

Brussels, 18 November 2015

Dear Mr Martin Häusling,

In preparation of the upcoming trilogue negotiations, IFOAM EU would like to draw your attention to the opportunity that Parliament, Council and Commission have to continue supporting the enhancement of the organic sector.

Organic is one of the few positive economic stories of growing demand for sustainable food in Europe and delivers solutions that help meet the goals the European Union has set for itself concerning employment, the environment, and sustainable economic development as also defined in Circular Economy targets.

Together with our national members which include organic farmers, processors, certifiers and experts from throughout the EU, we closely follow the organic regulation legislative process and have deeply analysed the Commission proposal, the Council general approach and the amendments adopted in the Parliament Committee on Agriculture (COM AGRI).

A new organic regulation could be a good opportunity to help the sector develop further. However, this depends on the final results of the process.

With this letter, IFOAM EU would like to share its opinion on the most critical issues being discussed.

We are at your disposal for all questions, inquiries and discussions.

Yours sincerely,



Marco Schlüter
IFOAM EU Director

CC: Frank Schmit, Diego Canga Fano, Members of the EU Council Working Group on Organic Production, EU Parliament Shadow Rapporteurs of the Organic Dossier

No introduction of specific “organic” thresholds for contamination with not allowed substances

IFOAM EU is very glad to see that both Council and Parliament decided to delete the initial proposal to include a requirement (Article 20) for organic products to be decertified if residues of non-allowed substances exceed a fix threshold. It would have been unfair and not proportionate to the issue it is supposed to solve. Organic farmers choose not to use pesticides and they should not be held responsible for the fact that others use them. On the other side, if an organic farmer uses a non-permitted pesticide, a sanction has to be issued no matter the level of residues is.

Both Council and Parliament preferred an approach in which precautionary measures and investigation procedures are clarified, strengthened and harmonised. IFOAM EU supports these ideas, however, in developing a final text it will be necessary to have input from technical experts and careful work will be required to check the consistency of requirements.

Council opinion also provides for a phasing out of national established legal threshold by 2020, which IFOAM EU also supports.

IFOAM EU supports the EU Parliament approach of focusing only on plant protection product findings and welcomes the possible establishment of a database for findings of non-authorized plant protection products.

IFOAM EU strongly rejects the possibility to have a review of the topic and a possible legislative proposal in 2020 which would put again on the table for discussions the possible establishment of a decertification thresholds. A new 5-year period of legal uncertainty is completely unacceptable for the organic sector and should be excluded from a new regulation. The Parliament proposal also provides a very good basis for better handling cases of non-compliances, including clearer identification of responsibilities and “interfaces” between operators and control actors.

A common database for non-compliances would only make sense if exclusively non-compliances leading to decertification are inserted and if there is a clear plan to use the information to better inform implementation of the Regulation. Without such a plan we are of the opinion that reporting and compiling this information would be an unnecessary burden.

More efficient Organic Control System

IFOAM EU appreciates that Council and Parliament go in the same direction in taking control provisions back into the Organic Regulation, outlining the main requirements on control system in their proposals and proposing a harmonised approach on the control procedures.

Making the control system more efficient was one of the main drivers to start the revision of the organic regulation in 2012. However, the initial proposal does not sufficiently address this critical area, nor does it provide convincing solutions. IFOAM EU strongly stresses the importance of the following points:

- Organic control system should stay in the organic regulation and not moved to the horizontal legislation for official control on food and feed. We appreciate that both Council and Parliament opinions go in the same direction.
- The annual on-site inspection concept has to be kept, as the Parliament proposes. Building on this, a risk-assessment has to be carried out on any operator in order to decide whether possible additional inspections are needed.
- As for possible exemption from the control system, only operators that sell exclusively pre-packaged organic products to the final consumer or user should be exempted at EU level.

- Mass catering should be out of the scope. The possibility to regulate it at Member State level should be kept, as it is today.

Parliament amendments improving and strengthening the traceability by setting clear reaction times for operators (2 days) and control bodies (4 days) should be supported.

IFOAM EU strongly supports the Parliament proposal to oblige the Commission to establish new structures in order to improve the implementation of the organic regulation. This approach would clarify tasks and responsibilities for administrative topics not sufficiently addressed over the last decade. It would also make fraud more difficult by strengthening the exchange of information and the coordination of the different actors at the EU level.

Import regime not exclusively based on compliance

Local standards are adapted to the local climatic, geographical and socio-economic conditions and often are even stricter and cover important aspects that the EU organic regulation does not.

For example:

- The Pacific Organic Standard prohibits child labour and deforestation
- The East African Organic Standard contains requirements related to water use and water conservation
- The East African Organic Product Standard has requirements for the welfare of working animals

These standards deal with areas that EU consumers expect to be covered from organic production outside of the EU and, by applying the equivalence approach, there would be certainty that such important aspects are covered. On the contrary, the strict compliance approach would not assure the same level of guarantee.

For these reasons, IFOAM EU supports an approach in which the Commission analyses, approves and publishes a list of recognised already-existing standards with a view on permitting variations and local adaptations. Also the certificate of inspections accompanying each lot of product imported should stay.

At the same time, the control system should be kept under the strict Commission's supervision, which would evaluate and approve the control bodies authorised to operate in third countries.

We trust a practical solution will be found in order not to put obstacles to organic production in third countries, to EU importers and processors and to consumers' trust on organic imported products.

In this regard, we fully support future implementing acts as provided in Article 28(2) by Council and Parliament which consider the possibility to take into account regional differences in ecological balance, climate and local conditions as well as specific production practices.

Legal structure

A general principle should apply: principles and general rules should be in the basic act and only be amended by ordinary legislative process. Delegations of power - implementing and delegated acts - should be used for detailed rules that cannot be adequately discussed now (e.g. requirements for poultry and rabbits require much more discussions and time) or for areas that have to be regularly adapted (e.g. list on authorised input: plant protection products, fertilisers, additives etc.).

Only the described approach can allow the correct development of organic production in the EU. On this aspect, we fully support the EU Council approach.

Other relevant topics

It is crucial that in the final adopted text, clear requirements are present in order to:

- have a clear and coherent scope, including only agriculture or aquaculture related items. Mass catering should stay out of the scope. There is no need to make reference to Annex I to the TFEU, as the Parliament suggests.

- keep the crucial concept of soil-bound production in which plants are fed through the soil eco-system and not through soluble fertilisers added to the soil. Hydroponics and out-of-soil production should not be allowed in organic. Only exceptions should be granted for some categories of plants sold in pots and for already existing organic demarcated beds in some Nordic countries.

- have further discussions on the group certification. Definition of “group of operators” proposed by the Parliament is a good start but much more discussion is needed. An implementing act is necessary to refine the criteria.

- have further discussions on the “regional feed” concept. The Parliament’s “150 km radius” proposal for organic feed supply should be rejected because difficult and very burdensome to control. IFOAM EU proposes to postpone the discussion in the implementation phase in 2016. Furthermore it has to be considered that the term “region” is also used for another purpose in the chapter on origin labelling as proposed by the Parliament.

- have clear harmonised rules for certain areas (e.g. import and controls) and allow a certain flexibility at national level on other areas (e.g. use of seeds or breeding animals) in order to allow development of organic production also in the member states with a less developed organic sector and in peripheral and difficult regions (islands, mountains etc.). At the same time member states with a solid and well established organic sector must have the possibility to develop further.

IFOAM EU strongly supports the Parliament’s approach on use of non-organic seed. Experience in some Member States shows that establishing national databases and national lists of seed varieties for which derogation cannot be granted, it is the best way to increase the availability and incentivise the production of organic seed.

- improve the environmental performance of organic processors and traders avoiding additional bureaucratic burden and excluding small size operations. It is important that organic processors and traders, and not only farmers, adapt their practises to lower their environmental impacts. Thus, the organic regulation will be more consistent taking into account the whole food chain. Compromise wording reached in the Parliament is a good basis.

- improve the procedure and the transparency on the approving process for substances to be authorised in organic production. E.g. Parliament proposed to make the dossiers for new substances public and to review the annexes every 4 years. Parliament also proposed to extent the groups of substances to be regulated, e.g. to enzymes and flavours.

- improve the labelling and in particular the consistency as regards the origin of ingredients, as the Parliament proposed. It is good to have these requirements in the annexes in order to have the possibility to adjust them according to the development of the sector and to the needs of the operators.

- support the Parliament approach to facilitate the transition from the current rules to the new regulation and when new provisions are adopted in the future. Also requirements assuring that current annexes of Reg. (EC) No 889/2008 listing authorised input are used as starting point for future implementing rules are crucial.