

## **COPA and COGECA's response to the Commission's questionnaire on the implementing rules of the new Regulation on organic production and labelling of organic products (Council Regulation 834/2007)**

### **GENERAL REMARKS**

1. COPA and COGECA believe that flexibility must be properly regulated and limited to climatic factors.
2. There could possibly be exceptions granted for non-climatic reasons for a limited period of time. This flexibility must not lead to distortions of competition in the EU. Therefore it is necessary to ensure monitoring and evaluation of each case where flexibility is granted for non-climatic reasons.
3. Adequate financial resources are needed for research into organic farming, to achieve the gradual elimination of flexibility which is not related to climatic conditions.

### **SECTION 1: FLEXIBILITY**

#### **Question 1: Flexibility surrounding climatic, geographical or structural difficulties.** (Art. 22 (2) (a) reg. 834/2007)

**4-9.** Currently, mixed production is permitted on the same agricultural holding (App I.C.1.3. and An III.A.1.3. reg 2092/91). COPA and COGECA take the following position on this subject: As a general rule, the coexistence of organic and conventional production on the same holding (in different units) should be authorised between different species but not between different varieties/breeds of the same species. However, when different varieties/breeds of the same species exist, they must be visually distinguishable from one another (colour, shape, etc). In these cases, controls must be stepped up.

**4.** The derogation regarding mixed production and the setting up of beehives must be maintained and the control provisions must be reinforced.

**5.** Mixed production between live crops of different varieties must only be permitted on holdings in the event of conversion. However, this must have a time limit. COPA and COGECA recall that the majority of farmers carry out conversion on their holdings in a staggered manner.

**8.** The use of collective pasture and mountain summer pasture must be permitted.

**9.** COPA and COGECA have noted the low levels of development of research into organic farming material. For this reason, the organisations are in favour of retaining derogation to maintain the rearing of the same species on the farm (in different parcels) for research purposes (App III.A.2.4. reg 2092/91).

**10-11.** The current low levels of development of the organic sector and its fragmented structure across several areas of production hinder the development of the sector's own harvest structures. Therefore COPA and COGECA are of the opinion that derogation

regarding the simultaneous collection of organic and conventional milk, eggs and egg products must be maintained. In the event of simultaneous collection, adequate measures must apply in order to avoid any mix up or substitution. (App III.B.3. reg. 2092/91)

**Question 2: Flexibility for farmers who find no organic products on the market (animal feed, seeds, animals, etc) (Art 22(2)(b) Reg. 834/2007)**

COPA and COGECA note that the organic market is not sufficiently developed and that, in certain cases, there are still no organic alternatives. Therefore they believe that these exceptions cannot be brought to an end immediately. However, COPA and COGECA are aware of the possibility that resorting to conventional agriculture could impede or delay the development of organic alternatives and could favour the indefinite extension of derogations. Therefore, the conditions of use for this type of derogation must be reinforced and restricted. Derogations must only be permitted during a limited period of time.

There must be more incentives for development and production of organic goods which allow derogations to be brought to an end.

Some Member States currently have databases in place regarding the availability of organic seeds. Within these Member States, the use of conventional seeds is only permitted when there are no organic seeds on the market. COPA and COGECA consider it necessary to set up a similar database at European level. It is particularly important to improve the quality of organic seeds as they currently have a lower agricultural quality than conventional seeds. It is also necessary to increase the number of varieties available.

It is necessary to encourage cooperation between Member States for the creation of a database regarding the availability of organic material within the European Union. Checks must be reinforced to be able to state that there are no organic alternatives.

1. COPA and COGECA believe that the derogation concerning the use of conventional chicks less than 3 days old must be maintained.

4, 5 and 7. Derogations regarding bees, conventional queen bees as well as conventional beeswax in organic beehives ought to be maintained.

**Question 3: Flexibility regarding the specific management problems (Art. 22 (2) (d) reg. 834/2007).**

1. COPA and COGECA consider that the derogation which permits the final fattening phase in cattle, pig and sheep breeding for meat production to be carried out inside must be maintained under the provisions of Annex I.B.8.3.4. reg. 2092/91

**Question 4: Flexibility in the event of a catastrophe (Art. 22 (2) (f) reg. 834/2007).**

COPA and COGECA believe in the need to define and determine strictly the notion of catastrophe at European level as well as the conditions for using these derogations.

When there is a catastrophe which cannot be defined in a harmonised way at European level (e.g. definition of drought for a country in the North of Europe or for a country in the South of Europe), the Member State in question ought to evaluate the situation to determine whether or not it is a catastrophe. They should then communicate their decision to the European Commission for approval.

Derogations granted in the event of a catastrophe cannot lead to competitive advantages.

1-2. Under strict controls, conventional animals must be allowed on an organic holding and cattle must be able to be fed non-organic feed. The feeding of livestock with non-organic feed will not be able to exceed a certain period of time in terms of the total time that feeding

lasts and the longevity of the species in question. If this period of time is exceeded, the animals will have to be sold on the conventional market.

**3.** Organic bees must be allowed to be fed with organic honey and sugar.

**Question 5: Use of conventional breeding animals** (Annex I B.3.8 reg. 2092/91)

COPA and COGECA believe it is necessary to maintain this derogation at the current percentages.

## SECTION 2: MANAGING FLEXIBILITY

**Questions 6 and 7: decision to use and obligation to register and use micro-organisms.**

COPA and COGECA are of the opinion that the exceptions linked to flexibility must be harmonised within the European Union. Their admissibility and conditions for their use must be set at European level. In the case of the exceptions mentioned in the second paragraph of question 4, it will fall to the Member State to decide upon the conditions of application and the duration involved and then communicate this to the Commission for approval. A farmer wishing to use an exceptional type must notify the control body.

## SECTION 3: EXPLANATIONS

**Question 8.** COPA and COGECA believe that the stocking density for poultry must be determined by ground surface area in square metres. COPA and COGECA are opposed to the rearing of organic poultry in cages. (Annex I.B. 8.4.1. reg 2092/91).

**Question 10.** COPA and COGECA consider it unnecessary to clarify the term “systematically” used with reference to zootechnical practices. Its significance is clear in the organisations’ opinion: not applicable to the census as a whole (Annex I.B. 6.1.2. reg 2092/91).

**Question 11.** COPA and COGECA believe that the term “recent past” concerning the conversion of land associated with the production of organic animals, must be transposed into the new regulation for the duration of one year. (Annex I.B. 2.1.2. reg 2092/91)

**Question 12.** COPA and COGECA propose that extensive agriculture be defined in terms of the stocking density, i.e. the number of livestock units by the main forage area. (Annex I B. 1.7. y an I B.1.8. reg 2092/91).

**Question 13.** This is a very important question for COPA and COGECA, which will be coming up with specific proposals shortly.

**Question 14.** COPA and COGECA have deemed it necessary to carry out, as a minimum, one annual physical inspection per site. Collective inspection and certification must be permitted for holdings which are harmonised at European level.

## SECTION 4: MISCELLANEOUS

COPA and COGECA would like the implementing rules for Regulation 834/2007 to be as precise as possible in order to avoid any differences of interpretation and application between Member States and from one certification body to another.

**Controls.** COPA and COGECA consider that the practice of certification bodies' controls should be harmonised within the European Union. This harmonisation should encompass the following points:

- minimal frequency scale per operator type
- notion of unforeseen controls or sampling
- number of analyses to be carried out by the control bodies
- risk analysis method
- gravity scale for non-conformity and applicable sanctions.

Similarly, the documentary evidence supplied by the control body to operators should be harmonised on the basis of a single document model which understands the nature of covered products and their status (organic or under conversion). The recognised list of control bodies for carrying out their controls within the European Union and in third countries must depend on clearly defined selection criteria at European level, completed with an audit and re-evaluation schedule.

**Imports.** The notion of equivalence must be refined by means of an equivalency scale between third country regulations and European regulations. Certificates for imported products ought to be harmonised with those used in the internal market.

**New organic logo.** COPA and COGECA believe that it is necessary to create a new European organic logo which would come into effect as of 2009 and would coincide with the new legislation on organic production and labelling. In order to avoid additional economic costs for producers, the current organic logo must be able to be used still until stocks with packaging containing this logo have run out. This logo must be markedly different from the various European logos for protected designation of origin (PDO), protected geographical indications (PGI) and traditional speciality guaranteed (TSG). The logo must be simple and its design must allow consumers to be able to associate it instantly with organic production. Lastly, this logo should be the object of the appropriate promotional campaigns. To this end, the European Commission must make available sufficient financial means.

**Ban on the use of GMO:** Clarification is needed on the measures to be implemented for the ban on GMO use, particularly where operators' responsibility, controls and sanctions in the event of non-conformity are concerned<sup>1</sup>.

**Use of copper.** COPA and COGECA consider that the use of copper should be permitted in the treatment of certain crops such as vines and potatoes until alternative treatments can be found. Research into alternatives to copper must be encouraged.

**Timetable.** COPA and COGECA are requesting the timetable to be set for the elaboration of implementing rules for wine, aquaculture and yeast.

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<sup>1</sup> Reservation from the organisation Coldiretti