



International Federation of Organic Agriculture Movements –  
EU Regional Group

**Position Paper on the  
“Proposal for a Council Regulation on  
organic production and labelling of  
organic products”**

**Approved by the IFOAM EU Group  
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## Executive Summary

***The IFOAM EU Group is in favour of a thorough revision of the EU regulation for organic food and farming but has a number of grave concerns in the current proposal and therefore is compelled to reject it unless several crucial issues are clarified and/or reformulated.***

The IFOAM EU Group acknowledges that some requests of the European organic agriculture sector have been partly taken up in the new draft proposal. However, it raises many strong concerns. Several proposed changes fundamentally threaten the core of organic agriculture as a production and processing system originating in, and still developing as a result of, private and 'grass roots', local and national initiatives.

Some of the underlying (but not articulated) assumptions behind the new draft seem to run directly counter to the spirit underlying organic food and farming and are rejected by the sector. For example:

- proper and formal stakeholder involvement is not addressed in the proposals, nor in the means of agreeing the proposals (made worse by their introduction in two stages);
- both the currently drafted principles and the new inspection & certification framework (under 882/2004) move towards a product-oriented approach and away from the process-based system that is at the heart of organic food and farming, with overregulation as a result;
- the new decision-making structure (management committee) transfers power away from member states and towards the Commission without any means of balancing this with greater democratic or stakeholder involvement; and
- the contribution and the potential to strengthen the self-responsibility of the organic sector at all the levels at which it works (from local to international) is at best ignored, and at worst actively diminished and discriminated against.

Unless these concerns are properly addressed, the IFOAM EU Group cannot support this proposal of the Commission. We urge the Commission and the European Council to take the time necessary to engage the organic agriculture



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sector in a proper consultation on the critical issues and on the many open questions.

The IFOAM EU Group always aims for constructive engagement in all processes regarding the organic agriculture sector. However, it is necessary to make clear that we cannot compromise on areas that threaten the very basis of organic food and farming, its organisations and the ethos they uphold. We urge the EU to take this on board to ensure that the European organic agriculture sector remains an active partner in this delicate process.

## **I. Grave concerns**

### ***A. Missing details impede informed discussion***

The proposal comes in two parts – a general framework to be decided on now and detailed standards to be decided at a later date. Without a complete picture, i.e. of both parts, it is not possible to decide what is acceptable and what is not, nor what will create better harmonisation in inspection and certification, and what will still be open to interpretation. The lack of mechanisms for the organic sector's involvement impair our confidence in the process to come, where the details will be decided. Therefore we must reserve judgement until all details are known.

*We urge that the discussion be not split into two steps, as is currently being undertaken, but that the complete new regulation be discussed as a whole. Also, stakeholder involvement must be an essential part of this process.*

### ***B. Time scale does not allow for proper and in-depth consultation***

Once again there is unnecessary and counterproductive time pressure on the consultation process. The Commission has met the only real deadline by publishing a proposal before the end of 2005. No further deadlines need be met. The proposed objective of finalising the discussion by 1<sup>st</sup> July does not allow for several rounds of in-depth national consultation and adaptation which is a prerequisite for a sound new regulation.

*We urge that no time limit be set at present, at least until the major concerns raised are resolved.*

### ***C. No stakeholder participation and involvement (Articles 31 and 32)***

There is no formal participation of the organic sector in the proposed decision-making processes. It is imperative that stakeholders continue to help shape the future of the sector that they have themselves created. A formal mechanism for this must be included, as there is in the USA with the National Organic Program and in the best practice guidelines of the WTO and ISEAL.

Worse, the proposed Management Committee would lead to a fundamental shift in the power of decision on the future of the organic sector, away from (national) representation and to the European Commission. In theory that would mean the Commission could adopt its own proposal even with a 65% rejection by member states. We note this is the mechanism used, for example, for GM legislation and are alarmed at how decisions have been made there.

*We urge that a formal structure and mechanism for involving stakeholders be included in the proposed regulation. Also, we are strongly opposed to replacing the existing Standing Committee with the proposed Management Committee.*

#### **D. GMO rules too loose**

The IFOAM EU Group is very concerned that the proposal specifically allows GM contamination up to the labelling threshold of 0.9%. We recognise that it is the Commission's view that this is only a clarification of the existing text and not a legal change to regulation 2092/91. However, this and a number of other lesser differences significantly threaten the current GM-free status of organic food.

Organic consumers do not want, and the organic sector does not tolerate, GMO contamination of organic products. This regulation should be supporting that, not undermining it.

It is crucial that routine contamination is not legalised. A further prerequisite is that co-existence measures be introduced which aim at zero contamination and put the full responsibility for any adventitious contamination on GM users, including economic liability for costs incurred and income lost. This would complement a process-based approach (all actors taking all necessary steps to minimise contamination) which should be the basis for excluding GMOs from organic food and farming.

It is intolerable that the organic sector is effectively being forced to take on the problems of the GM industry by having to accept, either GM contamination of organic food up to 0.9%, or a separate threshold for organic food and seed – neither is acceptable.

*We call, again, for an effective coexistence regime that places responsibility on the GM industry to contain their contamination, and including full liability based on the 'polluter pays' principle, so that the organic sector and consumer choice are properly protected.*

### ***E. Scope (Article 1) needs wider application based on Codes of Practice***

The term 'organic' should be protected wherever it is used in relation to any product which has an agricultural origin and which gives the impression of being an organic product. This includes catering (food eaten in a restaurant or canteen is just as much food as that bought in a store), as well as textiles, cosmetics, etc. However, we do not recommend that detailed European regulations for all such products be developed. These should be allowed to develop naturally, relying on codes of practice of the private sector recognised or approved by national authorities.

We are also concerned that the protection of the derivatives and diminutives of the term 'organic' afforded by Article 2 of regulation 2092/91 is much reduced in this new proposal.

*We recommend that the term 'organic' (and its derivatives and diminutives) should be properly protected for all products which contain raw materials of organic agricultural origin, based on privately developed codes of practice.*

### ***F. Objectives and Principles (Articles 3, 4, 5 and 6) insufficient and confusing***

The proposed objectives and principles cover most of the issues expressed in the current globally approved IFOAM Principles of organic agriculture. However, there are a number of significant problems that potentially undermine the basis of organic agriculture:

- the objectives lead on 'economic viability' which is not appropriate;
- there is no clear differentiation between objectives, overarching principles and principle aims;
- the principles are written as requirements ('shall'), which they are not;

- some principles give the impression of an input-based, not a system-based approach;
- furthermore some principles give the impression that the door is opened for the use of synthetic inputs; and
- there is no principle which deals with the social and human context in which organic agriculture takes place.

It seems the results of the EU funded Organic Revision research project have not been properly taken up. Articles 3, 4, 5 and 6 need significant revision. As a start we suggest that the 4 primary principles of IFOAM replace the objectives in Article 3.

*We recommend the adoption of the IFOAM Principles of Organic Agriculture in place of the objectives (Article 3) and the reformulation of the other Principles sections.*

### ***G. Flexibility (Article 16) has no clear framework and criteria to prevent distortion of trade***

The IFOAM EU Group welcomes the possibility to take into consideration regional variation, provided risks of abusing such flexibility are excluded. However, until the implementing rules are known, we cannot decide if this article fulfils the needs for transparent implementation of exemptions without market distortion. The question of equivalency and consistency is crucial. The limitations of the proposed Management Committee are a risk to proper implementation.

*We request that the concept of 'flexibility' undergoes detailed discussion as to how this could be implemented, to ensure it does deliver the needed flexibility without distortion of trade, creating consumer distrust and violating organic principles.*

### ***H. Labelling (Articles 18–20) restrictions on private organisations unnecessary***

The IFOAM EU Group is deeply concerned with the proposed restrictions on private label organisations. This threatens the very existence of private label programmes which have been, are and will continue to be, the main driving force

in developing the organic market and organic standards. The proposal contradicts the functioning of a free market, with competition in quality possible as well as the competition in price. It also infringes many fundamental principles in a democratic society with a market economy. We also question the legal basis of this proposal, as it seems to interfere with intellectual property rights.

We recommend that Article 20 be deleted. We do not think “organic” should be more regulated than ordinary market legislation and for other types of certification. There is no need to over-regulate the organic sector – yet again.

The IFOAM EU Group welcomes the fact that the use of the EU-logo for organic products will not be mandatory. However we reject the proposed alternative “EU-ORGANIC”. It places more emphasis on “EU” than on “ORGANIC, it might lead to consumer confusion if the product is imported from outside the EU and it undermines the emphasis on local production that should be at the heart of organic farming.

*We recommend that the current labelling rules remain.*

*To avoid misleading consumers, we suggest keeping to the rules laid down in Article 5 of EU Regulation 2092/91. The legal coverage should not only cover the terms “organic”, “biological” and “ecological” but include terms of equivalent intent, as it is formulated in the Codex Alimentarius Guidelines for organically produced food.*

## ***I. Inspection and Certification (Articles 22-25) rules not adapted for organic agriculture***

Article 22: Basing the inspection and certification on Regulation (EC) 882/2004 (OFFC) changes the nature of the control. Organic agriculture is not a food safety issue (which rightly requires strict controls), but rather a positive environmental and food quality label. OFFC imposes unnecessary burdens on organic food and farming controls. We agree that there needs to be more consistent supervision of inspection bodies, but we do not see that OFFC will provide this effectively. Regulation 882/2004 is a top-down, product-oriented approach necessary for controlling food-related health hazards; it does not mirror the ‘process’ approach of organic agriculture.

The impact of this fundamental change is very unclear and will not bring the needed consistency of approach. Clarification is needed urgently before an informed opinion can be given. In particular it is unclear how the proposed principles are to be transformed into decision criteria for inspection and certification rules.

We recognise that the inspection and certification system is based on EN 45011 but that is not specific enough. IFOAM Accreditation is based on ISO 65/EN 45011 and has been developed specifically for organic agriculture worldwide. Adopting this would provide both the most effective control and consistency internationally.

*The IFOAM EU Group urges recognition of IFOAM Accreditation, that the special rules for inspection and certification for organic agriculture, mentioned in Article 63.2 of Regulation 882/2004, be elaborated by the Commission, and that these be based on the IFOAM Accreditation Criteria.*

Article 24: We are strongly opposed to part 3 of Article 24. Control bodies do not necessarily have or set their own standards, but may be licensed to inspect to the standards of a standard-setting body under the conditions set by that body. For others, their 'mark of conformity' is a certification mark with strict legal obligations and controls. It would be entirely inappropriate, and may have conflicting legal implications, for this regulation to interfere in either of these processes.

In any event, this would in practice be a confiscation of the value of and confidence in the private labels and result in a regulation not only being the base line, but also removing all other initiatives of quality differences, and voluntarily adopted production standards and market development. It is important that the different standards owners have the right to decide what is required to fulfil their standards.

*The IFOAM EU Group urges the deletion of Article 24.3.*

Article 25: The IFOAM EU Group is very concerned at the implication in Regulation 882/2004, echoed in this article, that the responsibility for applying sanctions be transferred to the competent authority. This is not appropriate and is unnecessarily top-heavy for the organic agriculture control system – it would be far too bureaucratic and would lead to delays. Furthermore, restriction to just two

levels of penalty is far too narrow. Much greater flexibility of sanction is needed, especially within the level of 'irregularity'. The sanction regime is covered sufficiently by EN45011 and by the IFOAM Accreditation Criteria and this article should reference these.

*We request that Article 25 references EN45011 and the IFOAM Accreditation Criteria, rather than the inappropriate Regulation 882/2004.*

### ***J. Imports (Article 27) not recognising IFOAM standards and accreditation***

The IFOAM EU Group welcomes the possibility of equivalence rather than identical standards for imported products, with the *Codex Alimentarius* proposed as the basis. We urge that the IFOAM Organic Guarantee System be treated likewise.

*We recommend that IFOAM Basic Standards and Accreditation Criteria be recognised as an equal basis for equivalence.*

### ***K. Bee keeping (Article 9) rules critical for European bee keepers***

The new proposals would lead to the end of organic honey production in almost all the EU, as it too strictly limits the forage areas of bees to "essentially" organic farmland "and/or spontaneous vegetation".

*We recommend retaining the current beekeeping regulations.*

## **II. Points welcomed in the new proposal**

The IFOAM EU Group welcomes the following aspects of the Commission's proposal:

- the new structure is more logical than the current regulation;
- the attempt to formulate basic principles as a starting point to develop detailed, certifiable standards from these principles;
- the inclusion of wine and aquaculture within the scope of the regulation;
- the objective to decrease the details and number of derogations;
- the possibility of a certain flexibility to deal with regional variations, as it can provide an alternative for much derogation and facilitate development;
- the intention to use a risk-based approach to determine necessary inspection; and
- a better accessibility proposed for imported products from outside the EU.

### III. Conclusion

The IFOAM EU Group is in favour of a thorough revision of Regulation 2092/91. As stated in the past, there is the need to create a simpler, clearer, more flexible regulation that helps the organic food and farming sector increasingly to meet its own ideals and also consumer expectations. Therefore, we welcome the initiative of the European Commission to publish a proposal for a revised organic regulation, as called for in the European Action Plan for Organic Food & Farming, but not this proposal as currently drafted.

The proposal published on 21<sup>st</sup> December 2005 could have created the opportunity for an open and participatory debate on the future shape and perspective of organic food production. We urge that the further procedure be orientated strongly toward an appropriate involvement of the organic farming movement, especially its private sector.

The IFOAM EU Group feels it will have no option but to reject the whole proposal unless some of the crucial issues are reformulated and the unclear areas are clarified. This will require much more than minor amendments to a few articles. Whole parts of the text need major revision and reorientation.

The IFOAM EU Group requests that more responsibility, not less, should be given to the private operators and actors – these are the founders of organic agriculture and the guardians of its philosophical, and practical, foundations. What is needed is, both a clear and better structured legal framework that builds on the existing strengths of the sector, and also enough time for the participatory approach. This revision is an opportunity to elaborate the new regulation in a proper and transparent public-private partnership. If this is the context, we are willing and eager to play our full part.