



Statens tilsyn for planter, fisk, dyr og næringsmidler

# New EU-regulation organic production 2021 – how affect laws and standards in Norway

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# Introduction

- Information about organic legislation in Norway
- General information about the implementing procedure in Norway
- General comments about the new organic legislation in 2021

# The EEA Agreement between EU and the EFTA countries

## 3 The EEA Agreement



The Agreement on the European Economic Area EEA is the cornerstone of relations between Norway and the EU. It brings together the 28 EU member states and the three EEA EFTA states Norway, Iceland and Liechtenstein in an internal market governed by the same basic rules. It guarantees the internal market's four freedoms, as well as non-discrimination and equal rules of competition throughout the area.

# Regulation for organic production

- We implement the same regulations for organic production as in EU. <https://lovdata.no/dokument/SF/forskrift/2017-03-18-355>

## Forskrift om økologisk produksjon og merking av økologiske landbruksprodukter, akvakulturprodukter, næringsmidler og fôr (økologiforskriften)

Dato	FOR-2017-03-18-355
Departement	Nærings- og fiskeridepartementet, Landbruks- og matdepartementet
Ikrafttredelse	18.03.2017
Sist endret	FOR-2019-07-05-984
Endrer	FOR-2005-10-04-1103, FOR-2015-07-07-879
Gjelder for	Norge
Hjemmel	LOV-2003-12-19-124-§10, LOV-2003-12-19-124-§21, LOV-2003-12-19-124-§23, FOR-2003-12-19-1790, FOR-2004-05-05-884
Kunngjort	22.03.2017 Kl. 15.30
Rettet	04.09.2019 (forordning (EF) nr. 889/2008 artikkel 11 nr. 3)
Korttittel	Økologiforskriften

Hjemmel: Fastsatt av Landbruks- og matdepartementet og Nærings- og fiskeridepartementet 18. mars 2017 med hjemmel i lov 19. desember 2003 nr. 124 om matproduksjon og mattrygghet mv. (matloven) § 10, § 21 og § 23, jf. delegeringsvedtak 19. desember 2003 nr. 1790 og delegeringsvedtak 5. mai 2004 nr. 884.

EØS-henvisninger: EØS-avtalen vedlegg II kap. XII

nr. 54b (forordning (EF) nr. 834/2007 som endret ved forordning (EF) nr. 967/2008 og forordning (EU) nr. 517/2013), nr. 54ba (forordning (EF) nr. 889/2008 som endret ved forordning (EF) nr. 1254/2008, forordning (EF) nr. 710/2009, forordning (EU) nr. 271/2010, forordning (EU) nr. 344/2011, forordning (EU) nr. 426/2011, forordning (EU) nr. 126/2012, forordning (EU) nr. 203/2012, forordning (EU) nr. 505/2012, forordning (EU) nr. 392/2013, forordning (EU) nr. 519/2013, forordning (EU) nr. 1030/2013, forordning (EU) nr. 1364/2013, forordning (EU) nr. 354/2014, forordning (EU) nr. 836/2014, forordning (EU) nr. 1358/2014, forordning (EU) 2016/673, forordning (EU) 2016/1842, forordning (EU) 2017/838, forordning (EU) 2017/2273 og forordning (EU) 2018/1584) og nr. 54bb (forordning (EF) nr. 1235/2008 som endret ved forordning (EF) nr. 537/2009, forordning (EF) nr. 471/2010, forordning (EU) nr. 590/2011, forordning (EU) nr. 1084/2011, forordning (EU) nr. 1267/2011, forordning (EU) nr. 126/2012, forordning (EU) nr. 508/2012, forordning (EU) nr. 751/2012, forordning (EU) nr. 125/2013, forordning (EU) nr. 519/2013, forordning (EU) nr. 567/2013, forordning (EU) nr. 586/2013, forordning (EU) nr. 355/2014, forordning (EU) nr. 442/2014, forordning (EU) nr. 644/2014, forordning (EU) nr. 829/2014, forordning (EU) nr. 1287/2014, forordning (EU) 2015/131, forordning (EU) 2015/931, forordning (EU) 2015/1980, forordning (EU) 2015/2345, forordning (EU) 2016/459, forordning (EU) 2016/910, forordning (EU) 2016/1330, forordning (EU) 2016/1842, forordning (EU) 2016/2259, forordning (EU) 2017/872, forordning (EU) 2017/1473, forordning (EU) 2017/1862, forordning (EU) 2017/2329 og forordning (EU) 2019/39).

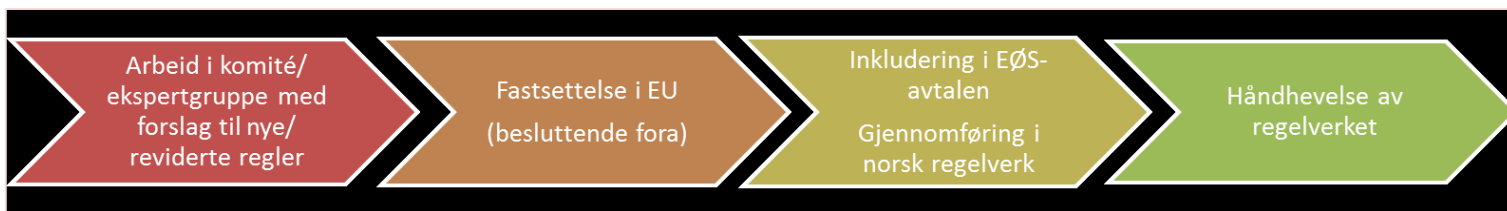
Endringer: Endret ved forskrifter 4 mai 2017 nr. 530, 26 sep 2017 nr. 1573, 18 des 2017 nr. 2138, 18 des 2017 nr. 2232, 26 mars 2018 nr. 508, 30 april 2018 nr. 665, 24 sep 2018 nr. 1544, 12 des 2018 nr. 2027, 9 mai 2019 nr. 588, 5 juli 2019 nr. 984.

Rettelser: 13.06.2017 (forordningsdelen), 21.06.2017 (Ordlyden i forordning (EF) nr. 889/2008 artikkel 11 nr. 1 og 2), 19.07.2017 (Forordning (EF) nr. 889/2008 vedlegg VIII del B), 12.10.2017 (forordning (EU) nr. 1235/2008 vedlegg IV, CCPB Srl), 12.03.2018 (forordning (EF) nr. 889/2008 vedlegg I), 14.09.2018 (forordning (EF) nr. 889/2008 vedlegg VII punkt 2.1), 04.09.2019 (forordning (EF) nr. 889/2008 artikkel 11 nr. 3).



# The process for new rules

- The EU Commission (DG AGRI) propose new rules
- The proposal is discussed in the Committee of organic production where 28 MS participate, including Norway, Switzerland and Island as observers.
- The EEA-agreement defines our right to participate in this group in the same way as MS. We can however not be a part of the voting process.
- After adoption in EU the act has to be implemented into the EEA-agreement before entering into force in Norway.



# Information about the implementing procedure

The Commission publish the proposal for new acts, and later the final version

The screenshot shows the 'COMITOLGY REGISTER' website. The header includes the European Commission logo and a search bar. The main content area displays details for document D047923/05, which is a draft implementing measure in the dossier CHTD/2016/1562. The title is 'COMMISSION IMPLEMENTING REGULATION (EU) ... of XXX amending Annex 1 to Commission Regulation (EC) No 798/2008, as regards the entries in the list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Union and the veterinary certification requirements'. The date is 13 Dec 2016. The committee is the Standing Committee on Plants, Animals, Food and Feed - Section: 'Controls and import conditions'. The basic legal act is Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption. The decision is 'No', the procedure is 'Examination Procedure (art. 5, 6 and 7)', and the opinion is 'Favourable'. The voting sheet is 1048957/01. The status is 'Draft Implementing Act submitted to Committee' as of 13 Dec 2016. The history shows a 'Positive opinion' on 13 Dec 2016. The language is 'EN'. There are two links to the full text: 'COMMISSION IMPLEMENTING REGULATION (EU) ... of XXX amending Annex 1 to Commission Regulation (EC) No 798/2008, as regards the entries in the list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Union and the veterinary certification requirements (88 Kilobytes)' and 'Annex to COMMISSION IMPLEMENTING REGULATION (EU) ... of XXX amending Annex 1 to Commission Regulation (EC) No 798/2008, as regards the entries in the list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Union and the veterinary certification requirements (96 Kilobytes)'. The footer includes a 'Top' link and a 'Home page' link.

The screenshot shows the 'EUR-Lex' website, which provides access to European Union law. The header includes the EUR-Lex logo and a search bar. The main content area displays the final version of Commission Implementing Regulation (EU) 2016/2261 of 15 December 2016 concerning the authorisation of copper(I) oxide as a feed additive for all animal species. The title and reference section shows the document number C/2016/8424 and the date 16.12.2016. The languages, formats and link to Cj section shows a table of links for various languages and formats. The multilingual display section shows the language set to 'English (en)'. The text section shows the full text of the regulation, including the title, date, and the European Commission's statement.



The EFTA-secretariat is responsible to coordinate the work and notify within one week the Norwegian Food Safety Authority about new proposal and final version of all new rules.

# Evaluation of new act in Norway

- The NFSA responsible staff ensure a note in a database describing the content and possible consequences for operators and authorities in Norway. The note is updated during the process from draft to final version.
- The note is send to the Ministry and responsible departments for evaluating.
- There is a special committee in Norway with the involved departments and NFSA responsible to consider if the act is acceptable (Spesialutvalget for matområdet).
- *SUMO = Spesialutvalget for matområdet. Matdepartementene, Klima og miljødepartementet, Finansdepartementet, Utenriksdepartementet og Mattilsynet.*



# Negotiation – process in EFTA

- Process between the EFTA-countries and EU.
- Coordinated by the EFTA secretariat - discussion with the EU side - EEAS (European External Action Service) and DG Agri.
- **Need for technical addaption to the legislation**
  - ✓ Clarify if references to horisontal legislation is not a part of the EEA agreement (e.g. plant health).
  - ✓ In the *importcertificate* - EORI number not obligatory for Norwegian importers, because we are not a part of EU customs union.
  - ✓ Organic means «økologisk» in Norwegian
  - ✓ Transitional periode for marketing of products in storage
- **Substantial adaption to the legislation;**
  - Geografical, climatic or structural reasons
  - Difficult process and discussion, and limited possibilities for solutions

When the negotiation is finished, and the EFTA-countries have accepted the new act, the EFTA secretariat send a EEA decision (EØS-komitebeslutning (draft JCD)

Draft (26.1.2017)

Doc. No. 13/11637-1

Case No. 13/11637

**DECISION OF THE EEA JOINT COMMITTEE**

No [...]

of [...]

**amending Annex II (Technical regulations, standards, testing and certification)  
to the EEA Agreement**

THE EEA JOINT COMMITTEE,

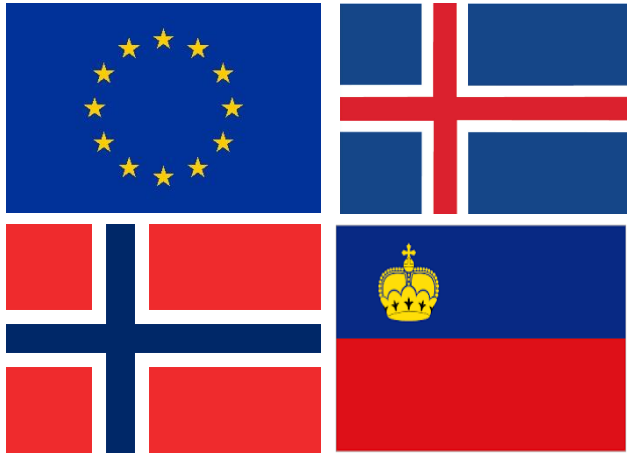
Having regard to the Agreement on the European Economic Area ("the EEA Agreement"),  
and in particular Article 98 thereof,

Whereas:

- (1) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91<sup>1</sup> is to be incorporated into the EEA Agreement.
- (2) Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control<sup>2</sup> is to be incorporated into the EEA Agreement.
- (3) Council Regulation (EC) No 967/2008 of 29 September 2008 amending Regulation (EC) No 834/2007 on organic production and labelling of organic products<sup>3</sup> is to be incorporated into the EEA Agreement.
- (4) Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries<sup>4</sup> is to be incorporated into the EEA Agreement.
- (5) Commission Regulation (EC) No 1254/2008 of 15 December 2008 amending Regulation (EC) No 889/2008 laying down detailed rules for implementation of

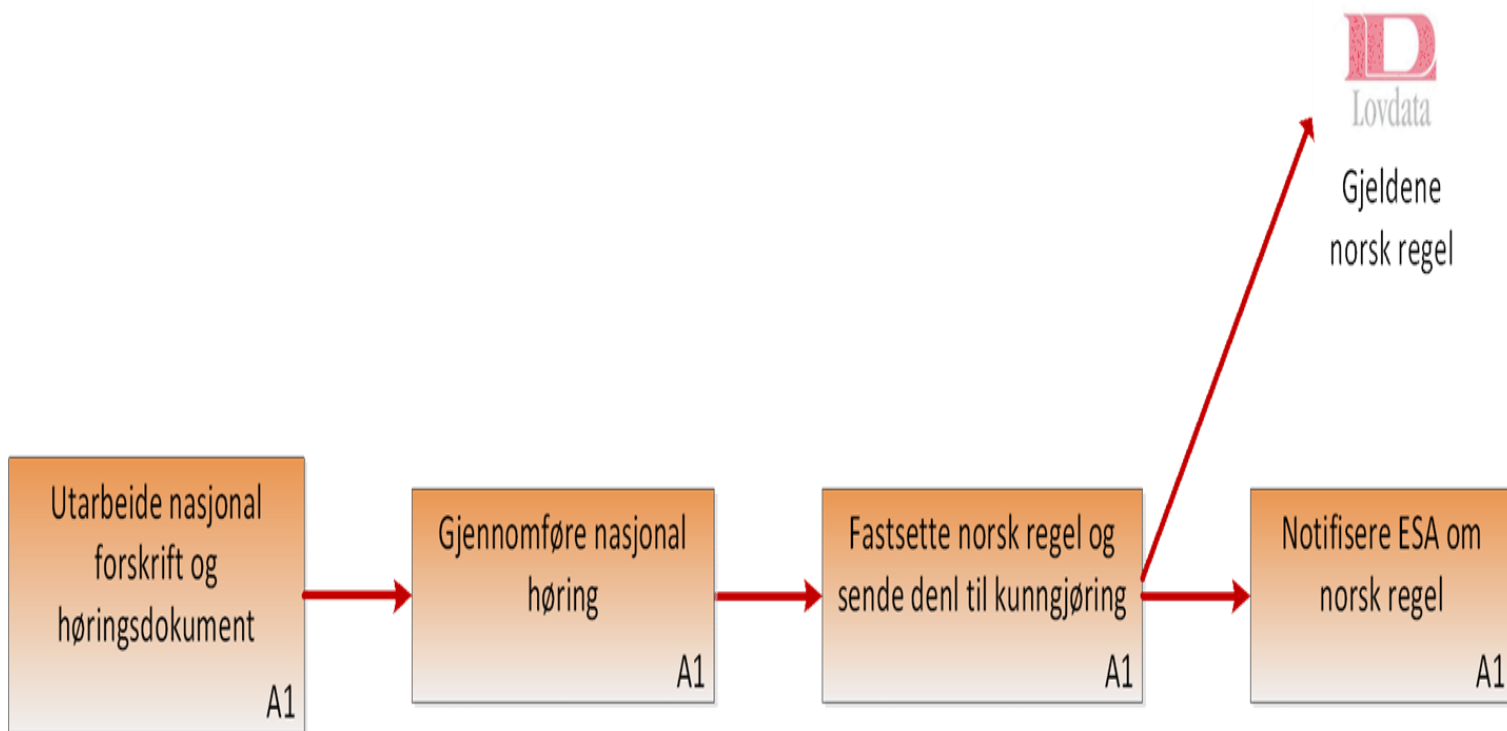
<sup>1</sup> OJ L 189, 20.7.2007, p. 1.  
<sup>2</sup> OJ L 250, 18.9.2008, p. 1.  
<sup>3</sup>

# Addaption into EEA-agreement and Norwegian law

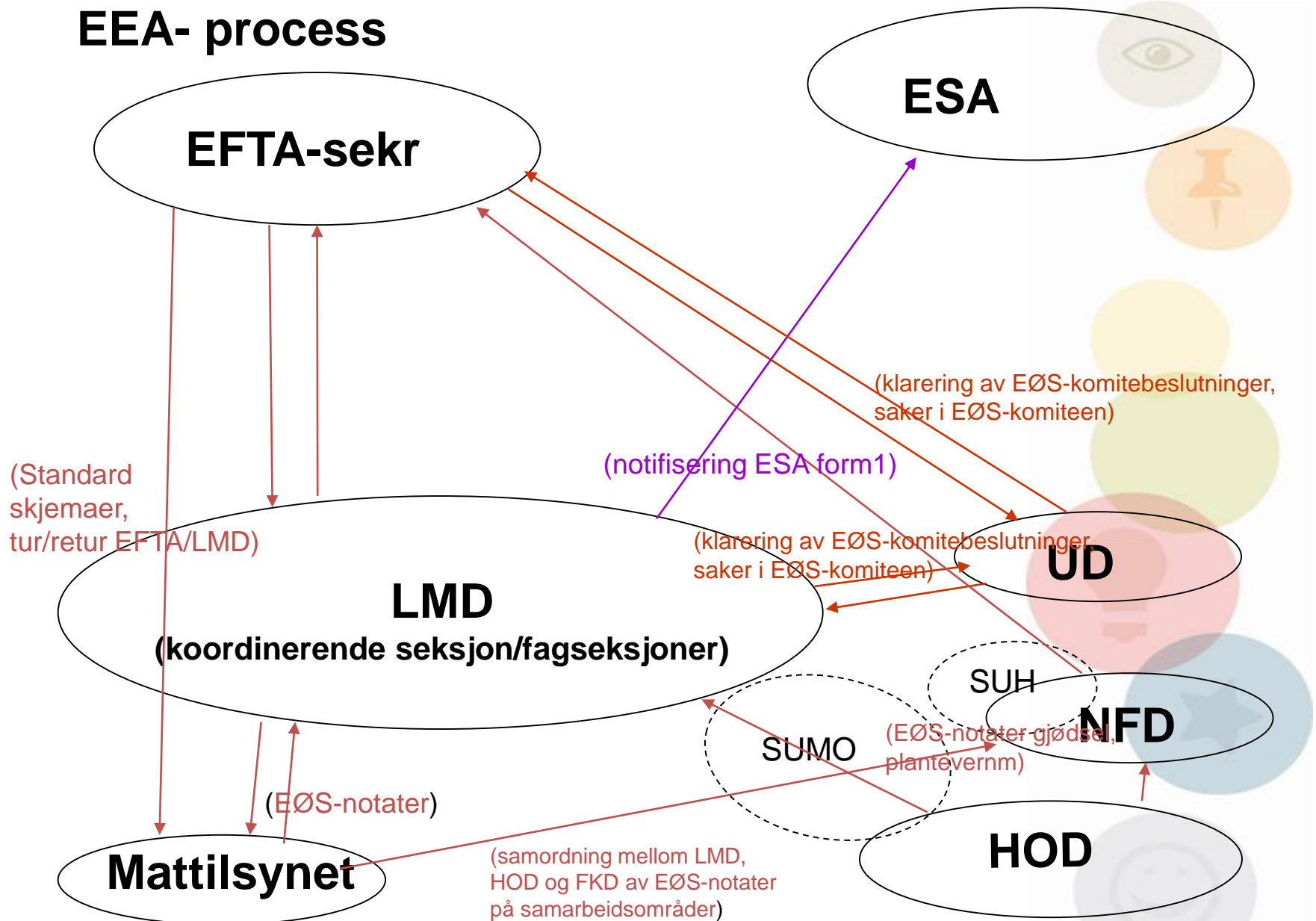


- The EEA Joint Committee is responsible to adopt the new acts into the EEA-agreement.
- The new acts shall be implemented into the Norwegian law (Økologiforskriften) the first workingday after this decision. This is ensured by the Norwegian Food Safety Authority.
- The whole process may take at least 4 month if no addation text, but may take several years.

Before implementing into EEA-agreement, the national process with public hearing has to be finished.



# EEA- process



# New organic legislation 2021

- Ongoing process to ensure detailed regulations for the basic act (Reg. (EU) 2018/848)
- Discussion about new production rules is finished.
- Ongoing discussion about
  - Plantreproductive material
  - Controls and other measures ensuring traceability and compliance in organic production
  - Labelling
- In 2020 discussion about import/trade and also revision of all the Annexes.



# New changes from 2021

- More compliance with organic principals – less exemptions
- Stricter rules for third countries – compliance
- More local produced feed, and some new production rules for animals
- Stricter rules and requirement for organic animals and PRM (defined deadline)
- Outfacing the possibility for indoor production of adult bovines for meat production
- Forbidden use of demarcated bed for greenhouse production
- Stricter rules for prevention and following-up of unauthorized substances
- New possible organic products like salt, and new animals like deer and insects.

