"The new EU Regulation on Organics: what's next?"

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More than half (54%) of EU organic farmland is in 4 countries.

The country with the largest area of organic farmland is in Spain, followed by Italy and France.

Nine countries have 10% or more of their agricultural land under organic management.

In 2016, almost 0.85 million hectares more were reported compared with 2015.

Top 5 countries with the largest areas of organic agricultural land 2016
The European Union (30.7 billion €) is the second largest single market after the US (38.9 billion) and followed by China. By region, North America has the lead (41.9 billion €), followed by Europe (33.5 billion €) and Asia.

The European countries with the largest markets for organic food are Germany (9.5 billion €), France (6.7 billion €), Italy (2.6 billion €), and the UK (2.5 billion €).

Denmark has the highest per capita consumption of organic food in the EU, followed by Sweden and Luxembourg.

The highest organic share on the total market is in Denmark, followed by Luxembourg, Sweden, and Austria.

15 years ago organic market worthed around 5 bio euro

The countries with the highest per capita consumption of organic food worldwide

Source: FiBL survey 2018 www.organic-world.net
# The Organic Reform: A Long Story

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tr>
<td>2014</td>
<td>Com. proposal</td>
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<td>2015</td>
<td>EU Council General Approach</td>
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<td>Amendments voted in EP plenary</td>
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<td>2017</td>
<td>Political compromise and endorsement</td>
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<td>2018</td>
<td>Vote in the Council and EP + Publication in the OJ</td>
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Why a new regulation?

• **Certain provisions are 20 years old, did not foresee the incredible development of the organic sector.**

• **Many gray areas; growing number of requests for the legal interpretations of certain provisions.**

• **Too many derogations granted on a case-by-case basis; too many discrepancies on the application of the rules between Member States.**

• **Increasing risk of formal complaints being introduced by some operators against unfair competition.**

• **Current regulation not in line with the Lisbon treaty.**
THE ORGANIC REFORM: A LONG STORY

Why the reform took so long?

- Wide varieties of views and positions between the three European Institutions, Member States and within the sector.

- Several issues on which it was difficult to find an acceptable compromise for all parties: pesticides, controls, cultivation in greenhouses using demarcated beds.

- Final outcome: balanced compromise between fundamental principles of organic production maintaining certain flexibility for operators.
Harmonisation:

• end of à la carte derogations;

• level playing field for organic producer, within the EU and vis-à-vis third countries (compliance);

Simplification:

• group certification for small producers reducing certification costs and administrative burden;

• risk based controls aiming to reduce administrative burden.
Moreover...

**Clarification:**

- *end of grey area in the control system;*
- *a robust control system with clearer rules;*
- *definitions.*
Production rules

• Harmonisation of certain provision: parallel farming, authorisation of substances.

• Organic heterogeneous material (material that does not belong to a variety but rather to a plant grouping with a single botanical taxon presenting higher genetic variability for a better adaptation to different agronomic realities)

• Clarification of the status of greenhouses: creation of a transitional period for certain Countries.

• Simplification of certain production rules

• New rules for rabbits and cervine animals and for insects

• Introduction of new products and possibility to extend the scope to new products.
Unauthorised products and substances

- The fundamental principles remain the same: the use of non-authorised products and substances is prohibited.

- Towards a more harmonized approach: proportionate and appropriate precautionary measures under the control of organic farmers to minimize the risk of accidental contamination.
It outlines the approach to be followed by the competent authorities when they receive information that raises suspicion of presence of non-authorised pesticides.

MS with a threshold system will be able to keep it provided the Internal Market is not affected.

Report on unauthorised substances including the assessment of the national provisions and the precautionary measures taken by operators.
• Organic farming is explicitly part of the scope of the new EU Official Food and Feed Control Regulation.

• Principle of the annual control maintained: still possibility for MS to define a risk profile to possibly exempt operators from on the physical on-the-spot.

• Group certification for small operators.

• Control on retailers for unpacked products.
• New provisions on the authorisation of non-organic ingredients of agricultural origin.
THE ORGANIC REFORM: TRADE

- Provisions for the exports of organic products
- Compliance, specific provision for substances
- Reinforced powers in relation to CB and goods
- Current arrangements => bilateral trade agreement
### Suggested Work Plan - IAs and DAs

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<th>Step 3 - Legal drafting</th>
<th>Step 4 - Adoption procedure</th>
<th>Step 5 - IA - VOTE at the COP/DA - Sending to Council + EP</th>
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<td>IA  • Production Rules</td>
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<td>DA  • Production Rules</td>
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<td>IA  • PR_Annexes</td>
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**Legend:**
- **IA:** Initial Assessment
- **DA:** Detailed Assessment

**Notes:**
- **2018:** Initiation of the process
- **2019:** Completion of the technical discussions
- **2020:** Finalization of the legal drafting and adoption procedures
Production rules

Empowerments that need to be activated
Articles on production rules which shall or may be activated

1st IMPLEMENTING ACT

- Art. 10(6) Conversion (S)
- Art. 14(3) Livestock production rules (S)
- Art. 15(3) Production rules for algae and aquaculture animals (S)
- Art. 16(3) Production rules for processed food (M)
- Art. 17(3) Production rules for processed feed (M)
- Art. 26(7) Collection of data concerning the availability on the market of organic and in-conversion plant reproductive material, organic animals and organic aquaculture juveniles (M)

2nd IMPLEMENTING ACT

- Art. 24(9) Authorisation of products and substances that may be used in organic production (S)
Articles on production rules which may be activated

DELEGATED ACT

• Art. 9(11) General production rules
• Art. 10(5) Conversion
• Art. 12(2) Plant production rules
• Art. 14(2) Livestock production rules
• Art. 15(2) Production rules for algae and aquaculture animals
• Art. 16(2) Production rules for processed food
• Art. 17(2) Production rules for processed feed
• Art. 18(2) Production rules for wine
• Art. 19(2) Production rules for yeast used as food or feed
• Art. 21(1) Production rules for products not falling within the categories of products referred to in Art. 12 to 19
• Art. 22(1) Adoption of exceptional production rules
• Art. 23(2) Collection, packaging, transport and storage
• Art. 24(6) Authorisation of products and substances used in organic production
• Art. 53(2-4) Derogations, authorisations and report
• Art. 13(3) Specific provisions for the marketing of plant reproductive material of organic heterogeneous material
Acts to be adopted before 2021 for the production rules:

**IA**
- **Art. 10(6)** Conversion
- **Art. 14(3)** Livestock production rules
- **Art. 15(3)** Production rules for algae and aquaculture animals
- **Art. 26(7)** Collection of data concerning the availability on the market of organic and in-conversion plant reproductive material, organic animals and organic aquaculture juveniles

**DA**
- **Art. 14(2)** Livestock production rules
- **Art. 15(2)** Production rules for algae and aquaculture animals
- **Art. 21(1)** Production rules for products not falling within the categories of products referred to in Art. 12 to 19
- **Art. 22(1)** Adoption of exceptional production rules

**IA**
- **Art. 24(9)** Authorisation of products and substances that may be used in organic production

**Art. 13 (3)** Specific provisions for the marketing of plant reproductive material of organic heterogeneous material
The scope of implementing and delegated acts is strictly defined in the basic act 2018/848

The basic acts precisely defines what the Commission is empowered to do through the implementing and delegated acts. No other subjects could be covered.

What are the elements the Commission is empowered for livestock?

**Implementing acts**

For the production of bovine animals, ovine animals, caprine animals, equine animals, cervine animals and porcine animals, as well as poultry and rabbits:

- Definition of stocking density, minimum surfaces for indoor and outdoor areas, and their characteristics, as well as technical requirements for housing

- Definition for suckling animals the minimum period to be complied with for feeding with maternal milk shall be defined.
Controls, labelling and general

Empowerments that need to be activated
Articles on control which shall or may be activated

IMPLEMENTING ACTS

CONTROLS ISSUES
• Art. 28(3) Precautionary measures (M)
• Art. 29(8) Measures to be taken in cases of presence of non-authorised products and substances (S)
• Art. 34(9) Certification system (M)
• Art. 35(10) Certificate (S)
• Art. 36(4) Group of operators (M)
• Art. 38(9) Additional rules on official controls and on action to be taken by the competent authorities (M)
• Art. 39(2) Additional rules to be taken by the operators and groups of operators (M)
• Art. 41(5) Additional rules on actions in case of non-compliance (M)
• Art. 43(7) Additional rules on the exchange of information related to official controls and other official activities (M)

LABELLING ISSUES
• Art. 30(8) Use of terms referring to organic production (M)
• Art. 32(5) Compulsory indications (S)

GENERAL ISSUES
• Art. 51(2) Information relating to the organic sector and trade (S)
Articles on control which may be activated

DELEGATED ACTS

CONTROLS ISSUES

- Art. 34(8) Certification system
- Art. 35(9) Certificate
- Art. 36(3) Group of operators
- Art. 38(8) Additional rules on official controls and on action to be taken by the competent authorities
- Art. 40(11) Additional rules on the delegation of certain tasks related to official controls and other official activities

LABELLING ISSUES

- Art. 30(7) Use of terms referring to organic production
- Art. 32(4) Compulsory indications
- Art. 33(6) Organic production logo of the European Union
Trade

Empowerments that need to be activated
Articles on trade which shall or may be activated

IMPLEMENTING ACTS

- **Art. 45(2)** Import of organic products (M)
- **Art. 45(4)** Import of organic products (S)
- **Art. 46(1)** Recognition of control authorities and control bodies (M)
- **Art. 46(8)** Recognition of control authorities and control bodies (M)
- **Art. 46(9)** Recognition of control authorities and control bodies (S)
- **Art. 48(3)** Equivalence under Regulation (EC) No 834/2007 (S)
- **Art. 48(5)** Equivalence under Regulation (EC) No 834/2007 (M)
- **Art. 57(2)** Transitional measures relating to control authorities and control bodies recognised under Article 33(3) of Regulation (EC) No 834/2007 (S)
Articles on trade which may be activated

DELEGATED ACTS

- Art. 44(2) Export of organic products
- Art. 46(7) Recognition of control authorities and control bodies
- Art. 57(3) Transitional measures relating to control authorities and control bodies recognised under Article 33(3) of Regulation (EC) No 834/2007
- Art. 58(2) Transitional measures relating to applications from third countries submitted under Article 33(2) of Regulation (EC) No 834/2007
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