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Working for organic farming in Europe

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Mr João Onofre,
Head of unit, H3
DG Agriculture and Rural Development
European Commission
Brussels

Dear Mr Onofre,

The Commission requested specific inputs on current control procedures during the current Impact Assessment within the Organic Regulation Review process. Although this process is not yet finalized and the result of the research project are to be expected only mid 2013, IFOAM EU Group is aware that a second version of a working document (WD) on the same topic was discussed in the last Standing Committee on Organic Farming. As stated on other occasions we see this parallel but hidden process very critically.

Possible amendments to the current regulations concerning those particular aspects could lead to significant changes in the control system and in the work of all the stakeholders. Therefore, careful consideration and a transparent process taking into account the outcome of the impact assessment and involvement of the sector is highly recommended at this stage.

The first consideration of the IFOAM EU Group is that the EU regulation seems to be going toward an end-product approach, whereas a general principle of the organic sector is to keep the process approach. Analytical methods are only part of the control approach, as they will never be able to justify the complex process requirements of organic production. Organic farming objectives can only be fulfilled by a process oriented system.

A second general consideration is that duplication is not necessary. Some clear rules for supervision on the control system by Competent Authorities and Commission is needed, but in general existing regulations are already sufficient in many areas. It is recommended that points included in ISO 17065 should be stressed and reiterated to Control Bodies (CB) by Competent Authorities (CA) and Accreditation Bodies (AB) where they are not being complied with, but they should not be duplicated in legislation.

After having consulted most of the EU organic stakeholders, a list of general and specific points which should be considered in the discussion has been compiled. This list, in annex I, updates our [letter of 9th November 2012](#) on the same topic. Another important reference for your attention should be our [Position Paper on Controls in Organic Production and Processing](#) published on 31/10/2012.

With thanks and best wishes,



Marco Schlüter
IFOAM EU Group Director

Annex I

1) Exchange of Information - WD amendments to art. 63(2), 92 and 92a

As a very general statement IFOAM EU wants to stress that the core work of CBs is to control and certify. There are already lots of other obligations for the CBs in the regulations which take away time from this core work and increase the cost of the system. Weakness exists in the system at CB, MS, CA and Commission levels but existing rules are already sufficient in most of the areas. It is more efficient to strengthen the supervision of the system in place instead of introducing new bureaucratic burden to the whole system.

a) Between CBs

Exchange of information is already provided for by article 30 and 31 of Council Regulation (EC) No 834/2007 and article 92 of Commission Regulation (EC) No 889/2008. Controlled operators are always provided with the documentary evidence according to art. 29(1) of Council Regulation (EC) No 834/2007 and with a document reporting the outcomes of the inspection.

Operators need to keep these documents for several years and if the CB changes, these provisions are sufficient to transfer relevant information to the next CB.

However, an active transmission of information is not workable in practice. When the operator quits the certification agreement, the CB usually does not know whether the operator will continue with another CB or will definitely leave the organic control system. Even if a provision in the regulation would oblige the operator to inform his previous CB about his new CB, there is no tool to force out this information in case the operator does not want to. To overcome this problem it could be possible to introduce in the article 63(2) of Commission Regulation (EC) No 889/2008 the obligation that in the contract the operator has to oblige himself to present all existing control document to the new CB in case of change of CB. (see our proposals under point 2) This is done in practise already but would give a legal basis for it.

b) Between CBs and CAs

An obligation for CBs to report all infringements and irregularities to the CA would significantly increase the work of control bodies. The concern would be that CAs would concentrate on collecting a list of minor irregularities, rather than focussing on the more serious issues. In any case, reporting serious infringements is already mandatory and required for certification (see article 30 of Commission Regulation (EC) No 834/2007). Therefore, it is suggested that only infringements and irregularities affecting organic integrity/status should be reported.

c) Between CBs/CAs and Paying agencies - WD added art. 92(5)

The transmission of irregularities from the CBs/CAs to the paying agencies responsible for rural development payments would give a completely wrong impression to the organic inspection system. This would mean an unfair treatment among farmers as all organic farmers would be controlled compared with the occasional random inspections of conventional farmers. Such an obligation would be a strong political signal against Organic Farming in Europe and is strongly opposed by the Organic Sector.

2) Competent Authority - WD added art. 92c

Competent Authorities carry out supervision on CBs. To do it properly they need to work on documented procedures on the basis of the accreditation requirements adopted by CBs. Its staff need to be sufficiently competent and qualified to improve the quality of the controls on CBs. Therefore, procedure is recommended to supervise the implementation of such obligations for the CA.

3) Competent Authority and Accreditation Body - WD added art. 92c

The efficiency of the whole control system is to be encouraged so that both time and money are used effectively. This means that annual control visits by CA and AB on the CBs do not have to be carried out on the same aspects. Thus, it is recommended that information be exchanged between CA and AB to ensure data from the CBs is only collected once. It is also suggested that the results of the controls by CAs are considered during accreditation or even integrated into the accreditation procedure.

4) Model of Documentary Evidence - Annex XII of Commission Regulation (EC) No 889/2008 - WD amendments to art. 68(1)

A mandatory model detailing the content is a proper tool to meet the necessities of the market. However, a binding layout template may not fit all cases. For example, a binding template could be limiting and difficult to complete in the case of long names, or when the operator handles many products or where categories of products need to be accompanied by explanations. Examples could be products for self supply or animals not for food production, which should also be shown on the certificate for transparency reasons. An improvement could be made regarding the categories of products. IFOAM EU Group gave an input on this issue in its letter¹ of 17th May 2012 (please find below the relevant part*). Many certification bodies already provide increased information to operators in the form of trading schedules listing products, suppliers etc. These valuable documents could be precluded by a binding layout.

¹ http://www.ifoam.org/about_ifoam/around_world/eu_group-new/positions/Papers/pdf/Letter_IFOAMEU_COM_annexes_I_II_and_XII_reg_889.2008_17.05.2012.pdf

To link products to custom codes (Combined Nomenclature) can be confusing since the same 6-digit code can refer to different products. eg 080910 refers to apricots and cherries.

The use of electronic certification is supported if the electronic documents can electronically be checked/controlled/revise and are at any time available and updated. Timeframe for the update should be fixed and ideally be made in real-time.

The cost of change for all CBs should also be considered. These costs will have to be covered by the operators, again increasing inspection costs. IFOAM is concerned that the tendency towards increasingly costly inspection requirements such as this and those in points 6 to 8 of this document could be perceived as a political action intended to adversely affect organic production.

* Relevant part of IFOAM EU letter of 17 May 2012:

" IFOAM EU Group supports the need to improve the certificate to solve problems with interpretation in some Member States on differentiation between organic and non-organic products. However, we see the need to be more specific to distinguish between organic products, in-conversion-products and non-organic products under part 5.

We suggest changes as follows (in bold changes to the first working document from the Commission):

5. *defined as:*

a) *organic products,*

b) *in-conversion products **of plant origin according to Article 62 of Regulation (EC) No 889/2008***

c) *processed feed according to Article 60(2) of Regulation (EC) No 889/2008*

d) *non-organic products **(this category includes all products not (yet) organic and products from where parallel production/processing pursuant to Article 11 of Regulation (EC) No 834/2007 occurs)*** "

5) Catalogue of Sanctions - WD added art. 92d

A binding catalogue of sanctions is hardly applicable. It is difficult to categorise all the possible infringements/irregularities. The same infringement in different situations may also be significantly different in terms of seriousness and it would not be fair if they were to lead to the same sanction.

We propose a step by step procedure. Firstly, to define on MS level the infringements that lead to an immediate decertification of a product, a lot and/or the company and provide general guidance on the sanctions expected in example cases for these serious infringements. After some time an evaluation could be made to see if such a framework on Commission level would be applicable and beneficial to the system.

6) Additional inspections - WD added art. 92c

The necessary number of additional inspections should be identified on the basis of the risk analysis. Setting a minimum number is in contradiction to this principle and does not at all add to increased certification quality.

7) Unannounced Inspections

Setting a minimum number of 20 % for unannounced inspections would significantly increase costs without leading to a significant improvement in control. Often unannounced inspections cannot take place due to absence of the responsible person when the inspector arrives. CBs would have to pass these unproductive costs to the certified operations as a whole, leading to reduced confidence in an increasingly costly system. Therefore, such inspections would need to be justified using a risk-based approach.

8) Sampling - WD amendments to art. 65

In the organic system there are several control methods with the same relevance and importance. During the control process, CBs decide which kind of further investigation is needed and which method is best to use in this case. Sample-taking is only one of them and it should not be highlighted or regulated in detail by making a fixed number of samples obligatory, notwithstanding the circumstances and the risk based approach.