



International Federation of
Organic Agriculture Movements –
EU Regional Group

President: Francis Blake

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Working for organic farming in Europe

To:
Benjamin Caspar
Head of EU Ecolabel Team
DG Environment, European Commission
Avenue de Beaulieu 5
B-1160 Brussels, Belgium

Brussels, 16 October 2008

Draft Regulation on a Community scheme COM (2008) 401/3

Dear Mr Benjamin Caspar,

The IFOAM EU Group represents the 330 member organisations of IFOAM (International Federation of Organic Agriculture Movements) in the EU, EFTA and the candidate countries and our member organisations include: consumer, farmer and processor associations; research, education and advisory organisations; certification bodies and commercial organic companies, thereby broadly representing the organic sector in Europe.

We have examined the regulation proposal on the Community Ecolabelling scheme (COM (2008) 401/3). In general we understand the importance to have such a tool in place in order to give the industry a tool for demonstrating their environmental skills toward the consumers.

Nevertheless we have strong concerns towards the proposal for extending the scope of the ECO-label to include processed foods and products from aquaculture. We feel it would be the wrong instrument for this purpose for a number of reasons:

- EU-Regulation 834/2007 on organic production and labelling reserves the terms "bio, eco and organic" and similar descriptions (article 23 (1)) for "real" organic products. Calling a label "ECO" clearly contradicts the provisions laid down in 834/2007 (see Annex II).
- We fear that the name of the Ecolabel and the 'www.ecolabel.eu' line under the label in combination with the Ecolabel registration number (given form in the draft: "Ecolabel reference XX/YYYYY"), which also has to appear on the product, will cause consumers to wrongly presume that products bearing the Ecolabel are organic.
- Furthermore the proposed Ecolabelling scheme will most likely cause problems at international level (WTO), as this proposition does not respect the internationally agreed Codex Alimentarius Guidelines for the production, processing, labelling and marketing of organically produced foods (GL 32-1999, rev 2007). These guidelines clearly state that "A product will be regarded as bearing indications referring to organic production methods where, in the labelling or claims, including advertising material

or commercial documents, the product, or its ingredients, is described by the terms "organic", "biodynamic", "biological", "ecological", or words of similar intent including diminutives which, in the country where the product is placed on the market, suggests to the purchaser that the product or its ingredients were obtained according to organic production methods" (see Annex III).

Consequently – besides the provisions in 834/2007 – based on the Codex Alimentarius terminology, **only** organically produced and processed food can use the term "eco" in labelling. The European Commission and the EU countries are members of the Codex Alimentarius Scheme and have agreed on these guidelines. If the EU does not follow this agreement, they risk trade disputes in WTO, if a country will make a court case referring to these Codex Alimentarius Guidelines for organically produced food.

- Article 2 of the draft excludes primary food products from the scope of this draft regulation which we fully support. We also think that fishing and aquaculture should be deleted from the scope because both are part of primary production.
- The provisions laid down in Article 9.10. for processed food produced in line with (EC) No 834/2007 are absolutely insufficient and will lead to full confusion of consumers in Europe.
- We see the proposed concept for registration and control as insufficient and meaningless. This system is not fulfilling the basic requirements for certification of labelling schemes as the industry is otherwise used to today. We strongly recommend combining the possible use of the scheme with the established EMAS certification on the basis of Regulation 761/2001. This will grant that the scheme will not be misused for "green washing" activities, and will protect the consumers.

If it from a legal point of view should prove possible to place the Ecolabel on processed food and aquaculture products, it should only be acceptable for products produced in line with (EC) No 834/2007 as an additional voluntary label, besides the obligatory organic EU-logo. Using an Ecolabel on conventional products will lead to a complete confusion of consumers in Europe!



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In view of the above, we conclude that the Ecolabel would be the wrong tool to use as a lever for encouraging the sustainable production and consumption of food products.

We call on you to support amendments to the Commission's proposal that would ensure that the Eco-label will not be granted to processed foods and aquaculture products.

Please find our suggestions for amendments to the Proposal COM (2008) 401/3) along with relevant paragraphs from the organic regulation and Codex Alimentarius in the Annex of this letter.

We strongly ask you to take our concerns into consideration and we offer our assistance and expertise on the matter at any time.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Francis Blake". The signature is written in a cursive style with a horizontal line underneath the name.

Francis Blake

President, IFOAM EU Group

CC: Organic Unit F3, DG AGRI ; EP rapporteurs of the Environment Committee: Mr **Tatarella Salvatore**, Environment, Public Health and Food Safety ; Mr **Vakalis Nikolaos**, Industry, Research and Energy

ANNEXES

Annex I

General comment:

For the whole draft: ECO must not be used in this draft, as long as the scope covers processed food and fishing and aquaculture.

Article 2:

2nd paragraph to be deleted and replaced by "*This regulation shall not apply to food*" as it is in the current regulation 1980/2000".

Article 9 pt 10

The article should read:

"The Ecolabel can only be placed on processed foods that fulfil the requirements of Regulation (EC) No 834/2007."

The last sentence in the proposed article 9.10. must be deleted.

Article 10 to 14

These articles must be completely revised and reformulated.

Annex II

Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products

TITLE I AIM, SCOPE AND DEFINITIONS

Art. 2 definitions

(k) 'labelling' means any terms, words, particulars, trade marks, brand name, pictorial matter or symbol relating to and placed on any packaging, document, notice, label, board, ring or collar accompanying or referring to a product;

TITLE IV LABELLING

Article 23 Use of terms referring to organic production

1. For the purposes of this Regulation a product shall be regarded as bearing terms referring to the organic production method where, in the labelling, advertising material or commercial documents, such a product, its ingredients or feed materials are described in terms suggesting to the purchaser that the product, its ingredients or feed materials have been obtained in accordance with the rules laid down in this Regulation. In particular, the terms listed in the Annex, their derivatives or diminutives, such as 'bio' and 'eco', alone or combined, may be used throughout the Community and in any Community

language for the labelling and advertising of products which satisfy the requirements set out under or pursuant to this Regulation.

Annex III

Codex Alimentarius

GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (GL 32 – 1999, rev 2007)

SECTION I SCOPE

1.1 These guidelines apply to the following products which carry, or are intended to carry, descriptive labelling referring to organic production methods:

a) Unprocessed plants and plant products, livestock and livestock products to the extent that the principles of production and specific inspection rules for them are introduced in Annexes 1 and 3; and

b) Processed agricultural crop and livestock products² intended for human consumption derived from (a) above.

1.2 A product will be regarded as bearing indications referring to organic production methods where, in the labelling or claims, including advertising material or commercial documents, the product, or its ingredients, is described by the terms "organic", "biodynamic", "biological", "ecological", or words of similar intent including diminutives which, in the country where the product is placed on the market, suggests to the purchaser that the product or its ingredients were obtained according to organic production methods.

1.3 Paragraph 1.2 does not apply where these terms clearly have no connection with the method of production.

1.4 These guidelines apply without prejudice to other Codex Alimentarius Commission (CAC) provisions governing the production, preparation, marketing, labelling and inspection of the products specified in paragraph 1.1.