



International Federation of
Organic Agriculture Movements –
EU Regional Group

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Working for organic farming in Europe

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Mrs Mariann Fischer Boel
Commissioner for Agriculture
European Commission
Rue de la Loi 200
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Dear Commissioner

Revision of Regulation No. 2092/91

I am writing to outline our initial views on the revision of Council Regulation (EEC) no. 2092/91 which we understand you are intending to progress with an accelerated timescale over the coming months.

We welcome this review, which was anticipated in the Organic Action Plan, and wish to offer our support and co-operation through the process. The revision has the potential to be the most significant development for the European organic farming sector since the regulation came into force in 1993. Whilst we appreciate your wish for a short timescale, we urge that this must not be at the expense of consultation with the organic movement and other stakeholders.

We would like to suggest a timescale and a process that allowed both your services and ourselves to develop proposals that we could discuss at our annual meeting at the end of November. Your services could then work with the sector to draw up a first outline in, say, early 2006. This could be the subject of an internet consultation as it will be important to engage as wide a range of stakeholders as possible.

Turning to the regulation itself, I would like to give the IFOAM EU Group's initial thoughts on a number of key issues. However, I hasten to add that we have not been able to formulate detailed positions as yet. We hope to complete that process by the end of October.

1. Legal basis and scope

Organic farming sits clearly within the competence of Agriculture. However, organic food (and other products of organic farming) is also a Consumer issue. Therefore we consider that the legal basis of the regulation should reflect that and consequently, it should be subject to co-decision by the European Parliament.

We understand that this would open the door for other categories of organic products to come within the scope of the regulation. Whilst we are generally not in favour of further EU-level regulation of additional areas at the current level of detail (with the exception of wine), nevertheless it would provide a framework for this to happen, perhaps at national and regional level or, if circumstances change, also at EU level. This would in any case enable protection of the name of organic in these related areas, which is increasingly important.

2. Principles and format

The Organic Action Plan identified the need (and some of the means) to simplify the regulation and we very much support this. Starting more clearly from the key principles will help and the work of the EEC 2092/91 (Organic) Revision project (SSPE-CT-2004-502397) is therefore important. However, this is only the starting point and much thought will be needed on how this then flows through to the rest of the regulation.

Organic principles clearly encompass animal welfare, environmental conservation and the social dimension. So starting from the principles will mean addressing these more than at present. However we do not support an approach based on prescription and detail – it has to be more flexible than that.

We intend to consider the above issues in more detail. Suffice to say here that organic farming is a process and, recognising that it is still relatively undeveloped (and unresearched), it is also progressive. As such we are continually seeking to improve its achievements to reach towards the aspirational principles. There is, therefore, something of a conflict between the regulation defining what is organic in detailed, often quantitative, terms and the more process-based approach that addresses the 'whole system' and recognises the need for progression.

In an ideal world, the regulation should define the principles and aims, and the inspection would audit and control the operator's compliance with and progress towards these, together with his/her plans for future improvements. Some of the current derogations have run into problems, partly because the regulation tends to concentrate on the quantitative approach, and partly because it has not been supported by sufficient resources to facilitate the expected progress.

At the moment, many farmers and other operators use the regulation 'verbatim' as their standards manual. It is extraordinary that we expect them to use a complex legal document in this way – it is difficult enough even for 'experts'. It is hardly an effective means of communication. On the other hand, the private standards do communicate much more clearly and effectively. Therefore, not only the structure, but also the form and language need to be greatly simplified.

3. Functioning of the internal market

We are aware of your concern that the internal market is not functioning freely and that you think the private inspection bodies are causing this. Please do not discount the vital role they play, in innovation (including of organic standards), in promotion and in building consumer confidence. Both the regulation and the organic market would be much less advanced without the beneficial pressure they exert. There is no way that the Commission, together with the EU logo, can ever achieve the local penetration needed to replace them adequately.

By contrast, some would argue that the unsold surplus of organic grain in France (whilst others are using non-organic grain in livestock feeds) is the result of inadequate application of the regulation by the various control authorities. It is certainly not caused by the private inspection bodies.

If there is a problem with the internal market, then private labels may be a symptom of this, but they are not its cause. We would argue that the causes are the biological (and therefore the geographical- and climatic- dependent) nature of agriculture, the differences throughout the EU between less and more developed organic sectors, between the support regimes for organic farming and between the expectations of organic consumers. All these contribute to the tensions between (essentially) importing and exporting regions.

Forcing through complete harmonisation will not resolve this and will only mean that the private bodies (and their consumers) will find other ways to assure the additional integrity they feel is necessary. The regulation should set a common baseline which makes basic harmonisation possible. Private standards complement this by providing national/local guarantees that consumers can identify with and by stimulating standards to go beyond the baseline.

Having said that, we applaud the impressive degree of harmonisation that the regulation has already achieved. However this has sometimes been at the expense of organic farming at the geographical/climatic/developmental extremes of the EU. We therefore feel that an element of regional variation should be possible, within clearly defined limits. We are currently formulating what these might be and how they relate to the system of derogations (whether time-limited or not) that have been an important, if sometimes ill-fated, tool in the regulation up til now. We will be communicating our proposals for these to you.

4. Inspection, certification and control

We recognise that the very different systems in different member states have led to variability in inspection and control. However we consider that the way to address this is not to require uniform structures everywhere, with the major disruption that would result, but to ensure that the member states' control systems are applied effectively, and are seen to be, through adequate transparency and monitoring.

Most competent authorities now require EN45011 accreditation of the private inspection bodies. This has proved a useful tool but we are aware of the variability of EN45011 accreditation in different countries, so it is by no means the complete answer. We therefore urge for the involvement of specialist organic accreditation expertise in the process. IFOAM Accreditation could provide this, not on its own as we recognise your misgivings about the role of the private sector here (although most national accreditation companies are also private), but in appropriate cooperation with national accreditation systems.

EN45011 provides for adequate, and audited, separation of the different parts of the decision making process, for example standards setting, inspection and certification. There should be no need to stipulate additional requirements for separation.

The International Taskforce for Harmonisation and Equivalence, in which both the Commission and IFOAM are active participants, is soon to produce its report. We recommend those results being reflected in the review.

We are concerned that the regulation is sometimes used as a barrier to trade for organic products coming from developing countries. We do hope the review will facilitate market access for those products.

We welcome the steps being taken towards a more risk-based approach to inspection and look forward to this progressing. Scale is also a factor in the level of risk. The smaller a farm or processor, the fewer customers it has (and often the more direct contact they have with the operation) and therefore, all other things being equal, the lower its risk profile. This should also be recognised and it may help to stop the two-tier 'organic' market which is unfortunately developing in many countries – smaller, local uncertified and larger, more commercial certified.

5. GMOs

We would refer you to our previous position papers on the subject of GMOs, coexistence and thresholds, and also to the legal opinion of Mr Paul Lasok. We maintain that the Commission is treading dangerous ground in the way it is currently interpreting the legislation on GMOs.

We cannot, and should not have to, countenance separate thresholds for organic seed, feed and food. It is entirely unfair and totally inappropriate to expect organic farmers (and organic consumers) to bear the cost (and the onus of responsibility that goes with it) of contamination from the genetic engineering sector. Of course it is not only organic farmers, but the vast majority of conventional farmers (and consumers) who wish to avoid GMOs also – it just happens that organic farming is in the vanguard.

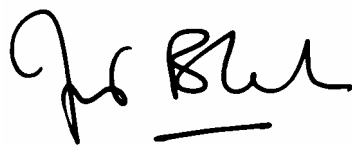
We wonder where the 'polluter pays' principle has gone? And we wonder why animal products are not subject to the same labelling obligations as the animal feed from which they derive.

Until a proper and effective liability regime to deal with GM contamination is established, we cannot jeopardise the viability of organic farming by considering additional or separate thresholds.

This covers the main points that we have so far agreed. We aim provide detailed proposals by the end of October. To achieve this we will have mobilised the organic sector we represent. We know the sector will be keen to be involved - we trust you will respond positively and will take their wishes into consideration.

In the meantime, please do not hesitate to contact me or Marco Schlueter if we can be of any further assistance.

With best wishes
Yours sincerely

A handwritten signature in black ink, appearing to read 'Francis Blake'. The signature is written in a cursive style with a horizontal line underneath the name.

Francis Blake
President