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Why non organic ingredients should be authorized at national level

Introduction;

The current status of negotiation on the new organic regulation gives priority for an authorization for procedure of conventional ingredients allowed in organic products up to a max. of 5% on European level by Commission. In accordance to the latest Malta negotiation mandate there is still foreseen in article 6 (square brackets) the possibility to have derogations for conventional ingredients not available in organic quality up to max. 5% on national level.

Experience over the last decades;

Already based on current EC reg. 834/2007 (art 19 c) a European wide authorization procedure for such ingredients not available in organic quality is set up. The List of those ingredients decided on European level is established in Annex IX of the current EC reg. 889/2008. Parallel to the European system in accordance to article 29 of EC reg. 889/2008 a national derogation system for non-organic agriculture based ingredients is established. Article 29 of EC Reg. 889/2009 is set up as a system were after three prolongations on national level (Art 29 (1) last paragraph) an authorization on European level needs to be decided if requested by a member state. If the product is not available, it can be authorized for an inclusion in Annex IX of EC reg. 889/2008.

1. A number of requests from member states for inclusions in Annex IX were put forward in the last decade.
For example: In 2011 from operators in Germany an application for the authorization of products to Art. 19 (2) b and c in association with Art. 21 of regulation EC 834/2007 and their inclusion in annex IX of regulation EC 889/2008 was put forward. Today, six years later, the operators have not received any information on the decision.
2. In fact the list established in Annex IX of ECC Reg. 889/29008 was never revised since the establishment in 2008. The Commission was not able to handle the requirements set up in

(Art 19 c). Even worse, the current list of Annex IX was already overtaken from EC Reg. 2092/91 and was in fact not adapted to the reality of the market availability over 15 years.

3. Market availability is a task which is strongly depending on market dynamics. The availabilities can be fast changing and even the needs of the operators are continuously developing further. Therefore an inflexible system, far away from market competence, as set up with the idea to have a Europe wide positive list established by Commission would fail. And has failed in the past.
4. For organic food market the timely limited derogation for "Non organic ingredients" up to max 5% is an important tool for innovations. Innovations on product level are important for the development of the overall organic market and for competitiveness with conventional products. In the very most cases it was demonstrated that a timely limited derogation ends up in production of those ingredients in organic quality and the replacement of the conventional products. But for this procedure flexibility for the administration of derogations are needed.

What is needed?

1. A **derogation system on national level** as established by art 29 of reg. EC 889/2008 is more flexible and closer to the operators and should therefore be kept.
2. The optimum would be to develop a flexible and transparent market driven derogation system. Flexibility is required to make it possible that the demand for organic is not frustrated and broken down, when an essential ingredient (under 5%) not available in organic quality can temporarily be replaced by conventional. It is important for manufacturers as well as for customers of raw materials that a need for an organic variant is shown comprehensible and reliable. This need have to be presented transparently. Because of that producers of raw materials recognize the demand and develop an organic product. A flexible market driven approached with permission requirements and transparency is therefore a step in the right direction. When the ingredient is available in organic quality the derogation ends.

Final remark:

Important aspects to be considered:

- Non-organic ingredients can represent max 5% of the total ingredients of an organic product
- All the derogations granted nationally are public available
- All the non-organic ingredients have to be clearly identified on the label (Ingredients list)
- Such non-organic ingredients are normal foods for daily consumption