

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

2005/0278(CNS) - 11/05/2012 - Follow-up document

The Commission presents a report on the application of Council Regulation (EC) No 834/2007 covering the period from 1st January 2009. This Regulation together with its implementing Regulations, Commission Regulations (EC) No 889/20083 and (EC) No 1235/2008, constitute the legal framework on organic food and farming at EU level.

The report notes that organic agriculture occupies 8.6 million hectares in the EU in 2009, which represents 4.7 % of EU-27 utilised agricultural area. In the period 2006-2009, its average annual rate of growth was 7.7 % in the EU-15 and 13 % in the EU-12 (EU-15 represented 81 % of all EU organic area in 2009). There were about 197,000 holdings involved in organic agriculture in 2008, i.e. 1.4 % of all EU-27 holdings. It is estimated that the organic sector represented 2 % of total food expenses in the EU-15 in 2007.

In accordance with the requirements of the Regulation, the report focuses on the following:

- the scope of the Regulation itself, in particular as regards organic food prepared by mass caterers;
- 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;
- 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.

Scope: the report makes the following observations:

- **Mass catering:** this is steadily gaining importance, in both private and public sectors. However, most Member States are of the opinion that mass catering operations **should not become subject to EU Regulation on organic production in the short term**, not only because of possible increased complexity, but also because of the limited impact on trade due to their local character. The Commission concludes that there is currently no need to include mass catering operations in the Regulation but will closely follow developments in this sector.

- **Textiles and cosmetics:** during the last few years, there has been significant market growth for textiles and cosmetics bearing reference to organic production. Private certification schemes for these products have been developed. The Commission considers that it may be worth exploring the opportunities offered by the Union legislation to extend the protection of the use of the word "organic" to textiles and cosmetics.

Prohibition on the use of GMO's in organic farming: the report considers that the prohibition on the use of GMOs in organic production is correctly implemented. Supervising the control system on the prohibition of the use of GMOs did not pose major problems for Member States. However, feed is singled out as a risk product for adventitious presence of GMOs. Some very low findings of authorised GMOs below 0.1% were reported in soya and maize. Operators make considerable efforts and take common

initiatives to keep organic products free from adventitious GMO presence. They bear the costs for these preventive actions. In some Member States specific risk analysis and risk management tools have been developed, which offer a systematic approach for deciding on additional sampling and control visits. The Commission will monitor the development of these tools and propose them for EU wide application if appropriate. Preventive measures and harmonised actions are preferred to a specific GMO threshold for organic products, which does not seem to be justified under current circumstances.

With regard to the **availability of products**, the Commission states that some substances such as vitamins B2 (riboflavin) and B 12 (cobalamine) and the enzymes chymosin (for cheese making) and phytase (for feed) are regularly reported as available only produced by GMOs. Therefore the Commission will closely monitor this situation and propose appropriate action if necessary.

On **the vendor declaration**, the report notes that this declaration represents a commitment of the supplier with legal value. However, stakeholders signal that many companies do not fully understand its function, may refuse using it, or, on the contrary, sign it very easily. Some Member States also indicate that they have difficulties verifying whether a given declaration is reliable because of technical and analytical constraints.

The Commission therefore considers that the reliability and effectiveness of the vendor declaration raises some concern and needs to be further examined.

On **co-existence**, the [Commission's report](#) on the coexistence of genetically modified crops with conventional and organic farming concluded that GM crops have not caused any demonstrable damage to existing non-GM farming. Further, in 2010 the Commission issued Commission Recommendation 2010/C/200/01, on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops, which recognises that the potential loss of income for producers of particular agricultural products such as organic products may occur as a result of the presence of GMO traces at levels even lower than the GM labelling threshold set out in EU legislation at 0.9%. Moreover, the Recommendation acknowledges that the admixture of GMOs has specific implications for producers of particular products such as organic farmers, impacting also the final consumer, since such production is often more costly, as it requires stricter segregation efforts to avoid GMO presence to guarantee the associated price premium. In this same context, the Commission has submitted [a proposal](#) to the European Parliament and to the Council which, once adopted, would allow Member States to restrict or prohibit cultivation of GMOs on their territory.

The Commission notes the judgements of the European Court of Justice in joint cases C-58/10 to C-68 Monsanto and Case 442-09 regarding GM pollen in honey. These recent developments need to be analysed.