

International Federation
of Organic Agriculture Movements
EU Regional Group

Brussels, 30 December 2013

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

Dear Mr Onofre,

The IFOAM EU recognise that the European Commission seeks to launch in March 2014 a legislative proposal for a new EU organic regulation and a possible European Organic Action Plan. We understand that the Commission favors a principle driven development. In this context we noticed a particular focus on the issues of exceptional production rules and 100% organic ingredients. Although the official period for stakeholders' consultation is over, and you currently put all the different elements together, we would like to provide a final contribution on this issue to facilitate your job.

IFOAM EU clearly supports a principle driven development of the organic regulation, but emphasises that the development must ensure both increasing consumers trust and feasibility for the sector to comply with strengthened standards. With this letter we would like to bring to your attention critical issues such as the exceptional production rules provided by Art. 22 of Regulation (EC) No 834/2007 and the progress made in the organic processing sector. We recommend that the exceptional rules are limited only to those linked to catastrophic circumstances by phasing out and/or converting them in transitional rules or transparent permanent rules in the new organic regulation. Further, we provide an outline how the goal of 100% organic ingredients can be achieved. This completes our suggestion to develop the organic processing sector alongside to our proposals for increasing the environmental performance of companies.

It must be emphasised that an ambitious new organic regulation needs strong support by horizontal policies and a new Organic Action Plan. Consistent measures that provide resources and allow for investment in the organic sector are key for this endeavour. This is a precondition to ensure significant progress e.g. in limiting/ending the use of non-organic farm input (seed, young animals or feed). We believe with our attached suggestions real progress towards a principle driven regulation could be made.

Organic regards,



Marco Schlüter
Director

Recommendation towards 100% organic ingredients

An overarching aim of the organic sector is to improve the quality and integrity of organic products. Ideally an organic regulation should be designed so that it supports this aim for continuous improvement. Focusing on organic food processing, the regulation could be improved so that it would support a step by step development from the 'minimum 95% organic ingredients' concept towards a '100% organic ingredients' concept.

This would mean restricting as much as possible non-organic ingredients, including non-organic substances from agricultural origin mentioned in Article 27 of Reg. (EC) No 889/2008. It can only be successful if this is accompanied by an increase in the availability on the market of such ingredients in organic quality. This can be stimulated by clear rules.

IFOAM EU suggests the following steps for improving the organic regulation:

- The most important step is to secure in the Regulation that the use of organic ingredients is always required when they are available in sufficient quantity and quality on the market. As well as ingredients, this includes additives, processing aids and other substances authorised in Art. 27 of Reg. (EC) 889/2008. A successful precedent to this is the requirement that rosemary extract is only used in organic quality.
- Secondly it is necessary to expand the asterisk concept of Art. 27 (2) of Reg. (EC) 889/2008 for calculating the substances marked with an asterisk in section A of Annex VIII as from agricultural origin, to all substances authorised in Art. 27 of Reg. (EC) 889/2008 from agricultural origin which can or could be produced in organic quality.
- The third step is to review the current double-system provided by Arts. 28 and 29 and (EC) No 889/2008 which establishes the list of allowed non-organic ingredients (Annex IX) and the use of national authorisations for exemptions for non-organic ingredients. This review should aim to establish a new more market driven and flexible system that can be updated according to the actual market situation to limit the use of non-organic ingredients of agricultural origin in organic food to the bare minimum.

These actions will empower the organic regulation - and therefore the organic sector - to become more principle-driven in accordance with Reg. (EC) 834/2007.

IFOAM EU has a concept-in-development of how these steps can be put into place and will present it as soon as possible.

Recommendation on Exceptional Production Rules

Introduction

The possibility for the granting of exceptions from the production rules described in Chapters 1 to 4 of Regulation (EC) No 834/2007 is laid down in Article 22 of the same regulation and implemented in Arts. 39 to 47 of Regulation (EC) No 889/2008.

IFOAM EU wants to suggest how exceptional rules currently present in the organic regulations can be reduced exclusively to the ones linked to catastrophic circumstances (Article 47 of Regulation (EC) No 889/2008). All other exceptional rules should be either:

- a) deleted
- b) converted to transitional rules
- c) or transparently converted to permanent rules.

For many important issues such as seeds & propagation material or protein feed, the regulation alone cannot deliver complete and effective solutions. The support of horizontal policies, further investments and provision of resources and the efforts of organic producers are needed to ensure real progress. Many targets can be reached and the fundamental principles of organic farming be approached. A new Organic Action Plan which includes measures supporting research and investments in the organic sector would be fundamental.

Significant progress can be made in crucial horizontal areas as food processing, seed, feed and origin of animals, for other exceptions concerning specific and limited production sectors, time is still necessary. Some exceptions (see point 2) are very specific and still critical for small production sector such as organic honey production or traditionally produced products. They should be included in the future organic regulation as permanent rules. IFOAM EU agrees that a clear communication to consumers is crucial.

Recommendations:

1) Current exceptions to be deleted or converted to transitional rules in future Organic Regulation

- **Art. 42** - Use on non-organic animals

The origin of animals is a crucial point and IFOAM EU considers it important to make progress in this area. IFOAM EU proposes to make temporary the current permanent exemption according to Article 42(a) of Regulation (EC) No 889/2008. In a future organic regulation this rule should become a transitional rule.

- **Art. 43** - Use of non-organic protein feed of plant and animal origin for livestock

The allowed percentages of non-organic feed have been a successful example on how the exception can accompany the progress of the sector. In ten years they were lowered from 10% to 0% for herbivores and from 20% to 5% of exclusively protein feed for other species (Art. 45 of Regulation EC No 889/2008).

IFOAM EU proposes an approach to go further on by restricting the 5% allowed percentage of non-organic protein feed only for specific stages of life and specific protein compounds. Our proposed approach is to prolong in a first step this possibility until 2018 and foresee a review of this rule the same year according to the availability of organic protein feed. The exceptional rule laid down in article 43 of Reg. (EC) No 889/2008 concerns porcine and poultry species. Our proposal is to limit it exclusively to piglets up to 35kg, young pullets and

chicks. The final aim is to reach 100% organic feed also for carnivores. However, today there is not yet a sufficient quantity of the right quality of protein compounds and this could lead young animals to serious deficiency in essential amino acids. It must be considered that the different strategies for protein crops are just starting in many member states.

- **Art. 46a** - Addition of non-organic yeast extract

This exceptional rule is not necessary anymore since today the market is able to provide the specific substances in organic quality. This could be an example of how the sector successfully reacted and today can do without this exception.

2) Current exception to be converted to permanent rules in the future Organic Regulation

- **Art. 39** - Tethering of animals

The sector fully welcomes that the largest part of tethering systems will disappear in organic farming due to the end of the transitional rules referred to in Art. 95(1) of Regulation (EC) No 889/2008 but recommends to keep and convert into a permanent rule the exemption laid down in Article 39 Regulation (EC) No 889/2008 for small operations. Progress is possible in the major part of organic production whereas some small traditional structures could not be able to move towards a new system since e.g. the stables are in mountainous locations where structural modifications are not possible. The consumers will understand and will accept that a very small part of traditional and small producers are not able to change representing a fair trade-off for the survival of traditional meat and cheese production in organic quality including the organic management of the land.

- **Art. 40** - Parallel Production

The exceptional rule allowing the parallel production for perennial crops for a 5 years period, for research and educational aims, for production of seeds, propagating material and transplants and for grazing grassland (Article 40 of Regulation (EC) No 889/2008) is still meaningful and concerns only specific production areas.

- **Art. 41** - Management of beekeeping units for the purpose of pollination and **Art. 44** - Use of non-organic beeswax

Also these two exceptions are still critical for the honey production sector. Pollination is in fact a specific and essential practice of bee-keeping and the exception is still needed. The use of non-organic beeswax exclusively for the conversion period should stay provided that the possibility to use non-organic beeswax is linked to very restrictive conditions.

- **Art. 46** - Specific management problems in organic livestock

The exception regarding the final fattening period exclusively for bovines (Article 46 of Regulation (EC) No 889/2008) should be kept as permanent rule, since it is connected to the climatic conditions in many European regions - which will not change in the next future - and to animal welfare principles according to Article 14(1)(b)(3) of Regulation (EC) No 834/2007 and Article 14(2) and (3) of Regulation (EC) No 889/2008.

3) The specific case of Article 45 - seeds and vegetative propagation material

- **Art. 45** - Use of seed or vegetative propagating material not obtained by the organic production method

The principle aim must remain that organic products originate from organic seed or vegetative propagating material with particular regard to varieties that are bred according to organic principles and for use under organic conditions. As the availability of sufficient amount of organic seed and vegetative propagating material cannot be ensured in the near future, the immediate deletion of this exception would have disastrous impact on the sector. However, the current revision process should be used to make further progress in this area.

To reduce the number of authorisations granted by Member States and to finally incentivise the production of organic seeds and vegetative propagating material, particularly from varieties that are bred according to organic principles and for use under organic conditions, several measures are necessary. The collection of data through reports from Member States, the creation of National lists containing varieties for which exceptions are not possible are among the measures that should be explored.

IFOAM EU also agrees that the implementation of the current rules has to be improved. In parallel to increase the availability of species, varieties and plant reproduction material suited for organic farming, a new organic action plan should foresee measures to encourage organic breeding and multiplication activities as well as research for this purpose, with special regard to participatory breeding.

An example would be to provide funds for 10-year breeding programmes for locally adapted and organic plant varieties to enhance agro-biodiversity, strengthen the capacities of the food sector to adapt to climate change, and optimise the yield potential of organic farming. Finally in the framework of the Common Agricultural Policy, to be in line with European Union commitments on biodiversity and genetic resources¹, agro-biodiversity must be encouraged. Therefore, cross compliance provisions of the Common Agricultural Policy must not hinder organic farmers to use and exchange their own propagating materials, propagating materials obtained from other farmers and niche material if they want to benefit from support under the direct payment scheme or rural development measures.

¹ EU Biodiversity Target 2020 and Vision 2050, The Convention on Biological Diversity, The International Treaty on Plant Genetic Resources for Food and Agriculture