

The European regulatory system

Organic farming and production

The European Union is the biggest consumer market for organic produce. Consequently, its regulatory system on organic farming is of special interest, not just to Europeans dealing with organic products, but also to those who target their product to this market. Of particular interest in this context is the Regulation (EEC) 2092/91 with its numerous revisions and amendments. Responding to this interest the following piece gives an overview of the EU-Regulation on organic farming and food production and the administrative approach on revision.*

Since 1991, when the Regulation (EEC) 2092/91 first came into force, it has been revised and added to on several occasions. In fact, up to now the Regulation has been amended more than twenty times. A particularly significant change took place in 1999, when the Council extended its scope to cover organic livestock production.

Amended regulations may be passed by the Council as well as the Commission of EU, in a kind of 'job sharing' deal. The Council, made up of cabinet members of member state's governments, is the principal law and policy making body in EU. However, it may delegate law-making powers to the Commission, which is the executive organ with a large administrative apparatus consisting of 23 Directorates-General, including one for agriculture. Where the Regulation 2092/91 is concerned this is especially the case with regard to ruling details like updating and supplementing the technical annexes. Article 13 of the Regulation defines clearly limits of del-

* *The next issue of The Organic Standard will have an overview of how the EU member states implement the regulation on the national level.*

egated law-making power of the Commission.

The member states of the European Union execute the Regulation through their administrative authorities. The provisions of the Regulation are employed like national law and member states are not allowed to issue conflicting or parallel national laws.

The Regulation is self-executing: it obliges private farmers and enterprises as well as national administrations and courts to adhere to its provisions. However, it is the European Court of Justice that has the privilege of authoritative interpretation of EU law.

Scope of the Regulation (EEC) No. 2092/91

Council Regulation (EEC) No. 2092/91 applies to:

- Non-processed crop and animal products
- Processed agricultural products intended for human consumption
- Animal feed

The rules apply only to products that the producer intends to market as organic. The product must have labeling, advertising material and com-

mercial documents that indicate to the purchaser that the product was grown and processed in accordance with the organic production method defined in the Regulation. The provisions in Regulation 2092/91 do not preclude the application of the other rules that apply to all products, whether conventional or organic. The requirements imposed under the Regulation can therefore be stricter than general Community legislation on conven-

For each language in the EU there is one term that has been especially assigned as being the main term for organic. However, the regulation also protects the use of similar expressions in the various languages.

| | |
|-------------|----------------|
| Spanish: | ecológico |
| Danish: | økologisk |
| German: | ökologisch |
| English: | organic |
| French: | biologique |
| Italian: | biologico |
| Dutch: | biologisch |
| Portuguese: | biológico |
| Finnish: | luonnomukainen |
| Swedish: | ekologisk |

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after the current evaluation of the Danish system by the IOAS is completed.

Another recommendation is that the current requirement that products have to be finally processed or repackaged in Denmark in order to qualify for the Danish state symbol should be dropped.

It is recommended that Denmark should work to change the EU regulation to open up possibilities of having higher standards in all aspects of organic production, such as permitted additives, and farm inputs. It also warns that too much flexibility and too many differences in standards may make international recognition more difficult. ■

VEGAN ORGANIC STANDARDS TO BE LAUNCHED

The Vegan Organic Trust based in the UK has developed Stockfree Organic Standards and plans to seek accreditation by UKROFS, the regulatory body for organic production in the UK.

The Stockfree Standards do not allow the use of any animal manure or animal by-products in farming. *The Organic Business* reports that the first applicants for stockfree certification have been inspected. ■

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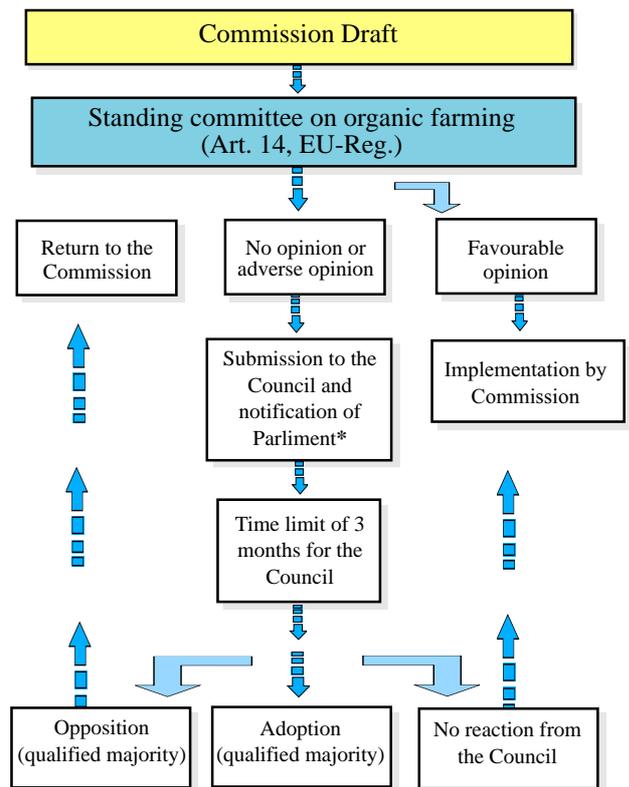
tional agriculture and products intended for human consumption, but they cannot be less strict. All provisions governing the production, preparation, marketing, labelling and inspection of agricultural products and conventional foodstuffs continue to apply.

Revision procedure for the Regulation

The Council, as the principal law-making body in the EU, adopts law based on drafts submitted by the Commission. The Commission, in turn, is granted the privilege of initiating law. In regard to EU-Regulation 2092/91, as Article 13 states, the Council delegated the right to the Commission to adopt detailed rules for the implementation of Annexes I and III or amend Annexes I, II, III, IV and VI in accordance with the procedure laid down in Article 14.

The procedure laid down in Article 14 requires that the Commission is assisted by a committee composed of representatives from the member states and chaired by a representative from the Commission. The member states may send civil servants or external experts as representatives. The committee is often referred to as Art.-14-Committee, because of its reference to Article 14.

The Commission representative submits the Commission's draft proposal to the Art.-14-Committee, which should deliver an opinion on the draft, within a time limit that the chairman lays down according to the urgency of the matter. It may express



* If Parliament considers that the proposal exceeds the Commission's powers, it informs the Council of its position.

Weighting of votes

| Member States | No. votes/ country |
|---|-----------------------|
| Germany, France, Italy, United Kingdom | 10 |
| Spain | 8 |
| Belgium, Greece, Netherlands, Portugal | 5 |
| Austria, Sweden | 4 |
| Denmark, Ireland, Finland | 3 |
| Luxembourg | 2 |
| Total | 87 |

Committee opinions

Favourable opinion:

62 or more in favour

No opinion:

fewer than 62 in favour, fewer than 62 against

Unfavourable opinion:

62 or more against

a favourable or an adverse opinion, or may fail to reach an opinion (see box on previous page for the system of weighting of votes; the chairman does not vote). The procedures to be followed in different cases are displayed on the flow chart on page 13. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council acts by a qualified majority. If, on the expiry of a period of three months from the date of referral to it, the Council has not acted, the proposed measures are adopted by the Commission. Legislation passed is published in the Official Journal of the European Communities.

A change of the substantive provisions of the Regulation may only be carried out by the Council since amendments to these parts of the law require legal acts of the same hierarchy. An example of this is the Council Regulation No. 1804/99 that supplemented Regulation 2092/91 to include livestock production. This procedure applies to changes of those parts of the regulation that are not delegated to the Commission according to Article 13 of the Regulation. But, nevertheless, it is the Commission's role – which has in any case the privilege to initiate community law – to provide a proposal for amendments of the respective provisions.

After the Commission has finished the work on the draft it is published in the official journal and submitted to the Council and the European Parliament, which can comment on the proposal. From then on the procedure resembles the procedure illustrated in the figure on page 13, from where the submission to the council is indicated (further committees involved in the

Content of the Regulation (EEC) No 2092/91

| Article/Annex | Subject |
|---------------------------------|---|
| Article 1 to 3 | Defining the scope of application |
| Article 4 | Defining crucial terms used in regulation |
| Article 6, 6a, 7 | Basic organic production rules |
| Article 8 and 9 | Inspection System in organic farming |
| Article 10 | Indication for being subject of organic inspection system |
| Article 10 a | General enforcement measures |
| Article 11 | Rules for imports from third countries |
| Article 12 | Free movement of goods within the Community |
| Article 13 to 15, 15a and 16 | Administrative provisions and implementation |
| Annex I | Principles of organic production at the farm level <i>Part A:</i> Plants and plant products <i>Part B:</i> Animals and animal products <i>Part C:</i> Beekeeping and beekeeping products |
| Annex II | <i>Part A:</i> Table with products exceptionally authorised for soil conditioning and fertilization <i>Part B:</i> Table with products allowed for plant pest and disease control <i>Part C:</i> Feed materials <i>Part D:</i> Feed additives <i>Part E:</i> Products authorised for cleaning and disinfections of livestock buildings and installations <i>Part F:</i> Other Products |
| Annex III | Minimum inspection requirements and precautionary measures under the inspection scheme referred to in Article 8 and 9 <i>Part A:</i> Farms producing plants and plant products <i>Part B:</i> Processing and packaging units for plant products and foodstuffs composed essentially of plant products |
| Annex IV | Information to be notified as provided in Article 8, 1. (a) |
| Annex V | Indication that products are covered by the inspection scheme |
| Annex VI | <i>Part A:</i> Substances permitted as ingredients of non-agricultural origin <i>Part B:</i> Substances permitted to be used during preparation <i>Part C:</i> Ingredients of agricultural origin |
| Annex VII | Table with maximum number of animals per hectare |
| Annex VIII | Table with minimum surface area indoors and outdoors and other characteristics of housing for farm animals |

process are left out for clarity).

EU policy can be influenced at different points during the law making and revision process. Firstly, during the drafting process the Commission can be influenced through the technical assistance provided to the person(s) in charge of the Commission or people involved in the different committees that advice the Commission. Secondly, amendments that involve the Council can be influenced via the parliament that comments on the submitted draft.

Finally, the political representatives (ministers) of the community member states can have an influencing effect.

One powerful voice from the private organic sector, which influences

and comments on the law making process, is the IFOAM-EU-Regional Group. This group meets, as a general rule, once a year with representatives of the Commission in Brussels. Consented opinions of the group are of weight in the process.

At the moment, Annex I, II, VI as well Annex III are under revision. Annex III was passed as recently as this October (2001) and comes into force in January, 2002 (cf. *The Organic Standard*, issue 7). ■

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Community logo on organic agriculture (English version)

Background information

When the European Community was established in the 1950s the main objective was to provide free movement for goods and services within the Community. This is exactly what the Regulation (EEC) 2092/91 tries to achieve with regard to organic produce. The gist of Article 12 of the Regulation is that member states of the EU may not prohibit or restrict the access of organic products to their internal markets on grounds relating to the presentation of it as organic when the requirements laid down in the Regulation are met.

The Regulation (EEC) No 2092/91 on organic agricultural production was adopted on 24 June, 1991, after the Council had spent years of preparation and consultation. Some European countries already had well developed private standards while

others had government regulations for organic farming, and these both served as examples. The rules on organic farming were introduced – initially only for products essentially of plant origin – as part of the reform of the common agricultural policy (CAP). But by the late 1980s CAP had broadly achieved its original aim of generating agricultural productivity gains so as to make the European Community largely self-sufficient for its food supply, so the policy shifted towards other aims, such as the promotion of quality products and the integration of environmental conservation into agriculture. In adopting Regulation (EEC) No 2092/91, the Council created a Community framework that defined in detail the requirements for agricultural products or foodstuffs bearing a reference to organic production methods. Over time these rules have become quite

complex; not only do they define a method of agricultural production for crops and livestock, they also regulate the labelling, processing, inspection and marketing of organic products within the Community, and the import of organic products from non-member countries.

In order to reduce the surplus of agricultural produce supply the European Union introduced an extensification programme in 1989. With this programme farmers got financial support from the government for setting aside arable soil, and organic agriculture was for first time officially recognised as a proper means to avoid surpluses in production. Later on, the official recognition of organic farming as an environmentally sound method of agricultural production led to further opportunities for financial support. Today, the EU-Regulation forms the major basis on which organic agriculture is recognised in agri-environmental programmes. ■