter the importer must keep the certificate at the disposal of the inspection body and, as appropriate, the inspection authority for not less than two years.

Each Member State shall inform the other Member States and the Commission of each authorisation granted pursuant to this paragraph, including information on the production standards and inspection arrangements concerned.

At the request of a Member State or at the Commission's initiative, an authorisation granted pursuant to this paragraph shall be examined by the Committee set in Article 14. If it emerges from this examination that the conditions referred to in points (a) and (b) of paragraph 3 of this Article are not satisfied, the Commission shall require the Member State which granted the authorisation to withdraw it.

7. The Commission may, in accordance with the procedure referred to in Article 14(2), adopt detailed rules for the application of this Article, and in particular:
  - (a) as regards the criteria and procedures to be followed with regard to the recognition of third countries and inspection bodies and inspection authorities under paragraphs 5 and 6 of this Article, including the publication of lists of recognised third countries and inspection bodies and inspection authorities,
  - (b) as regards the formal document referred to in paragraph 1 and the certificate referred to in paragraphs 3(d) and 6 of this Article.”
- (3) The second subparagraph of Article 16(3) is deleted.
- (4) Point C of Annex III is amended in accordance with the Annex to this Regulation.

#### *Article 2*

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2007.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council*  
*The President*

Point C of the Specific Conditions in Annex III to Regulation (EEC) No 2092/91 is amended as follows:

- (1) In the first paragraph, the second indent is replaced by the following:

“– the first consignee shall mean the natural or legal person referred to in Article 11 (3) (d) and 11 (6) to whom the consignment is delivered and who will receive it for further preparation or placing on the Community market.”
- (2) In point 5, the first subparagraph is replaced by the following:

“The inspection body or authority shall inspect the stock and financial records mentioned in section C, point 2 and the certificate of inspection referred to in Article 11(3)(d) or Article 11(6) and, where available, the formal document referred to in Article 11 (1).”

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