

Organic farming: organic production and labelling of the products (repeal. Regulation (EEC) No 2092/91)

2005/0278(CNS) - 28/06/2007 - Final act

PURPOSE: to introduce a general framework for organic production and the labelling of organic products.

LEGISLATIVE ACT: Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91.

BACKGROUND: the share of organic agriculture is on the increase in most of the EU Member States and consumer growth and demand for organic products in recent years has grown considerably. This growth needs to be accompanied with appropriate legislation in order to maintain an open, competitive and well-protected internal market for organic products. The 1991 Regulation (Regulation (EEC) No 2092/91 on organic production of agricultural products and indicators), which to date has regulated the organic market is considered outdated, in need of simplification and in need of replacing with a Regulation that takes account of recent developments.

CONTENT: the purpose of this Regulation, therefore, is to provide the basis for the sustainable development of organic production. At the same time provisions have been drafted in order to ensure the effective functioning of the internal market for organic products and fair competition. Organic production is defined, in the recitals of the Regulation, as an overall system of farm management and food production that combines best environmental practices, a high level of biodiversity, the preservation of natural resources, the application of high animal welfare standards and a production method in line with a preference of certain consumers for products using natural substances and processes.

The Regulation establishes common objectives and principles on:

- the production, preparation and distribution of organic products and their control;
- the use of indications that refer to organic production in both labelling and advertising.

and applies to:

- live or unprocessed agricultural products;
- processed agricultural products for use as food;
- feed;
- vegetative propagating material and seeds for cultivation; and
- yeasts used as food or feed.

It does not apply to wild animals that have been hunted or fished, nor does it apply to mass catering operations.

The overall objective of organic production, as defined by this Regulation, is to establish the sustainable management of agriculture that respects nature's systems and cycles and sustains the health of soil, water, plants and animals. Organic production must also contribute to a high level of biological diversity, use energy and natural resources responsibly, offer high animal welfare standards and produce a wide variety of food that responds to consumers' demand for environmentally friendly products.

Organic farming should apply the principle of maintaining and enhancing soil life and nourishing plants, primarily, through the soil system. Organic farming should also minimise the use of non-renewable resources, recycle wastes and plant by-products, take account of local ecological balances, maintain animal health by encouraging the natural immunological defence of animals, choose plant species that are resistant to pests and diseases, rely on crop rotation rather than fertilisers, feed livestock with organic feed, exclude the rearing of artificially induced polyploid animals, maintain natural aquatic ecosystems and feed aquatic organisms with feed from sustainable exploitation of fisheries.

Organic products, on the other hand, should only be produced from organic food. The use of food additives, micronutrients and processing aids should be restricted. Producers of organic products should exclude substances and processing methods that might be misleading.

Organic feed must be produced from organic feed materials (except where a feed material is not available on the market in organic form), restrict the use of feed additives and process aid to a minimum extend and preferable use biological, mechanical and physical methods.

Production rules: The framework Regulation sets out the general production rules and requirements linked to organic production. For example, the use of GMO's is forbidden as is the use of ionising radiation. Special provisions are spelt out regarding: farm production, plant production, the production of seaweed, livestock production, aquaculture animals production and the production of processed food – all of which organic farmers must comply with if they want to label their products as "organic".

For example, in the case of farming, farmers must keep their "organic production units" separate from non-organic units and keep records to show this separation. In the case of plant production, farmers must use cultivation practices that increase soil organic matter and multiannual crop rotation. Mineral nitrogen may not be used and damage caused by pests, disease and weeds must rely primarily on "natural enemies" protection. Livestock production rules include, *inter alia*, the requirement that personnel in charge of organically reared livestock must posses enough basic knowledge and skills as regards their health and welfare. Livestock must have permanent access to open air (preferably pasture) and the number of livestock must be limited in order to minimise overgrazing, soil erosion or animal pollution.

On the matter of processed food the Regulation specifies that processed organic feed and food must be kept separate in time or space from the production of processed non-organic feed.

Labelling: Specific labelling and advertising rules are set out. Products may only be labelled "organic", "eco", "bio" etc. if they fulfil the conditions set out in this Regulation. Processed foods may only call themselves organic if they are at least 95%, by weight, made of organic products. Should products fulfil the requirements of this Regulation they are then allowed to display the Community organic production logo – although national and private logos may be used as well.

Controls: In order to monitor the correct application of the requirements specified in the framework Regulation the Member States will be responsible for setting up a system of controls as well as designating the competent authorities whose task it will be to monitor organic farming and production.

Trade with third countries: third-country organic products may be placed on the Community market on condition that: i) they comply with the provisions set out in this Regulation, ii) all operators, including exporters have been subject to recognised control bodies and iii) the operators concerned are able to provide documentary evidence of their products' organic status.

In the final provisions, the Regulation states that the Commission will be assisted by a regulatory Committee on organic production, the Member States will regularly transmit information on organic production to the Commission and organic products produced in compliance with this Regulation will enjoy free movement across the EU.

By 31 December 2011, the Commission shall submit a report to the Council. The report shall, in particular, review the experience gained from the application of this Regulation and consider in particular the following issues: a) the scope of this Regulation, in particular as regards organic food prepared by mass caterers; b) the prohibition on the use of GMOs, including the availability of products not produced by GMOs, the vendor declaration, the feasibility of specific tolerance thresholds and their impact on the organic sector; c) the functioning of the internal market and controls system, assessing in particular that the established practices do not lead to unfair competition or barriers to the production and marketing of organic products.

ENTRY INTO FORCE: 27 July 2007.

APPLY: 1 January 2009.

REPEAL: Regulation (EEC) no 2092/91.