

Position Paper

20th of November 2017

Final decision on organic regulation in ComAgri

Today 20th of November 2017 SCA has agreed on the new organic regulation. AöL, representing companies from 4 European countries, have reflected on the triologue compromise and the enhanced document available now. We understand that the negotiations lasted long and were complicated as the legal structure, alignment to other regulations and many technical details were discussed.

In the current regulation there is a substantial lack of harmonized implementation in the EU Member States creating a situation of unfair competition and market distortion. In the annex you can find the most important areas where harmonizing lacks in the current regulation and that are further developed in the new regulation.

For AöL members a harmonized implementation of organic regulation and further development of technical key areas are essential for the successful extension of organically farmed land and markets for organic food in Europe. The next legislative steps need to be taken in order avoid stagnation. AöL is supporting the new organic regulation.

AöL Position Paper*

More than 100 AöL-Members from Europe generate an organic sale of more than 3 billion Euro.

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Annex

Key problems have been identified and resolved after the five years process

In the five years lasting discussion about the new organic regulation significant differences became visible concerning the implementation practice and therefore legal certainty in the several member states of the EU. These areas of concern did not result in the revision process, but have been identified and became visible due to it.

The discussion about the new regulation has purposeful shown big implementation and legal problems in the existing regulation:

- a) The implementation of the existing rules in cases of suspicion or doubt about the integrity of an organic product, including the handling of residue findings could not be more heterogeneous. On the basis of the existing regulation it is obviously not possible to have a harmonized legal implementation – together with all the negative consequences for the movement of goods and the competition. This includes the establishment of specific decertification thresholds in a couple of member states. The existing legal requirements are simply dysfunctional. This chaotic situation massively supports fraud in the organic market.

→ The present draft of a new organic regulation clarifies responsibilities and procedures and agrees in relation to residue findings a clarification process whilst at the same time freezing the status quo until the issue is finally resolved.
- b) On basis of the existing regulation some Scandinavian countries established demarcated beds. This is inconsistent with the organic principles and leads to competition problems. Some other member states announced that in the case of the revision failing, they will establish those demarcated beds as well.

→ The present draft of a new organic regulation confirms the soil bound organic farming and ensures an expiry date for demarcated beds in Scandinavia.
- c) The implementation of the legal requirements concerning organic seeds and the management of their availability is settled in very different ways throughout the member states. The same applies to purchasing organic breeding animals.

→ The present draft of a new organic regulation proposes steps to harmonize the practice for preferring organic seeds and breeding animals.

These inconsistencies of the existing regulation have been looked at during the revision process. At the same time it became clear that the interests, especially of the member states, in some areas of topic are very different. Falling back to the existing regulation would increase those differences, as the legal deficiencies in the background would not be removed.

The draft text of a new organic regulation offers a lot of innovative proposals

Some improvements are:

- ✓ Development of the rules on managing infringements and irregularities, as well as juridification of a reliable implementation including the management of residue findings
- ✓ Increased risk orientated control system, adjustment of the control system to the horizontal regulation on official controls while at the same time leaving the specific rules on organic controls in the organic regulation
- ✓ Conversion of all imports to equivalent imports for non-recognized countries. Stricter rules for control bodies in non-EU countries
- ✓ Implementation of a database system for organic seeds and breeding animals
- ✓ Admission of organic breeding into the organic action plan of the EU
- ✓ Improved access to plant variety and animals, suitable for organic farming
- ✓ Ensuring the soil bound farming, expire date for demarcated beds in Scandinavia
- ✓ Flexibilisation for labelling of origin rules
- ✓ Clarifying the rules for baby food
- ✓ Additional rules for organic flavours