

Revision of the Organic Regulation 2092/91

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 during the past half year: The Revision of the Organic Regulation 2092/91.

As you all know, the European Commission published its proposal for a revision of the EU Regulation 2092/91 on organic agriculture on December 21, 2005. IFOAM EU Group has, with the help of you, our members in all EU countries, devoted a great deal of time evaluating and discussing the proposal. Our, and your, evaluation has revealed a large number of open questions and concerns which we have presented to the EU authorities.

We have secured a major achievement in delaying for at least six months the European Council's decision on the Commission proposal. Now, we have more time to press for the detailed changes that are necessary to make it the sound regulation we want it to be. However, if this is to be successful, **you** need to also lobby your governments with your concerns, to back up our actions at the EU level.

In this newsletter we would like to inform you about and to address the following issues:

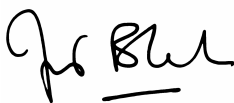
- What has happened so far on the political stage
- What the Commission proposal foresees
- What the organic movement thinks of the Commission's proposal
- What activities the IFOAM EU Group has carried out
- What will be happening next

Due to the importance of this topic for the organic sector the IFOAM EU Group has set up an extra information webpage where you can find all latest information and documents from EU institutions, the IFOAM EU Group, EU and national stakeholders. See:

http://www.ifoam.org/about_ifoam/around_world/eu_group/Revision_info_page.html

I hope this newsletter will provide you with all the information you need and I wish you all the best!

Yours sincerely



Francis Blake, President



Table of content

1. What has happened so far - A political roadmap
 - 1.1 European Commission
 - 1.2 European Council
 - 1.3 European Parliament

 2. What the Commission proposal foresees

 3. What the organic movement thinks of the Commission's proposal of the revision
 - 3.1 Timescale too short
 - 3.2 Concerns and crucial points

 4. Activities of the IFOAM EU Group
 - 4.1 IFOAM EU published recommendation on a revision of organic Regulation (14.10.2005)
 - 4.2 IFOAM EU Group published position paper (27.02.2006)
 - 4.3 Stakeholder conference in the European Parliament (27.03.2006)
 - 4.4 IFOAM EU Group sent crucial questions to European Council (27.03.2006)
 - 4.5 IFOAM EU Group informed stakeholders at conferences in Odense (DK), Bioacademy (CZ) and Biofach (February - June 2006)
 - 4.6 IFOAM EU Group commented on the first compromise paper of the European Council under the Austrian Presidency (April – May 2006)
 - 4.7 IFOAM EU Group met delegations of different EU institutions (February – July 2006)

 5. What will happen in the near future – further political agenda
 - 5.1 Discussion in EU institutions
 - 5.2 IFOAM EU Group activities
 - 5.3 How will the final regulation look like
-

1. What has happened so far - A political roadmap

1.1 European Commission

In June 2004 the European Commission published its [action plan on organic food and farming](#) (plus [Annex](#)). In the action plan the Commission indicated the forthcoming revision of the current regulation 2092/91.

Asked by the Council for a detailed concept by the end of 2005, the Commission sent a [working document](#) to member states and stakeholders on September 22, 2005 asking for comment within three weeks. On December 21, 2005 the European Commission finally published its [proposal for a "COUNCIL REGULATION on organic production and labelling of organic products"](#). The Commission said in a [press release](#) that the proposal aims to improve clarity for both consumers and farmers. "The new rules will be simpler, and will allow a certain amount of flexibility to take account of regional differences in climate and conditions."

Member states, the European Parliament and the organic sector were all critical that it is difficult to assess the Commission proposal as a general framework without knowing the detailed implementing rules (which were to be decided later).

Therefore on June 16, the European Commission provided officially an [outline \(working document\) of the implementing rules](#). This is an

Organic Revision: What happened so far? Overview of the political process
June 2004
• Commission published Action plan on organic food and farming indicating the revision of organic regulation
October 2004
• Council ask Commission to come up with detailed proposal
22 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 revision proposal
January – June 2006
• European Council working group discussing revision proposal of Commission
April 2006
• Austrian Presidency drafted first compromise paper
22 May 2006
• Agriculture Council discussed Commission proposal
8 June 2006
• European Parliament launched work document in agriculture committee
16 June 2006
• Commission launched outline table of implementing rules
28 June 2006
• Austrian Presidency and new Finnish Presidency draw up new compromise paper
1 July 2006 – 31 December 2006
• Finnish Council Presidency takes over from the Austrian Presidency

analysis table showing how the Commission

intends to transform the existing annexes (and other parts) into the new Regulation. These indications are not legally binding, but instead

represent a political commitment by

1.2 European Council

The European Council, composed of member state ministers, must adopt the Commission proposal with a two-thirds majority before it can come into force. Alternatively, the Council has to vote unanimously against the proposal, if they wish to reject it.

After receiving the Commission proposal, the Austrian Presidency (January to June 2006) organised several meetings in a special Council working group. They aimed to adopt the proposal by the end of their presidency but member states, as well as the organic sector, claimed that this was insufficient time. Therefore the Austrians decided finally that "quality prevails over speed" and passed over the final decision to the Finnish Presidency (July to December 2006).

In April, the Austrian Presidency provided a first compromise paper (Part [one](#) & [two](#)) to bring forward the discussion in the Council.

During the agriculture council on May 22, the European agriculture

the Commission.

ministers welcomed in principle the Commission's revision proposal even if some detailed questions have to be further negotiated and discussed. The German minister raised some principle doubts on the proposal.

The main discussion between member states were about:

- The EU logo - mandatory or not,
- the question of separate labelling thresholds for GM contamination of organic products,
- retaining the 70-95% labelling category or not,
- certification and control issues,
- the ongoing decision making process, for the implementing rules (management committee or regulatory committee), and for approving imports.

On June 28, the Austrian Presidency, in conjunction with its successor the Finnish Presidency, produced a second [compromise paper](#). This will be the basis for the European Council's continuing discussion.

1.3 European Parliament

In the decision making process on agricultural matters, the European Parliament (EP) must provide a report, but it has no power of 'co-decision' with the Council. This means that the European Council (and the Commission) must listen to the opinion of the Parliament but is otherwise free to decide what to include in the final regulation.

The European Parliament rapporteur for the organic regulation revision proposal is [Marie-Hélène Aubert](#), MEP for the Greens in France. On June 8, she produced a [working document](#) for discussion at the EP agriculture committee.

Until the Parliament delivers its official report, the Council cannot decide formally on the proposal. This working document is only a draft. It therefore allows the Parliament to engage further with the Commission and the Council, despite its lack of co-decision.

In the working document, the Parliament has asked the Commission to come up first with the detailed implementing rules before it can decide on its report.

2. What does the Commission proposal foresee?

In producing its proposals for a revision of the organic regulation, the Commission has gone for wholesale change. It is a completely new regulation with different structure, wording and, in some cases, content. Much of it reflects the actions in the organic action plan, but some elements are not identified there. The main components are noted below.

- It starts with objectives and principles, though it is not clear if some of these are objectives and principles of the regulation, rather than of organic agriculture.
- The scope specifically embraces aquaculture and wine, though excludes other products of organic farming, such as textiles.
- Parts of the production-related annexes are now in the main regulation as production rules. The remainder, and other aspects not covered, will be in separate "implementing rules" to be developed by the Commission after this framework regulation has been completed.
- The 'made with' labelling category (for 70-95% organic ingredients) will go.
- Either the EU logo, or a stylised indication 'EU-ORGANIC' must be used, in addition to the certifier code.
- There is a specific mechanism for flexibility, to deal with the existing derogations and other means of progressive development, and the EU Group's call for 'regional variation'. Each allowance of flexibility will be decided at Commission level but the decision criteria are not included.
- The exclusion of GMOs is clarified, rather than changed, but these do appear to have very significant implications. Also, the issue of liability in case of GMO contamination is not covered.
- The EU's official food and feed control system (regulation 882/2004) now applies to organic certification and control.
- The existing (temporary) rules for imports are replaced by permanent and more consistent procedures.
- There are significant restrictions on the operation of private inspection and certification bodies. These include how they can advertise their differences and how they can control their own marks of conformity.
- The way the regulation itself will be controlled changes, giving more power to the Commission away from the Member States.

3. What the organic movement thinks of the Commission's proposal of the revision

The IFOAM EU Group was in favour of a thorough revision of the EU Regulation for organic food and farming. However, the group was taken aback by the Commission's proposal of a total revision of the current regulation, which potentially changes the character of Organic Agriculture altogether.

After consulting with members and analysing the proposal at the beginning of the year, a significant number of problem areas were identified. These were formulated into a paper of 'grave concerns'. The Group questioned if the Commission proposal set up organic food and farming for the next decade.

3.1 Timescale too short

The timeline for deciding on the proposed regulation was extremely tight, and the practical and legal implications of the proposal for the new Regulation largely remain unclear.

"The revision has the potential to be the most significant development for the European organic sector since the regulation came into force in 1991", said Francis Blake, president of the group in 2005. "We urge that a fast decision-making process must not be at the expense of consultation with the

organic movement and other stakeholders."

Already in July 2005 the Group asked in a [letter to Agriculture Commissioner Fischer Boel](#) for a sufficient and realistic timescale. This call was repeated in a [letter to the Austrian Presidency](#) in March 2006. The Austrian Presidency responded that, to them, quality had to prevail over speed. In consequence, they allowed the discussion process in the Council to prolong beyond their presidency. This was widely appreciated by the sector.

3.2 Concerns and crucial points

The Austrian Presidency and the succeeding Finnish Presidency have drafted a new [compromise text](#) on June 28, 2006. In reviewing this, the IFOAM EU Group acknowledged that some points of the organic sector have been taken up. Nevertheless, there are still open [questions](#) to be clarified and

[concerns](#) of the sector still remained.

The IFOAM EU Group considers it as crucial that these points will be recognised in the decision for a new regulation (see overview table next page for the main points).

Major concerns and crucial points of the organic movement

No formal stakeholder involvement

- *Procedures for transparent and formalised stakeholder involvement at all levels must be established. Relevant documents should be accessible to the public with sufficient time for proper consultation and response. The authorities should report publicly on these consultations.*

Scope too limited

- *The scope should extend to cover all products of organic agriculture, including textiles, cosmetics and managed wild animals.*

Principles don't reflect IFOAM's

- *The objectives and principles should be further developed in line with those decided by the organic sector.*

Inferring organic not covered

- *The same level of protection of the term "organic", as in the existing regulation, must be kept. Even inferring organic should be covered.*

More centralised decision making

- *The decision making structure must not transfer power away from member states to the Commission (article 31). The existing regulatory committee should remain.*

More centralised certification

- *The official food and feed controls (regulation 882/2004) fundamentally changes the framework and scope of the organic inspection system. At the very least, its special requirements must be specifically stated, and must be controlled, within the organic regulation. Also the proposal should use the terminology of Codex, not food control.*

Restrictions on advertising claims

- *The new restrictions on the labelling and advertising organic products (article 20) must go!*

Restrictions on private logos

- *There can be no interference with a private body's right to control the issuing of its own logo (article 24.3).*

GMOs must be excluded

- *The defacto 0.9% contamination level of organic products (from the GM labelling regulation) is not acceptable.*

Flexibility

- *The criteria for flexibility should be clear and transparent, and must not distort trade. They should be incorporated in the regulation.*

Positive lists

- *The lists of allowed inputs should be explicitly referenced. Decision criteria should be incorporated in the regulation, based on IFOAM criteria and the results of the EU-funded Organic Inputs Evaluation project.*

Imports

- *Import authorisation should reflect Codex wording, which would allow acceptance on the basis of IFOAM accreditation.*

4. Activities of the IFOAM EU Group

4.1 IFOAM EU published recommendations on a revision of the organic Regulation (14.10.2005)

On October 14, 2005, the IFOAM EU Group approved its [position paper](#) on the revision of the EC Regulation 2092/91 suggesting concrete measures how to improve the Regulation for the future needs of organic farming in Europe. This was in response the Commission's 'key

ideas' working paper on the planned revision.

Even then, a major concern of the Group was that the European Commission had not given enough time to sufficiently involve the stakeholders in this important process.

4.2 IFOAM EU Group General Assembly declaration, followed by publication of its position paper (15.02.2006)

During the 3rd General Assembly of the IFOAM EU Group on February 14, 2006, the members present adopted a [declaration](#) on the proposal for a revision of Regulation no. (EEC) 2092/91. The draft was assessed as "gravely inadequate".

On February 27, the Group published its [position paper](#) on the revision proposal. The Group expressed its support for a thorough revision of the regulation but had a significant number of grave concerns in the current proposal (see point 2).

4.3 Stakeholder conference in the European Parliament (27.03.2006)

The IFOAM EU Group organised the conference '[Organic farming: Ready for the next Decade?](#)' on March 27, 2006 in the European Parliament together with the responsible rapporteurs from the European Parliament, Marie-Hélène Aubert and F.W. Graefe zu Baringdorf. The event was the first opportunity for stakeholders to discuss the proposal at the European level. Over 90 stake-holders from eleven different EU countries participated.

IFOAM EU Group president, Francis Blake, presented the [main concerns of the organic sector](#) to the



Photo: Panellists - A. Posch (Austrian ministry), M.-H. Aubert, (European Parliament), F. Blake (IFOAM EU Group), F.G. zu Baringdorf (European Parliament), N. Sivenas (European Commission), H. Lorenzen, (European Parliament), M. Schlüter (IFOAM EU Group)

auditorium. Also on the panel of speakers were representatives of the Austrian Presidency, the European Commission and the European Parliament.

The delegates discussed with the panel their numerous reactions and

concerns about the revision proposal. These demonstrated the strength of feeling from the stakeholders of this important sector of agriculture.

4.4 IFOAM EU Group sent crucial questions to European Council (27.03.2006)

With so many issues in the revision proposal still unclear, the IFOAM EU Group outlined [key questions](#) to bring all these together. The Group handed the document to the Austrian Presidency and urged the EU authorities for answers.

The questions covered:

- the intent of the proposals,
- the expected impact on the various actors,
- the planned next steps, and
- the timetable for the process.

4.5 IFOAM EU Group informed stakeholders at conferences in Biofach (D), Odense (DK) and Bioacademy (CZ) (February - June 2006)



Photo: Co-ordinator Marco Schlüter at Bioacademy, Lednice, Czech Republic

The IFOAM EU Group participated in several conferences and fairs to inform about the position of the organic sector ([presentation Odense](#)). EU Group representatives spoke at the Biofach in Nuremberg (17.02.06), the organic conference in Denmark (30.05.06) and the Bioacademy in Czech Republic (30.06.06).

All these provided a platform to discuss with stakeholders and EU officials the weaknesses and strengths of the proposals.

4.6 IFOAM EU Group commented on the first compromise paper of the European Council under the Austrian Presidency (April – May 2006)

Under the Austrian Presidency, the European Council discussed the Commission proposal on the Revision of the organic regulation. As a result the Presidency drafted a first compromise paper (Part one & two) in three steps. The IFOAM EU

Group commented on the Council paper in April to June (19.4./26.5./7.6.2006) and urged the Council to take these comments into account in the further discussion.

4.7 IFOAM EU Group met delegations of different EU institutions (February – July 2006)

The IFOAM EU Group had several meetings with representatives of the European Commission, the European Council and the European Parliament to present the view of the organic sector and explain its concerns. The authorities were asked to give sufficient time for deeper consultation and to take seriously the sector's concerns. The

Group explained that the new Regulation would have a crucial impact on the future development of organic food and farming. It wanted to ensure that organic farming contributes fully to rural development and to achieving the aims of the European common agriculture policy.

5. What will happen in the near future – further political agenda

5.1 Discussion in EU institutions

The European Council will discuss the new compromise paper under the Finnish Presidency and will negotiate with the European Commission about the final text. The Finnish Presidency aims to reach agreement during November 2006. Therefore the Council working group will meet several times after the summer.

The final decision will rest with the agriculture ministers. If there is no agreement before the end of the year, the German Presidency will

take over the discussion in the Council from January 2007.

It is uncertain how the discussion in the Parliament will continue. The European Parliament has so far only provided a working document for discussion in its agriculture committee. Before adopting this paper as a report, the Parliament has requested from the Commission to see first a proposal for the implementing rules. Whilst this is unlikely to happen, the Parliament will instead enter negotiations with the Commission to get more

influence in the process (so far it has no co-decision power in

5.2 IFOAM EU Group activities

The IFOAM EU Group will have a careful look at the new compromise paper and will evaluate to what extent its crucial points have been taken into account.

The European Commission has invited the IFOAM EU Group to further discuss the proposed regulation and the latest developments. It has expressed a desire to resolve the critical points

agriculture matters).

the IFOAM EU Group has identified. Therefore the IFOAM EU Group will meet a delegation from the Commission in September.

In addition, a meeting with the new Finnish Presidency is planned during August, to agree on future cooperation. Also, the process in the European Parliament will be followed up.

5.3 How will the final regulation look like?

It is clear from the political process in the Council that the Commission proposal will not be rejected. Most of member states agreed in principle with the proposal and beside of Germany none has rejected it publicly.

The likely outcome in the end will be a compromise between the European Commission and Council (and Parliament). Therefore the political negotiations over the final text will continue.

The IFOAM EU Group will continue to be active in calling for an appropriate regulation at the European level and for the crucial issues to be resolved.

At this political stage, achieving the outcome we all want will depend almost entirely on the extent the **organic sector in the member states** can influence the opinion of their respective ministries and thereby the positions they take in the Council working group.

Therefore it is extremely important that **you all** back up our European level activities with your own national activities! If you need further help with this, please contact your national IFOAM EU representative or the office in Brussels.

© IFOAM EU GROUP 2006

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.

Editor IFOAM EU Group Newsletter: Marco Schlueter, IFOAM EU Group, Boulevard Louis Schmidt 64, 1040 Brussels, Belgium, Phone: +32-2-7352797; Fax: +32-2-7357381

The content (1-4, 5.1) is partly taken from a report of an IFOAM EU seminar "Organic Farming and Rural Development to provide growth, jobs and sustainability" in Norway, July 6-8, 2006. This seminar was co-financed by the European Community, Directorate-General for Agriculture and Rural Development. The whole responsibility for the communication/publication lies with the author. The Commission is not responsible for any use that may be made of the information contained therein.