



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F. Horizontal aspects of rural development  
**F.5. Organic Farming**

### EXPLANATORY NOTE TO COMMISSION STAFF WORKING DOCUMENT SEC (2006) 800

The purpose of this document is to explain the Commission's intention as regards the implementing rules to be laid down under the proposed Council Regulation on organic production.

This document intends therefore to assist in reading and understanding the table in Commission Staff Working Document SEC (2006) 800, that analyses these implementing rules to be laid down.

#### 1. HOW TO READ THE TABLE IN SEC (2006) 800

In the left column, the proposed new Council Regulation on organic production is presented, article by article.

The middle column contains for each new article, the corresponding current regulatory provisions, also known as "the current acquis".

In the right column, there is an indication of the intention of the Commission for the future implementing rules, by reference to the current rules.

#### 2. CURRENT LEGAL FRAMEWORK

The main element of the current legal framework is **Council Regulation** (EEC) No 2092/91, which includes 16 articles and 8 Annexes.

The **16 articles** address the following topics: scope, definitions, labelling, production rules, criteria for approving new substances, inspection system, enforcement, imports from third countries, free movement within the community and administrative provisions.

The **8 annexes** contain the principles of organic production and production rules mainly on crop and animal production, but also on food processing, positive lists of substances, inspection requirements, rules on the EU logo and on stocking density. They are amendable by the Commission.

Furthermore, **5 separate, specific Commission Regulations** have been adopted on seeds, labelling of feed, substances for processing, import certificates and the equivalent Third Country list.

To complete the picture, it should be recalled that **general legislation** applies to organic production as well. Most important are the general food law, the legislation on food and feed controls, on labelling of foodstuffs, on genetically modified organisms, on plant protection products, on food additives and on animal welfare.

An overview of the current legal framework is attached in Annex 1.

### 3. PROPOSED FUTURE LEGAL FRAMEWORK

The proposal entails an important structural change: all the fundamental issues are grouped in a short Council Regulation, while all detailed rules and technical standards are to be set out in one or more implementing regulations.

The content of the current Council Regulation 2092/91 is thereby split up: fundamental issues such as the principles and the main production rules are to be found in the proposed Council Regulation, while all detailed rules in the current regulation 2092/91 are proposed to be transferred to future implementing rules, most of them without substantially being modified.

The **proposed Council Regulation** contains **35 articles**, grouped in 7 Titles, and **2 annexes**, where topics such as scope, definitions, labelling, controls and imports are addressed. Moreover, for the first time, the objectives of organic production are spelled out and the principles and basic production rules are explicitly described. Also new is a separate article on flexibility, grouping all derogations spread out across the current legal framework. The topics follow a logical order: from the more general to the more specific. The 2 short annexes contain all language versions of the terms referring to organic production and the "EU-organic" wording.

An overview of the proposed Council Regulation is attached in annex 2.

The **future implementing rules** in the form of one or more Commission regulations will contain the more detailed elements, referred to as 'technical standards' in the table. They will thus be transposed both from the existing Annexes to Regulation 2092/91 and from the separate Commission Regulations, and will be based on, and complete the rules in the draft Council Regulation. In some cases guideline documents may be needed to give further guidance.

The intention of the Commission is to maintain the current technical standards and not to change or adapt them unless where strictly necessary, as follows:

- (1) There will be **new** detailed rules for areas not covered so far, i.e. wine and aquaculture.
- (2) Depending on the final content of the Council regulation, other technical standards may have to be **added** or existing technical standards **amended**.
- (3) When transposing the existing detailed requirements into the new implementing rules, the text will be **brought in line with updated general legislation** where needed.

- (4) A number of the derogations in the current regulation will be replaced by **common rules** and others by **common but exceptional rules** to be developed.
- (5) The **criteria for accepting new substances** will be completed and included in the implementing rules.
- (6) For **label and advertising claims**, new implementing rules will have to be developed.
- (7) New implementing rules on **imports** are needed.

The **general legislation** will of course continue to apply.

#### 4. DETAILED OUTLOOK ON THE FUTURE IMPLEMENTING RULES

In what follows, the implementing rules foreseen are described in relation to the articles of the proposed Council Regulation. Further details can be found in the table of SEC(2006)800.

##### 4.1. Subject matter, scope and definitions (1-2)

No implementing rules are required, except if terms used in the implementing regulations would need a definition that has not yet been given in the Council Regulation.

##### 4.2. Objectives and principles (3-6)

No implementing rules are required.

##### 4.3. Farm production rules (7-12)

The most important production rules for farming in general as well as for specific plant and livestock production are now part of the proposed Council Regulation. Most of the remaining existing technical standards on farm production, i.e. Annex I of regulation 2092/91, will be transposed to the future implementing regulation. Where indicated in the table, the derogations will be replaced by common rules.

Example: page 19 of the table, the derogation in the current regulation for tethering animals granted by the authority or body will be replaced in the future implementing rule by a common but exceptional rule.

In the specific case of setting levels of nitrogen from manure by the Member State, this shall be replaced either by common rules, or in case this is not possible, by formal guidelines on the basis of which Member State authorities shall lay down these levels while taking local conditions into account.

For aquaculture, implementing rules will have to be developed.

The criteria for allowing substances that are currently in article 7 of Regulation 2092/91 will be completed and be included in the implementing regulation.

The positive lists of substances that can be used in farming, i.e. Annexes II A to II E will be part, as they are, of the new implementing rules. However, they will be brought in line with general Community legislation (correct and update references) and for the conditions and limits to the use of these substances, common rules or formal guidelines will be developed to replace as much as possible the "need recognised by the control authority or body" condition.

For conversion, the implementing rules will be copied, i.e. from Annex I. However, common rules will be developed for reducing the conversion period.

#### **4.4. Feed production rules (13)**

All relevant parts of the annexes to Regulation 2092/91 and of Regulation 203/2003 will be included in the implementing regulations without changes in substance.

#### **4.5. Production of processed food (14-15)**

All relevant parts of regulation 2092/91 will be included in the implementing regulations without changes in substance.

The criteria for allowing substances that are currently in Regulation 207/93, article 3, will be completed and be included in the implementing regulation.

The positive lists of substances that can be used in processing, i.e. Annexes VI A to VI C, will be part, as they are, of the new implementing rules. However, new common rules or formal guidelines may be added.

Example: page 20 of the table, the current lists of non organic agricultural ingredients, Annex VI C, will be transposed to the future implementing rules, but common rules or formal guidelines will be added on how to judge the availability of organic ingredients.

For wine specific technical standards will be developed, including the list of allowed additives.

#### **4.6. Flexibility (16)**

Under the new article 16, the existing derogations have been grouped. The table (pages 19-21) explains how they will be treated in the implementing rules. For each derogation in the middle column, it is explained in the third column what is going to happen: either maintain the derogation, or replace it by a common rule or formal guideline.

Example: page 20 of the table, the current derogation from permanent access to outdoors for the final fattening phase will be replaced by a common rule and therefore no more prior authorisation will be required.

#### **4.7. Labelling (17-21)**

Implementing rules have been foreseen for the EU-logo to be transposed from the current Annex V provisions. For the "EU-organic" text fragment new provisions will be developed. For feed labelling the content of the current Regulation 223/2003 will be maintained.

For the provisions on label and advertising claims in article 20, new implementing rules will have to be developed.

#### **4.8. Controls**

The current control requirements in Annex III, as well as some registration obligations in Annex I, would be transposed in their entirety. Some amendments could be made to introduce a more risk-based approach as foreseen in the European Action Plan and required by the approach of the Official Food and Feed Control regulation (OFFC), whilst guaranteeing that the requirement for an annual control visit per operator will be maintained.

New implementing rules are needed for the delegation of certain control tasks, which is not foreseen in OFFC.

#### **4.9. Imports**

For imports, the current Regulation 94/92 on the list of third countries will be included in the implementing rules, as well as the current Regulation 1788/2001 on the import certificate.

For imports of compliant products (article 27 paragraphs 1 and 2) and imports of equivalent products from third countries not listed (article 27 paragraph 5), new implementing rules will have to be developed.

#### **4.10. Final and transitional rules**

No implementing rules to permit the transition to the future provisions are foreseen at this stage.

## Annex 1 - Current legal framework

### 1. Council Regulation (EEC) No 2092/91 - articles

Topic	Article(s)
Scope	1, 2, 3
Definitions	4
Labelling	5
Production rules	5, 6
Criteria for approving new substances ('partial)	7
Inspection system	8,9
Indication that products are covered by the inspection scheme	10
General enforcement measures	10 a
Imports from third countries	11
Free movement within the Community and stricter national rules for livestock	12
Administrative provisions and implementation	13, 14, 15, 15a, 16

### 2. Council Regulation (EEC) No 2092/91 - Annexes

Topic	Annexes
<b>I. Principles of organic production at farm level</b>	<b>Annex I</b>
A. Plant and plant products	I.A.
B. Livestock and livestock products (bovine, porcine, ovine, caprine, equine, poultry)	I.B.
C. Beekeeping and beekeeping products	IC.
<b>II. Substances – positive lists</b>	<b>Annex II</b>
A. Fertilizers and soil conditioners	II.A.
B. Pesticides	II.B.
1. For plant protection	II.B.1
I. of crop or animal origin	II.B.1 I
II. micro-organisms	II.B.1 II
III. to be used only in traps/dispensers	II.B.1 III
IIIa to be surface spread	II.B.1.IIIa
IV. other substances from traditional use	II.B.1 IV

V. other substances	II.B.1 V
2. In livestock buildings and installations	II.B.2
C. Feed materials	II.C.
1. plant origin (non organic)	II.C.1
2. animal origin (organic and non organic)	II.C.2
3. mineral origin	II.C.3
D. Feed additives, substances, processing aids used in feedingstuffs	II.D
1. Feed additives	II.D.1
2. Certain products used in animal nutrition	II.D.2
3. Processing aids used in feeding stuffs	II.D.3
E. Cleaning and disinfection of livestock buildings and installations	II.E.
F. Other products (currently empty)	II.F
<b>III. Inspection requirements</b>	<b>Annex III</b>
General provisions	III. General
Specific provisions	III. Specific
A. Production of plants, plant products, livestock and/or livestock products	III.A
A.1 Plants and plant products from farm production or collection	III.A.1
A.2 Livestock and livestock products produced by animal husbandry	III.A.2
B. Units for preparation of products and foodstuffs	III.B.
C. Importing of products and foodstuffs	III.C.
D. Contracting out	III.D
E. Production of feedingstuffs	III.E
<b>IV. Information to be notified by operators</b>	<b>Annex IV</b>
<b>V. Indications that products are covered by the inspection scheme</b>	<b>Annex V</b>
<b>VI. Processed products</b>	<b>Annex VI</b>
Introduction	-
General principles	-
A. Ingredients of non-agricultural origin	VI.A.
1. Food additives, including carriers	VI.A.1
2. Flavourings	VI.A.2
3. Water and salt	VI.A.3
4. Micro-organism preparations	VI.A.4

5. Minerals and vitamins	VI.A.5
B. Processing aids	VI.B.
C. Ingredients of conventional origin	VI.C.
1. Unprocessed or "simple-processed" vegetable products	VI.C.1
2. Processed vegetable products	VI.C.2
3. Animal products	VI.C.3
<b>VII. Animals per ha</b>	<b>Annex VII</b>
<b>VII. Minimum surface areas</b>	<b>Annex VIII</b>
1. Bovines, ovine and pigs	VIII.1
2. Poultry	VIII.2

### 3. Separate Commission Regulations

Topic	Regulation
List of third countries	94/92
Content of Annex VI (substances for processing)	207/93
Import certificate	1788/2001
Feed labelling	223/2003
Seed	1452/2003

### 4. General legislation (non exhaustive list)

Topic	Regulation
General food law	178/2002
Official food and feed controls	882/2004
Labelling, presentation and advertising of foodstuffs	2000/13
Genetically modified organisms	2001/18 65/2004 1829//2003 1830/2003
Plant protection products	91/414
Animal welfare	1999/74 91/629 91/630
Food additives and processing aids	89/107

## Annex 2 - Proposed Council Regulation

### Proposal for a Council Regulation on organic production and labelling of organic products – COM(2005) 671 final

<b>TITLE I</b>	<b>Subject matter, scope and definitions</b>
Article 1	Subject matter and scope
Article 2	Definitions
<b>TITLE II</b>	<b>Objectives and principles for organic production</b>
Article 3	Objectives
Article 4	Overall principles
Article 5	Principles applicable to farming
Article 6	Principles applicable to processing
<b>TITLE III</b>	<b>Production rules</b>
<b>Chapter 1</b>	<b>Farm production</b>
Article 7	General farm production rules
Article 8	Plant production rules
Article 9	Livestock production rules
Article 10	Production rules for aquaculture
Article 11	Use of certain products and substances in farming
Article 12	Conversion
<b>Chapter 2</b>	<b>Feed production</b>
Article 13	Production rules for feed
<b>Chapter 3</b>	<b>Production of processed products</b>
Article 14	General rules on the production of processed food
Article 15	Use of certain products and substances in processing
<b>Chapter 4</b>	<b>Flexibility</b>
Article 16	Less restrictive production rules
<b>TITLE IV</b>	<b>Labelling</b>
Article 17	Use of terms referring to organic production
Article 18	Compulsory indications
Article 19	Community organic production logo
Article 20	Label and advertising claims

	Article 21	Specific labelling requirements
<b>TITLE V</b>	<b>Controls</b>	
	Article 22	Control system
	Article 23	Adherence to the control system
	Article 24	Certification
	Article 25	Measures in case of infringements and irregularities
	Article 26	Exchange of information
<b>TITLE VI</b>	<b>Trade with third countries</b>	
	Article 27	Imports from third countries
<b>TITLE VII</b>	<b>Final and transitional rules</b>	
	Article 28	Free movement of organic products
	Article 29	Transmission of information to the Commission
	Article 30	Statistical information
	Article 31	Management Committee on organic production
	Article 32	Implementing rules
	Article 33	Repeal of Regulation (EEC) No 2092/91
	Article 34	Transitional measures
	Article 35	Enter into force and application
<b>Annex I</b>	Terms referring to organic production	
<b>Annex II</b>	Terms "EU-organic"	