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DG Agriculture and Rural Development

Unit B4 – Organics

L130 3/234a

Mr Nicolas Verlet

Rue de la Loi 41

B-1049 Brussels/Belgium

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Contaminates in organic products

Dear Mr Verlet,

During the revision process of the organic regulation, the topic of contaminants/residues was a central point of the debate. Important progress was reached in the process by establishing the requirements in Article 28 of the new organic regulation. These requirements are clarifying the responsibilities and procedures in a more precise way than in current organic regulation. But finally, the legislator has frozen partly the current situation. And it was decided to evaluate the handling of residues at a later stage:

Art 29 4. Four years after the date of application of this Regulation, the Commission shall present a report to the European Parliament and the Council on the state of play of implementation of this Article, on the presence of products and substances not authorized in organic production pursuant to Article 9(3) first subparagraph and on the assessment of national rules referred to in paragraph 5. This report may be accompanied, if appropriate, by a legislative proposal to provide for further harmonization.

For AöL and Bionext members – which are major organic traders and food processors – this topic is of high relevance. In our daily work, we are faced with thresholds for organic products set up by retailers, and by the need to take decisions on batches of products where some tiny residues have been found. Sometimes it is easy to check the production chain, in other cases it is more complex and economically not feasible.

Additionally, we are facing the situation that Control Bodies and competent authorities are implementing the handling of residues/contaminants quite diverse in Europe – which do not support the idea of a level playing field.

Therefore we are convinced that it is very important to use the timeline set up in Art 29 4. in the best way in order to facilitate a science based solution and delivering a reliable legal situation for operators and authorities to the benefit of our customers. The European Commission could take a very positive role to facilitate finding this best solution. AÖL, Bionext and their members would be very pleased to support this process with all our knowledge derived from our daily business.

The target should be to compile a good information background and to facilitate a high level "technical" debate. This work could result in a wider acceptance of findings, a better fact based debate and thereof better agreement for the regulatory framework.

For the moment we would highly appreciate if the European Commission could initiate a process on the following topics:

1. Collect, evaluate, compare and asses data from contamination findings in organic products produced, traded, processed imported and marketed in the European Union (possible sources: companies, associations, authorities)
2. Put together an overview of the different strategies in the handling of contaminants in organic products in EU Member States. By doing so taking into account administrative procedures within the Member States and the sanction mechanisms established as well as commonly established private agreements and strategies. Also the special situation of handling of such cases for products coming from third countries should be reviewed carefully.
3. Collect and evaluate cases of contaminant findings in organic products. Reflect on the clarification and reasons found. Demonstrate the detection rate of the circumstances that have caused the contamination and the sanctions established and taking a look for transnational cases and the consequences for a level playing field.
4. Study the economic problems and consequences for operators of contaminants found in organic products, for finally decertified and not decertified products, based on selected cases. (Take into account the direct economic consequences, the legal situation, the feasibility of holding somebody accountable and the possibilities of insuring against losses)
5. Drafting scenarios for resolving the problems with a harmonized approach targeting for reliable handling, high level of security of organic products and a level playing field, having in mind the needs of authorities, of consumers and operators (The scenarios worked out should stimulate and help to find the best solution in the political debate).



This list is not complete but is hopefully providing first ideas and elements.

As we know that this harmonization process of dealing with residues/contaminants might take at least up until 2024, we would like to address another situation which needs to be handled in a shorter time frame:

As you know and as already stated above, we are right now facing a disharmonized situation around residues/contaminants found in organic products. The situation is causing a lot of troubles in the current organic market and is often resulting in unfair competition.

The focus on residues in combination with the unharmonized situation leads to the clean-product-approach by market supply (special from outside EU) but even retailers in many countries have already established a zero tolerance or a 0.01 mg/kg residue limit for organic products. This approach has a certain potential to undermine the organic concept – the process quality approach.

We think that in parallel to the above outlined science based work we strongly need to set up a European Expert Round table with the target to discuss the actual threats and propose practical solutions in the short term. This substance or case targeted proposals/recommendation can be shared with control bodies, competent authorities, and operators all over Europe.

We hope that these ideas brought forward by all AöL and Bionext members might be helpful to your plans to support the organic market in future. We would be really delighted to further elaborate on our ideas in a debate with you and your team.

Kind regards,

Bavo van der Idsert

Alexander Beck

Director Bionext

Managing board member AöL