

## Policy option to improve the legislative and political organic framework

No	IFOAM EU Policy option	COM Policy Option <sup>1</sup>	Comments
1	A Regulation of the European Parliament and the Council to replace Council Regulation (EC) No 834/2007	1,2,3	
2	- to clarify and to marginally extend the <b>scope</b> of the legislation,	1	<p>Extending the scope for raw materials that are of organic origin would be relatively easily and is desirable, because it would allow organic to become a more complete system and allow producers to add value to by products that are otherwise devalued. This especially applies to non-food items of organic origin. Some examples are non-food essential oils, leather, wool, simple medicinal products and wax.</p> <p>A related issue is the protection of the term "organic" for products that are out of scope. This can lead to misunderstanding in the market on the part of consumers.</p> <p>There are many ways to protect the term "organic" in out-of-scope products: including them in the scope (as above), making the control system as given in Reg. (EC) No 834/2007 obligatory, relying on National recognised standards or endorsing international existing standards (e.g. textile and cosmetics).</p>
3	- to clarify <b>provisions of the standard</b> to avoid ambiguities,	1	Clarifications in some particular areas would indeed help the sector to develop and become more coherent with the organic

<sup>1</sup>Policy Option 1: improved status quo; Policy Option 2: market-driven option; Policy Option 3: principle-driven option

			principles. Some examples include the issue of growing in soil in greenhouses and poultry production rules regarding slaughter age of slow-growing strains.
4	-to slightly amend the <b>labelling rules</b> , notably by removing the indication of place of farming when it can cause confusion with the origin labelling under other legislation and by expanding the limit of 2% for ingredients of agriculture origin not coming from the mentioned area to 5% for the "EU" or "non-EU" indication,	1	<p>The organic sector would like organic origin labelling and general labelling of origin rules to be streamlined. One way of doing so could be replacing them fully or partly with horizontal legislation on consumer information regulation.</p> <p>This is a very welcome suggestion as currently many processed products carry the indication "EU/non-EU Agriculture" and this indication is not useful for consumers. We support the move to increase the 2% exception for agricultural ingredients to 5%. The rationale is provided in the <a href="#">IFOAM EU letter</a>.</p>
5	- to remove the possibility of recognition of control bodies for the purpose of <b>compliance</b> (Article 32),	1	<p>Equivalence, if well assessed and implemented, for example as done by <b>IOAS</b>, is sufficient to guarantee the integrity of products coming from third countries.</p> <p>In principle we are in favour of equivalence, however practice shows that it is difficult to assess and implement it in a satisfactory manner.</p> <p>Another question is whether there are enough resources in the Commission to assess and implement equivalence of the standards applied in third countries.</p> <p>Compliance in the most third countries is not the appropriate approach because of climatic, structural and cultural differences to EU countries. Adaptation to these circumstances is needed.</p> <p>In any case either equivalence or compliance must be achieved to enable access to EU market by third countries and it is essential to enable access of EU products to third countries.</p>

6	Measures to reinforce coherence and synergies with horizontal legislation in particular on traceability and market controls and to increase coordination of the different authorities in charge of market surveillance within the MS	1	<p>In general coherence and synergies with horizontal legislation must be strengthened.</p> <p>In doing so, it is very important to respect the specific characteristics of organic sector and regulation in order to protect the organic market and to ensure development.</p> <p>Considering the new DG Sanco legislative proposal it is vital that the specific characteristics of organic process approach is maintained.</p>
7	Revision of the process for the technical examination of the introduction of new substances and practices in organic farming.	1	<p>The criteria-based evaluation process accompanied by EGTOP is appreciated. To enable innovations to reach the operators in a timely fashion, there is a need to speed up the decision making process for substances requested for use in organic food and farming. Differentiation in terms of the character of a request could help improve this. Some requested substances and methods are less critical than others. For example, justifying a specific condition of an accepted substance is different from evaluating a new substance.</p> <p>IFOAM EU also suggests that participation in the expert group should be remunerated because expert advice has a value and because remuneration is important for keeping the advice independent.</p> <p>We would also like to emphasize that scientists are not politicians and they should not be forced into that status. This should always be considered when recommendations from EGTOP are read.</p>
8	A system of electronic certification integrated in an EU web-based database with adequate implementing provisions.	1	<p>IFOAM EU supports this instrument to make certification more efficient by reducing administrative burden and the potential of electronic certification to reduce costs in the long term. It would also allow for the opportunity to increase cross-checking between CBs.</p>

9	<p><b>Sub - option:</b> Introduction of an obligation of <b>measuring environmental performance</b> for non-agricultural companies,</p>	3	<p>One concern of organic consumers is the sustainability of the organic food and farming systems.</p> <p>In primary production (crops and livestock) the organic requirements specified in organic standards lead to practices that aim to improve the sustainability of the processes e.g. by forbidding the use of mineral nitrogen fertilizers and chemically synthesised pesticides.</p> <p>At the processing and trading level, the organic regulation does not currently make any requirements for environmental performance.</p> <p>Therefore, the organic regulation should include a requirement for processors and traders to implement practices to measure and to improve their environmental performance In practice.</p> <p>These environmental performance measures should be simple for the operators involved in processing (feed and food) and trading activities to put in place.</p> <p>In order to avoid a double control process, these criteria should be checked within the organic control procedure. This is a transparent solution compared to the discussed extension of the eco-label scheme to the food and drink sector. For additional information please refer to the <a href="#">IFOAM EU letter</a></p>
10	<p><b>Sub - option:</b> Simplified requirements for small farmers and/or introduction of <b>group certification</b></p>	3	<p>IFOAM EU is positive towards group certification under conditions still to be developed.</p>
11	<p>A Commission Communication on a strategy for organic farming (Action Plan), putting forward recommendations and an appropriate coordination with EU policies and MS in order for the organic sector to develop as required by the market. It would include recommendations to MS on</p>	2	<p><b>Proposed adaptation:</b> <i>A Commission Communication on a strategy for organic farming (Action Plan), putting forward recommendations and an appropriate coordination with EU policies, <u>cross cutting legislation</u> and MS in order for the organic</i></p>

	<p>targets for market development, <del>accompanying measures to improve and increase controls on final products,</del> and information and promotion actions aiming at supporting conversion to.</p>		<p>sector to develop as required by the market. It would include recommendations to MS on targets for market development, and information and promotion actions aiming at supporting conversion to organic. <u>Furthermore it would include an improvement of harmonization for better availability of organic data without putting extra burdens on CBs and operator's and of the general legislation to protect organic sector from GM contamination.</u></p>
<p>12</p>	<p>A Commission Communication on a strategy for organic farming (Action Plan), putting forward an adequate use of existing tools and an appropriate coordination with other EU policies in order for the organic sector to develop while remaining close to its values and principles. It includes appropriate instruments to increase information on the sector in the EU (market, production, added value, trade).<del>and develop a specific export policy for organic products.</del></p>	<p>3</p>	<p>The underlined text indicates added text and the strike through indicates text we suggest deleting. The first deletion is because increased control on final products would not raise the quality of the organic products – it does not reduce risk. On the other hand, quality is assured by the process approach. In the second case, the impact is unclear.</p> <p>For further elaboration please see <a href="#">IFOAM EU dossier</a>.</p>

No	Instruments where IFOAM EU has major concerns or where there is a need for careful consideration	COM Policy Option	Comments
1	- to integrate current long-lasting exceptional rules granted by MS as provisions in the EU Regulation,	2	The organic system should be in continuous development to bring practice closer to principles, aims and objectives. In that light the aim is clearly to move away and even eliminate exceptions.
2	- to remove all exceptional rules from the organic production standard, except where temporary measures are necessary in order to allow organic production to continue or recommence in the case of catastrophic circumstances,	3	<p>Unfortunately however a number of circumstances have significant impact on the ability of some specific organic sectors to operate without exceptions, including:</p> <ul style="list-style-type: none"> <li>- The varied state of development of the overall sector in the Member States, specifically new Member States some of which are lacking the infrastructure present in others. For example, a new MS just starting to develop organic food and farming with only a few poultry farms and even fewer processors simply does not have the same availability of organic pullets, raw materials, seed and feed.</li> <li>- Geographical and climatic conditions. For example, mountain farmers and island farmers isolated from colleague farmers for manure exchange and organic pullets</li> <li>- The existence of crops that are currently not propagated in an organic way at all. Prohibiting the use of non-chemically treated conventional seed for these varieties would make growing them in organic quality literally impossible.</li> </ul>

			<p>Therefore IFOAM EU would like to suggest a three-tiered approach:</p> <ul style="list-style-type: none"> <li>- Exemptions that can and should be eliminated in the short term</li> <li>- Exemptions that can be phased out in the medium term</li> <li>- Exemptions that are not really exemptions as such, but permanent barriers to “100%” organic production and should be included in the regulation as transparent rules</li> </ul> <p>In order for this approach to be successful, it must be based on a thorough analysis of all exemptions in all Member States.</p> <p>We understand that as part of the review process this analysis has already been undertaken in the form of the ex-post evaluation. We therefore believe this document would provide a sound basis for a constructive working through of the exemptions and classification thereof in accordance with the three tiers.</p> <p>Regarding tier 2, phasing out exemptions in the medium term, this should be done in a manner that enables progress. This can be achieved if an exemption is treated as a positive tool for transformation, for example by requiring transparency. In some countries seed derogations that have been made are published, which pushes the sector to decrease reliance on them. This benefits both public authorities and the organic movement.</p> <p>Regarding tier 3, this is only an option if it can be clearly and soundly demonstrated that the targets cannot be reached and organic principles are not endangered.</p>
<p><b>3</b></p>	<p>- to oblige organic holdings to be entirely managed in compliance with the requirements applicable to organic production,</p>	<p><b>3</b></p>	<p>The conversion of the entire farm is the aim and this provides the basis for fulfilling the organic principles in the best way. However there is some rationale for allowing farms to convert in</p>

			<p>stages, this has been known to stimulate conversion to organic overall and over time. There are also some circumstances which not always allow the whole farm to convert to organic.</p> <p>For example for large and differentiated farms it is because market access, different level of knowledge and the risk of failure not always enable the farmer to convert the farm at once.</p> <p>There is a risk that quite a number of farms might stop organic.</p>
4	- to put an end to the retrospective acknowledgement of conversion,	3	<p>Retrospective acknowledgment of conversion also has positive sides. We think that a strict control of the current regulation prevents misuse of this option. The clear procedures as given in 889 A 36.2 should be defined and applied by MS.</p>
5	- to end the use of non-organic ingredients in processed products,	3	<p>The same rationale as explained for exemptions also applies here.</p> <p>It should be the final aim to have organic products on the shelves composed of 100% organic ingredients. But we must take into account that even additives are ingredients by legal definition. And some of the authorized additives will never be available in organic quality. Therefore a step by step process is needed.</p> <p>The procedures for updating Annex IX and even perhaps the concept along which it is drafted, as well as the system for national derogations for ingredients can be improved. Therefore IFOAM EU is currently working on a practical proposal to replace these requirements with a more appropriate mechanism.</p>
6	- to remove the possibility of recognition of control bodies for the purpose of equivalence (Article 33 (3)) (+ transition),	3	<p>Equivalence, if well assessed and implemented, for example as done by <b>IOAS</b>, is sufficient to guarantee the integrity of products coming from third countries.</p>
7	- to adapt the possibility of recognition of control bodies for the purpose of	3	



	compliance (Article 32), notably by removing the possibility of such recognition of CBs acting in recognised third countries,		<p>In principle we are in favour of equivalence, however practice shows that it is difficult to assess and implement it in a satisfactory manner.</p> <p>Another question is whether there are enough resources to assess and implement equivalence of the standards applied in third countries.</p> <p>Compliance in the most third countries is not the appropriate approach because of climatic, structural and cultural differences to EU countries. Adoption to these circumstances is needed.</p>
8	<b>Delegated Acts</b> to reinforce the risk-based approach notably to abandon annual inspection for each operator, e.g. less frequency in inspections for low risk operators with proven clean records and concentration of controls on high-risk areas and operators,	3	<p>Risk-based approach should be reinforced. Clarity of liability among operators, control bodies and competent authorities is strongly needed. The focus on the risk based approach should not undermine the audit approach (announced inspection) of each operator.</p> <p>Parameters for risk classification as well as possible risk-oriented control measures need to pre-defined on EU level.</p>
9	<b>Sub-option: The end of the exception for retailers to be included in the control system</b> is presented as a sub-option.	1	<p>This is currently up to the member states to decide and we think that prepacked products do not need more controls at the retail level.</p>
10	<b>Sub-option: Introduction of a lower GMO labelling threshold</b> for organic food. Current labelling rules remain for feed.	2	<p>Organic Farming and Production is a process-approach system. Organic products cannot be reduced to be only pesticide-free or GMO-free products. We therefore oppose to introducing specific thresholds that would lead to the loss of certification.</p> <p>Article 9 of Council Regulation (EC) No 834/2007 is generally well applied within the organic sector. But a strong and good horizontal legislation on GMOs on which the implementation of article 9 depends, is essential for the organic sector. The Regulations (EC) No 1829/2003, No 1830/2003 and directive EC 2011/18 need to be improved, complemented and well</p>

			<p>implemented in all member states. In fact, EU wide legislation must ensure that measures are taken to protect the GMO-free sector from contamination and therefore IFOAM EU Group suggests EU wide binding rules that ensure the protection of organic farms and products from any GMO contamination. GMO producers must be fully liable in case of contamination, but also for prevention costs caused by measures such as isolation distances, segregation along the food chain, sampling and analysis.</p> <p>DG SANCO is currently working on the issue of GMO-free labelling. We underline that GMO free labelling could only serve as second best solution because the labelling rules under reg 1829/2003 do currently not cover animal products produced from animals fed with GMO feed; GMO free labelling must not be used as an excuse for missing solid rules on GMO prevention. Any labelling should be based on the GMO-free requirements laid down in Art. 9 Council Regulation (EC) No 834/2007 and support and complement the organic label, not to compete against it.</p>
11	<b>Sub-option: Phasing out of national logos</b>	3	National logos are well recognised by the consumers. Banning these might reduce consumers' ability to recognize organic products on national markets.
12	<b>Sub-option: Recognition</b> of third countries for their control systems only, provided they accept to supervise the application of the EU organic standard on organic products exported to the EU.	3	IFOAM EU doesn't support this proposal. (See comments to 6 and 7)
13	<b>Sub-option: Re-introduction of import authorisations</b> under the responsibility of MS	2	Today Import authorisations are still necessary to cover countries and categories of products not covered by art. 33 or Reg. (EC) No 834/2007. Nevertheless IFOAM EU supports their fading out if the equivalency concept will be able to cover all kind of products from all countries.

No	Instruments to be clarified	COM Policy Option	Comments
1	- to streamline the articulation with the general rules for the <b>accreditation</b> of private control bodies,	1	This is not clear. But if it refers to a harmonisation of terminology, IFOAM EU supports it.
2	- to draft a more readable and stand-alone organic standard,	2	If with stand-alone standard the Commission means gathering the current organic regulation documents in a single document that is more accessible to stakeholders and that subsequent changes to the regulation would be an update of this document, we strongly support this option.
3	- to draft a stand-alone organic standard addressing the issue of readability and making imports possible under a compliance regime,	3	