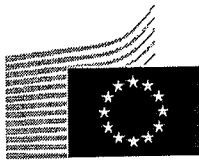


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EUROPÄISCHE
KOMMISSION

Brüssel, den 24.3.2014
COM(2014) 180 final

2014/0100 (COD)

Vorschlag für eine

VERORDNUNG DES EUROPÄISCHEN PARLAMENTS UND DES RATES

**über die ökologische/biologische Produktion und die Kennzeichnung von
ökologischen/biologischen Erzeugnissen sowie zur Änderung der Verordnung (EU)
Nr. XXX/XXX des Europäischen Parlaments und des Rates [Verordnung über amtliche
Kontrollen] und zur Aufhebung der Verordnung (EG) Nr. 834/2007 des Rates**

{SWD(2014) 65 final}
{SWD(2014) 66 final}

BEGRÜNDUNG

1. HINTERGRUND DES VORSCHLAGS

1.1. Gründe und Ziele des Vorschlags

In den vergangenen zehn Jahren hat auf dem Markt für ökologische/biologische Erzeugnisse aufgrund der starken Zunahme der Nachfrage eine dynamische Entwicklung stattgefunden. Der Weltmarkt für ökologische/biologische Lebensmittel hat sich seit 1999 vervierfacht. Die ökologisch/biologisch bewirtschaftete Fläche in der Europäischen Union („Union“) hat sich verdoppelt. Jedes Jahr werden 500 000 ha auf die ökologischen/biologische Produktion umgestellt. Weder das heimische Angebot noch der Rechtsrahmen haben aber mit dieser Expansion des Marktes Schritt gehalten. Die Produktionsvorschriften tragen den sich ändernden Anliegen und Erwartungen der Bürgerinnen und Bürger nicht genügend Rechnung, die Kennzeichnungsvorschriften sind kompliziert, und es wurden Mängel im Kontrollsystem und der Regelung für den Handel festgestellt. Die Rechtsvorschriften sind komplex und mit einem hohen Verwaltungsaufwand verbunden, der Kleinlandwirte davon abhält, sich der Unionsregelung für die ökologische/biologische Produktion anzuschließen. Einige der Ausnahmen, die für die Entwicklung des Sektors erforderlich waren, sind offensichtlich nicht länger gerechtfertigt.

Dieser Vorschlag dient der Verbesserung der Rechtsvorschriften für die ökologische/biologische Produktion und zielt darauf ab,

- (1) Hindernisse zu beseitigen, die der nachhaltigen Entwicklung der ökologischen/biologischen Produktion in der Union im Wege stehen,
- (2) einen fairen Wettbewerb für Landwirte und Unternehmer zu gewährleisten und ein effizienteres Funktionieren des Binnenmarktes zu ermöglichen,
- (3) das Vertrauen der Verbraucherinnen und Verbraucher in ökologische/biologische Erzeugnisse zu erhalten bzw. zu stärken.

1.2. Allgemeiner Kontext

Beim Erlass der Verordnung (EG) Nr. 834/2007 des Rates über die ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen¹ legte der Rat eine Reihe von Themen fest, über die die Kommission dem Europäischen Parlament und dem Rat nach Prüfung der bei der Anwendung der Verordnung (EG) Nr. 834/2007 gewonnenen Erfahrungen Bericht zu erstatten hatte.

Auf der Tagung des Rates „Landwirtschaft und Fischerei“ vom 13.-14. Mai 2013² wurden Schlussfolgerungen zum Bericht der Kommission³ angenommen, und die Kommission und die Mitgliedstaaten wurden aufgefordert, den Sektor des ökologischen/biologischen Landbaus im Zuge der Überprüfung des derzeitigen Rechtsrahmens im Hinblick auf verbraucherfreundlichere Vorschriften ambitioniert weiterzuentwickeln, zugleich jedoch für eine Zeit der Stabilität und Sicherheit zu sorgen und dabei weitere Klarstellungen und Vereinfachungen und die Klärung der derzeit noch offenen Fragen, die weiter geprüft werden müssen, anzustreben.

¹ Verordnung (EG) Nr. 834/2007 des Rates vom 28. Juni 2007 über die ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen und zur Aufhebung der Verordnung (EWG) Nr. 2092/91 (ABl. L 189 vom 20.7.2007, S. 1).

² 8906/13 AGRILEG 56 – Ökologischer/biologischer Landbau: Anwendung des Regelungsrahmens und Entwicklung des Sektors.

³ COM(2012) 212 final vom 11. Mai 2012 – Bericht der Kommission an das Europäische Parlament und den Rat über die Anwendung der Verordnung (EG) Nr. 834/2007 des Rates über die ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen.

Die Überprüfung der Rechtsvorschriften für die ökologische/biologische Produktion ist Teil des regulatorischen Eignungs- und Leistungsprogramms der Kommission⁴.

Diese Überprüfung bietet die Gelegenheit, die in der Verordnung (EG) Nr. 834/2007 des Rates vorgesehenen Durchführungsbefugnisse der Kommission an die mit den Artikeln 290 und 291 des Vertrags über die Arbeitsweise der Europäischen Union (AEUV) eingeführte Unterscheidung zwischen delegierten Befugnissen und Durchführungsbefugnissen anzupassen.

1.3. Bestehende Rechtsvorschriften auf diesem Gebiet

Der erste Rechtsakt der Union über die ökologische/biologische Produktion wurde 1991 erlassen. Die Verordnung (EWG) Nr. 2092/91 des Rates enthielt eine rechtsverbindliche Definition der ökologischen/biologischen Produktion (Produktionsvorschriften) sowie Kontroll- und Kennzeichnungsvorschriften und eine Regelung für die Einfuhr von ökologischen/biologischen Erzeugnissen. Damit wurde eine Grundlage für den Schutz der Verbraucher und der ökologischen/biologischen Erzeuger vor falschen und irreführenden Aussagen geschaffen, mit denen Erzeugnisse als ökologisch/biologisch ausgegeben werden.

Diese Rechtsvorschriften wurden im Juni 2007 mit der Annahme der Verordnung (EG) Nr. 834/2007 des Rates überarbeitet, mit der insbesondere

- die ökologische/biologische Produktion durch Beschreibung ihrer Ziele und Grundsätze weiter definiert wurde,
- die Regeln für die ökologische/biologische Produktion in der Union durch Abschaffung einzelstaatlicher Vorschriften für tierische Erzeugnisse stärker harmonisiert wurden,
- die Möglichkeit eingeführt wurde, unter der Verantwortung der Mitgliedstaaten Ausnahmen von den Vorschriften vorzusehen (mit strikten Begrenzungen und nur für einen begrenzten Zeitraum),
- das Kontrollsystem für die ökologische/biologische Produktion mit dem in der Verordnung (EG) Nr. 882/2004⁵ vorgesehenen System für amtliche Lebensmittel- und Futtermittelkontrollen verknüpft und die Akkreditierung privater Kontrollstellen vorgeschrieben wurde,
- die Einfuhrregelung umgestaltet wurde: Zusätzlich zur Anerkennung von Drittländern für die Zwecke der Gleichwertigkeit erkennt die Europäische Union in Drittländern tätige Kontrollstellen für die Zwecke der Gleichwertigkeit oder Konformität an. Die vorherige Regelung, nach der die Mitgliedstaaten Genehmigungen für jede einzelne Sendung erteilten, wurde aus der Grundverordnung gestrichen und läuft nun schrittweise aus.

1.4. Übereinstimmung mit anderen Politikbereichen

Die Initiative entspricht den Zielen der Mitteilung zur intelligenten Regulierung in der Europäischen Union. Ein Ziel der Überarbeitung besteht darin, den legislativen Aufwand zu verringern.

Die Initiative steht im Einklang mit dem allgemeinen Rahmen der Strategie Europa 2020, insbesondere in Bezug auf den Schwerpunkt „Nachhaltiges Wachstum“ und die Förderung einer ressourceneffizienteren, umweltverträglicheren und wettbewerbsfähigeren Wirtschaft.

⁴ Mitteilung der Kommission vom 12. Dezember 2012 über die regulatorische Eignung der EU-Vorschriften – COM(2012) 746.

⁵ Verordnung (EG) Nr. 882/2004 des Europäischen Parlaments und des Rates vom 29. April 2004 über amtliche Kontrollen zur Überprüfung der Einhaltung des Lebensmittel- und Futtermittelrechts sowie der Bestimmungen über Tiergesundheit und Tierschutz (ABl. L 165 vom 30.4.2004, S. 1).

Sie steht im Einklang mit der Reform der Gemeinsamen Agrarpolitik (GAP), die den Gesamtrahmen für die Entwicklung der Landwirtschaft in der Union im Zeitraum 2014-2020 vorgibt⁶. Die neuen Vorschriften dienen der Förderung einer nachhaltigen Wettbewerbsfähigkeit mit dem Ziel, eine wirtschaftlich rentable Lebensmittelerzeugung sowie eine nachhaltige Bewirtschaftung der natürlichen Bodenressourcen der Union (mit der ökologischen/biologischen Produktion als einem der Schlüsselemente) zu erreichen.

Der Vorschlag trägt der neuen Gemeinsamen Fischereipolitik in Bezug auf die Aquakultur Rechnung, die maßgeblich zur Gewährleistung nachhaltiger, langfristiger Ernährungssicherheit sowie zu Wachstum und Beschäftigung beiträgt und zugleich den Druck auf die Wildfischbestände im Kontext der steigenden weltweiten Nachfrage nach aus dem Wasser stammenden Lebensmitteln mindert.

Er steht auch im Einklang mit dem Vorschlag der Kommission für eine neue Verordnung des Europäischen Parlaments und des Rates über amtliche Kontrollen⁷, der darauf abzielt, den integrierten Ansatz in allen mit der Lebensmittelversorgungskette verbundenen Bereichen zu konsolidieren, indem der allgemeine Rechtsrahmen gestrafft und vereinfacht und zugleich das Ziel einer besseren Regulierung verfolgt wird. Insbesondere werden Begriffsbestimmungen angeglichen und/oder gegebenenfalls präzisiert, und es wird vorgeschlagen, die erforderlichen spezifischen Kontrollvorschriften in den einzigen Rechtsrahmen für amtliche Kontrollen einzubeziehen.

Schließlich gehört die Regelung für die ökologische/biologische Produktion - zusammen mit den Regelungen für geografische Angaben, garantiert traditionelle Spezialitäten und für Erzeugnisse aus den EU-Regionen in äußerster Randlage und aus Berggebieten - zu den Qualitätsregelungen der Union für landwirtschaftliche Erzeugnisse, worauf in der Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen über die Qualitätspolitik für Agrarerzeugnisse sowie in der Verordnung (EU) Nr. 1151/2012 des Europäischen Parlaments und des Rates über Qualitätsregelungen⁸ hingewiesen wurde.

⁶ Verordnung (EU) Nr. 1307/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 mit Vorschriften über Direktzahlungen an Inhaber landwirtschaftlicher Betriebe im Rahmen von Stützungsregelungen der Gemeinsamen Agrarpolitik und zur Aufhebung der Verordnung (EG) Nr. 637/2008 des Rates und der Verordnung (EG) Nr. 73/2009 des Rates (ABl. L 347 vom 20.12.2013, S. 608); Verordnung (EU) Nr. 1308/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 über eine gemeinsame Marktorganisation für landwirtschaftliche Erzeugnisse und zur Aufhebung der Verordnungen (EWG) Nr. 922/72, (EWG) Nr. 234/79, (EG) Nr. 1037/2001 und (EG) Nr. 1234/2007 (ABl. L 347 vom 20.12.2013, S. 671); Verordnung (EU) Nr. 1305/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 über die Förderung der ländlichen Entwicklung durch den Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (ELER) und zur Aufhebung der Verordnung (EG) Nr. 1698/2005 (ABl. L 347 vom 20.12.2013, S. 487); Verordnung (EU) Nr. 1306/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 über die Finanzierung, die Verwaltung und das Kontrollsystem der Gemeinsamen Agrarpolitik und zur Aufhebung der Verordnungen (EWG) Nr. 352/78, (EG) Nr. 165/94, (EG) Nr. 2799/98, (EG) Nr. 814/2000, (EG) Nr. 1290/2005 und (EG) Nr. 485/2008 des Rates (ABl. L 347 vom 20.12.2013, S. 549).

⁷ Vorschlag für eine Verordnung des Europäischen Parlaments und des Rates über amtliche Kontrollen und andere amtliche Tätigkeiten zur Gewährleistung der Anwendung des Lebens- und Futtermittelrechts und der Vorschriften über Tiergesundheit und Tierschutz, Pflanzengesundheit, Pflanzenvermehrungsmaterial und Pflanzenschutzmittel sowie zur Änderung der Verordnungen (EG) Nr. 999/2001, (EG) Nr. 1829/2003, (EG) Nr. 1831/2003, (EG) Nr. 1/2005, (EG) Nr. 396/2005, (EG) Nr. 834/2007, (EG) Nr. 1099/2009, (EG) Nr. 1069/2009 und (EG) Nr. 1107/2009, der Verordnungen (EU) Nr. 1151/2012 und (EU) Nr. [...] /2013 [Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material] und der Richtlinien 98/58/EG, 1999/74/EG, 2007/43/EG, 2008/119/EG, 2008/120/EG und 2009/128/EG (Verordnung über amtliche Kontrollen), COM(2013) 265 final vom 6.5.2013.

⁸ Verordnung (EU) Nr. 1151/2012 des Europäischen Parlaments und des Rates vom 21. November 2012 über Qualitätsregelungen für Agrarerzeugnisse und Lebensmittel (ABl. L 343 vom 14.12.2012, S. 1).

2. ERGEBNISSE DER KONSULTATION INTERESSIERTER KREISE UND DER FOLGENABSCHÄTZUNGEN

2.1. Konsultationen

Die derzeitige Situation wurde anhand der während einer Reihe von Anhörungen der Interessenträger gesammelten Informationen eingehend analysiert. Die Kommission hatte über 70 Sachverständige und Fachleute zu diesen Anhörungen eingeladen, um die derzeitigen und künftigen Herausforderungen für den ökologischen/biologischen Sektor umfassend zu erörtern.

Anfang 2013 startete die Kommission eine Online-Konsultation. Es gingen rund 45 000 Antworten auf den Fragebogen sowie knapp 1400 freie Beiträge ein. Die Mehrzahl der Antworten (96 %) wurden von europäischen Bürgerinnen und Bürgern übermittelt, die restlichen (4 %) von Interessenträgern.

Außerdem wurden die Interessenträger des Sektors in mehreren Sitzungen der Beratungsgruppe „Ökologischer Landbau“ über die Überarbeitung informiert und konsultiert.

Die Mitgliedstaaten, die für die Anwendung der Rechtsvorschriften zuständig sind, wurden über technische Aspekte der Überarbeitung informiert und konsultiert.

2.2. Hauptergebnisse der Konsultationen

Die Teilnehmer an der öffentlichen Konsultation sind vor allem an Umwelt- und Qualitätsaspekten interessiert. Sie wünschen, dass die europäischen Vorschriften für den ökologischen/biologischen Sektor verschärft und für Landwirte und andere Unternehmer in der gesamten Union einheitlich sind. Die Mehrheit ist deshalb dafür, die Ausnahmen von den Vorschriften abzuschaffen. Hohe Erwartungen wurden in Bezug auf Rückstände von Erzeugnissen und Stoffen geäußert, die für die Verwendung in der ökologischen/biologischen Produktion nicht zugelassen sind. Das Öko-/Bio-Siegel der Europäischen Union wurde als ein den nationalen Siegeln gleichrangiges Instrument zur Erkennung ökologischer/biologischer Erzeugnisse angesehen. Die Mehrheit der Bürger und Interessenträger haben Vertrauen in das Kontrollsystem für ökologische/biologische Erzeugnisse, halten aber Verbesserungen für möglich, vor allem durch die Einführung einer elektronischen Zertifizierung. Außerdem befürworten sie die Gruppenzertifizierung für Kleinlandwirte.

Die Notwendigkeit einer Verbesserung der Rechtsvorschriften für die ökologische/biologische Produktion wird im ökologischen/biologischen Sektor weithin anerkannt. Außerdem herrscht breite Übereinstimmung darüber, dass die ökologische/biologische Produktion ihren Grundsätzen und Zielen treu bleiben sollte und dass Ausnahmen von den Vorschriften abgeschafft werden sollten.

2.3. Folgenabschätzung

In der Folgenabschätzung wurden drei alternative Politikoptionen miteinander verglichen:

- Verbesserung des *Status quo* durch Verbesserungen der derzeitigen Rechtsvorschriften und bessere Durchsetzung.
- Marktorientierte Option: Schaffung der erforderlichen Voraussetzungen, damit auf weitere Entwicklungen des Marktes mit flexibleren Vorschriften dynamisch reagiert werden kann. Langjährige Ausnahmeregelungen würden in die Produktionsvorschriften einbezogen.
- Grundsatzorientierte Option: Rückbesinnung auf die Grundsätze der ökologischen/biologischen Produktion, die in den Produktionsvorschriften besser widerspiegelt würden. Ausnahmeregelungen würden abgeschafft.

Die drei Politikoptionen wurden im Hinblick auf ihr Potenzial zur Verwirklichung der Ziele der GAP für 2020, spezifischer politischer Ziele und der operativen Ziele der Überarbeitung sowie im Hinblick auf Wirksamkeit und Effizienz geprüft. Die grundsatzorientierte Option schnitt bei allen geprüften

Kriterien am besten ab, mit der marktorientierten Option an zweiter und dem verbesserten *Status quo* an letzter Stelle.

Es wird erwartet, dass mit der grundsatzorientierten Option folgende Ergebnisse erzielt werden:

- Aus dem stärkeren Vertrauen der Verbraucher ergibt sich eine positive Marktperspektive, was die Preise für ökologische/biologische Erzeugnisse stützen und Neueinsteiger anziehen dürfte.
- Durch die Beseitigung von Ausnahmeregelungen werden ökologische/biologische Betriebsmittel, insbesondere Saatgut aus ökologischer/biologischer Produktion, gefördert.
- Klarere und einfachere Produktionsvorschriften werden den Sektor attraktiver machen.
- Stärkere Harmonisierung, einfachere und klarere Vorschriften und der Übergang von Gleichwertigkeit zu Konformität als Voraussetzung für die Anerkennung von Kontrollstellen in Drittländern werden einen faireren Wettbewerb zur Folge haben.
- Dank eines verbesserten Kontrollsystems und harmonisierter Produktionsvorschriften, die den sich ändernden gesellschaftlichen Belangen Rechnung tragen (Umweltmanagementsystem für Verarbeiter und Händler, Tierschutz) wird das Verbrauchervertrauen gestärkt.
- Ein risikobasierter Ansatz wird voraussichtlich die Wirksamkeit und Effizienz der Kontrollen verbessern und – zusammen mit einer zuverlässigeren Handelsregelung – zur Verhinderung von Betrug beitragen.
- Durch Abschaffung von Ausnahmeregelungen werden die positiven Umweltauswirkungen der ökologischen/biologischen Produktion verstärkt.
- Durch die Abschaffung von Ausnahmen werden die Tierschutzbedingungen verbessert.

Die Folgenabschätzung führte zu dem Schluss, dass die grundsatzorientierte Option die bevorzugte Option darstellt, wobei die für die Verbesserung des *Status quo* vorgeschlagenen Optionen sowie einige Teilloptionen mit einbezogen werden.

Während des gesamten Prozesses wurde der Vereinfachung besondere Aufmerksamkeit gewidmet. Die bevorzugte Option führt zu Folgendem:

- Präzisierung der Vorschriften in Bezug auf Geltungsbereich, Produktionsvorschriften, Kennzeichnung und Kontrollen,
- Abschaffung unwirksamer Vorschriften,
- Einschränkung der Möglichkeiten für die Mitgliedstaaten, Ausnahmen von den Vorschriften zu gewähren,
- Vereinfachung der Einfuhrregelung,
- Vereinfachung der Anforderungen an Kleinlandwirte, insbesondere durch Einführung der Gruppenzertifizierung.

In Bezug auf die Verwaltungskosten werden mit dem Vorschlag 37 der 135 bestehenden Informationspflichten für ökologische/biologische Erzeuger und Behörden abgeschafft.

3. RECHTLICHE ASPEKTE DES VORSCHLAGS

3.1. Zusammenfassung der vorgeschlagenen Maßnahme

Bei der ökologischen/biologischen Produktion sind weiterhin eine Reihe von Grundsätzen zu beachten, die die Erwartungen der Verbraucherinnen und Verbraucher widerspiegeln.

Die besonderen Produktionsvorschriften sind im Anhang der vorgeschlagenen Verordnung gesammelt aufgeführt, womit dem Aspekt der Lesbarkeit Rechnung getragen wird.

Die Produktionsvorschriften werden verschärft und harmonisiert, indem Ausnahmen abgeschafft werden, es sei denn, es werden zeitlich befristete Maßnahmen benötigt, damit die ökologische/biologische Produktion in Katastrophenfällen fortgeführt bzw. wieder aufgenommen werden kann. Ökologische/biologische landwirtschaftliche Betriebe müssen vollkommen im Einklang mit den für die ökologische/biologische Produktion geltenden Anforderungen bewirtschaftet werden, und der Umstellungszeitraum kann im Prinzip nicht länger rückwirkend anerkannt werden. Die in verarbeiteten ökologischen/biologischen Erzeugnissen verwendeten Zutaten müssen ausschließlich ökologischen/biologischen Ursprungs sein. Ökologisch/biologisch wirtschaftende Unternehmer, bei denen es sich nicht um Landwirte oder um Meeresalgen oder Aquakulturtiere erzeugende Unternehmer handelt, müssen ein System zur Verbesserung ihrer Umweltleistung entwickeln, wobei Kleinunternehmen von dieser Anforderung ausgenommen sind.

Das Kontrollsystem wird verbessert, indem alle Kontrollvorschriften in einen einzigen Rechtstext einbezogen werden (Vorschlag der Kommission für eine Verordnung über amtliche Kontrollen und andere amtliche Tätigkeiten im Lebens- und Futtermittelbereich). Unternehmer, zuständige Behörden, Kontrollbehörden und Kontrollstellen brauchen somit für die Kontrollvorschriften nicht mehr zwei unterschiedliche Rechtstexte heranzuziehen.

Durch Präzisierung, Vereinfachung und Harmonisierung der Produktionsvorschriften sowie die Abschaffung einer Reihe möglicher Ausnahmen von diesen Vorschriften wird die Kontrollierbarkeit verbessert.

Der Vorschlag zielt auf die Abschaffung der in der Verordnung (EG) Nr. 834/2007 vorgesehenen Möglichkeit einer Ausnahme für bestimmte Arten von Einzelhändlern ab, die zu unterschiedlichen Auslegungen und Praktiken in den einzelnen Mitgliedstaaten geführt und die Verwaltung, Überwachung und Kontrolle erschwert hat.

Der risikobasierte Ansatz für amtliche Kontrollen wird verstärkt, indem die in der Verordnung (EG) Nr. 834/2007 vorgesehene Verpflichtung zur jährlichen Überprüfung der Konformität aller Unternehmer abgeschafft wird. Damit kann die Kontrollhäufigkeit durch gemäß der Verordnung (EU) Nr. XX/XXX (Verordnung über amtliche Kontrollen) zu erlassende delegierte Rechtsakte angepasst werden, so dass Unternehmer mit niedrigem Risikoprofil seltener als einmal im Jahr physisch kontrolliert oder vereinfachten jährlichen physischen Kontrollen unterzogen werden können, während Unternehmer mit hohem Risiko gezielter kontrolliert würden. Dadurch wird die Kontrollbelastung gerechter auf die Unternehmer verteilt, wobei diejenigen, die die Vorschriften nachweislich einhalten, geringer belastet werden, und die zuständige Behörden, Kontrollbehörden und Kontrollstellen können die Ressourcen wirksamer und effizienter einsetzen.

Es werden besondere Vorschriften eingeführt, um die Transparenz in Bezug auf die für die Kontrollen möglicherweise zu erhebenden Gebühren zu verbessern, und die Vorschriften für die Veröffentlichung von Unternehmern zusammen mit Angaben über ihren Zertifizierungsstatus werden verschärft.

Für Kleinlandwirte in der Union wird eine Gruppenzertifizierungsregelung eingeführt, um die Kontroll- und Zertifizierungskosten und den Verwaltungsaufwand zu verringern, lokale Netzwerke zu stärken, die Absatzmöglichkeiten auf dem Markt zu verbessern und gleiche Bedingungen gegenüber Unternehmern in Drittländern zu gewährleisten.

Es werden besondere Vorschriften eingeführt, um die Rückverfolgbarkeit zu verbessern und die Verhinderung von Betrug zu erleichtern. Die Unternehmer dürfen für dieselben Gruppen von Erzeugnissen auf den verschiedenen Stufen der Verarbeitungskette ökologischer/biologischer Erzeugnisse nicht von unterschiedlichen Kontrollbehörden oder Kontrollstellen kontrolliert werden.

Außerdem werden besondere Vorschriften zur Vereinheitlichung der Maßnahmen eingeführt, die zu treffen sind, wenn nichtzugelassene Erzeugnisse oder Stoffe vorgefunden werden. So kann es vorkommen, dass Landwirte wegen des unbeabsichtigten Vorhandenseins von nichtzugelassenen Erzeugnissen oder Stoffen ihre Erzeugnisse nicht als ökologisch/biologisch vermarkten dürfen. Die Kommission kann die Mitgliedstaaten ermächtigen, einzelstaatliche Zahlungen zu gewähren, um die in solchen Fällen entstandenen Verluste auszugleichen. Darüber hinaus können die Mitgliedstaaten die Instrumente der Gemeinsamen Agrarpolitik nutzen, um solche Verluste ganz oder teilweise zu decken.

Zuletzt sind im Vorschlag die in der Union für dieselben breiten Kategorien von Verstößen zu treffenden Maßnahmen festgelegt, um gleiche Bedingungen für die Behandlung von Unternehmen, das ordnungsgemäße Funktionieren des Binnenmarkts und die Erhaltung des Verbrauchervertrauens zu gewährleisten, ohne dass die in die Zuständigkeit der Mitgliedstaaten fallende Festlegung von Sanktionen dadurch berührt wird.

Die Handelsregelung wird angepasst, um vergleichbarere Bedingungen für die ökologisch/biologisch wirtschaftenden Unternehmer in der Europäischen Union und in Drittländern zu verbessern und das Verbrauchervertrauen besser zu gewährleisten. Die Möglichkeit von Gleichwertigkeitsabkommen mit Drittländern bleibt bestehen, wohingegen das System der einseitigen Gleichwertigkeit schrittweise ausläuft. In Bezug auf die Anerkennung von Kontrollstellen wird ein schrittweiser Übergang zu einer Konformitätsregelung vorgeschlagen.

3.2. Rechtsgrundlage

Artikel 42 Absatz 1 und Artikel 43 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union.

3.3. Subsidiaritätsprinzip und Grundsatz der Verhältnismäßigkeit

Mit dem Vorschlag wird eine bestehende Qualitätsregelung im Rahmen der GAP überarbeitet. Die Produktion von landwirtschaftlichen Erzeugnissen und Lebensmitteln und der Handel mit ihnen auf dem Markt der Europäischen Union sowie die Gewährleistung des ordnungsgemäßen Funktionierens des Binnenmarkts für ökologische/biologische Erzeugnisse fallen in die gemeinsame Zuständigkeit der Union und der Mitgliedstaaten.

Im übergreifenden Rahmen der GAP ist eine unionsweite Regelung für die ökologische/biologische Produktion besser geeignet, eine reibungslose Entwicklung des Binnenmarkts zu gewährleisten, als 28 unterschiedliche Regelungen. Außerdem ermöglicht sie eine entschlossener und kohärentere Handelspolitik gegenüber unseren weltweiten Handelspartnern, indem sie insbesondere die Verhandlungsmacht der Union stärkt.

Der Vorschlag bewirkt eine stärkere Harmonisierung in folgenden Bereichen:

- Der derzeitige Spielraum für die Mitgliedstaaten, Ausnahmen von den Vorschriften zu gewähren, der zu unfairem Wettbewerb zwischen Unternehmen, dem Risiko des Verlusts an Verbrauchervertrauen und komplexen Rechts- und Handelsfragen (Schwierigkeiten bei der Durchsetzung der Einhaltung der Vorschriften) führt, wird eingeschränkt.
- Die Tatsache, dass ein und derselbe Verstoß gegen die EU-Rechtsvorschriften für die ökologische/biologische Produktion in den einzelnen Mitgliedstaaten unterschiedliche Folgen haben kann, führt zu unfairem Wettbewerb und beeinträchtigt das Funktionieren des Binnenmarkts.

3.4. Wahl des Instruments

Das vorgeschlagene Instrument ist eine Verordnung, da sich die bestehenden Vorschriften als geeigneter Rahmen für die Mitgliedstaaten erwiesen haben; keine andere Maßnahmenart wäre geeignet.

Eine Richtlinie würde flexiblere Vorschriften enthalten, die zu unfairer Wettbewerb zwischen Unternehmen und zur Verwirrung und Täuschung der Verbraucher führen könnten. Eine Verordnung bietet einen kohärenten Ansatz, dem die Mitgliedstaaten zu folgen haben, und verringert den Verwaltungsaufwand, da die Unternehmer nur ein einziges Regelwerk einhalten müssen. Nicht zwingende Rechtsinstrumente wie beispielsweise Leitlinien werden als nicht geeignet angesehen, um Unterschiede in der Auslegung und Anwendung der Vorschriften auszuräumen, und wären auch angesichts des internationalen Kontexts nicht angemessen.

4. AUSWIRKUNGEN AUF DEN HAUSHALT

Der Vorschlag sieht eine Mittelzuweisung für Maßnahmen der technischen Hilfe vor. Einzelheiten zu den Auswirkungen auf den Haushalt sind dem Finanzbogen zu entnehmen.

5. FAKULTATIVE ELEMENTE: VEREINFACHUNG

Der Vorschlag sieht Vereinfachungen und Präzisierungen vor und schließt mehrere Lücken in den Rechtsvorschriften. 37 der 135 bestehenden Verpflichtungen in den Rechtsvorschriften für die ökologische/biologische Produktion werden abgeschafft. Der Vorschlag führt zu einer erheblichen Verringerung des Verwaltungsaufwands. Die auf dem Vorschlag fußenden delegierten Rechtsakte werden nach denselben Grundsätzen ausgearbeitet.

Bei den Produktionsvorschriften bedeutet der Vorschlag eine erhebliche Vereinfachung für Unternehmer und nationale Behörden, indem der Spielraum für die Mitgliedstaaten, Ausnahmen zu gewähren, eingeschränkt wird. Mehrere unwirksame Vorschriften werden abgeschafft, insbesondere durch die Verstärkung des risikobasierten Ansatzes für die Kontrollen. Bezüglich der Einfuhren ist die Konformitätsregelung für Kontrollstellen für die Unternehmer, die Kontrollstellen und die Kommission einfacher zu handhaben.

Eine bedeutende Vereinfachung für Kleinlandwirte wird mit der Gruppenzertifizierung erreicht, die angemessenere Kontroll- und Aufzeichnungsanforderungen mit sich bringt.

Der Vorschlag soll die Rechtsvorschriften benutzerfreundlicher machen. So werden die allgemeinen Produktionsvorschriften im Text der Verordnung belassen, während die spezifischen Vorschriften für die ökologische/biologische Produktion im Anhang der Verordnung enthalten sind.

6. ANGLEICHUNG

Im Jahr 2010 nahm die Kommission den Vorschlag KOM(2010) 759 an, der die Angleichung der Verordnung (EG) Nr. 834/2007 an den Vertrag von Lissabon betraf. Eingehende Erörterungen im Rahmen von Trilogen in den Jahren 2011 und 2012 führten in der Praxis dazu, dass der Angleichungsvorschlag nicht weiterverfolgt wurde. Der jetzige Vorschlag enthält die notwendigen Elemente des Angleichungsvorschlags, einschließlich der Gliederung der Rechtsvorschriften in Basisrechtsakt, delegierte Rechtsakte und Durchführungsrechtsakte. Der Vorschlag KOM(2010) 759 wird daher als überholt zurückgezogen.

Vorschlag für eine

VERORDNUNG DES EUROPÄISCHEN PARLAMENTS UND DES RATES

**über die ökologische/biologische Produktion und die Kennzeichnung von
ökologischen/biologischen Erzeugnissen sowie zur Änderung der Verordnung (EU)
Nr. XXX/XXX des Europäischen Parlaments und des Rates [Verordnung über amtliche
Kontrollen] und zur Aufhebung der Verordnung (EG) Nr. 834/2007 des Rates**

DAS EUROPÄISCHE PARLAMENT UND DER RAT DER EUROPÄISCHEN UNION —
gestützt auf den Vertrag über die Arbeitsweise der Europäischen Union, insbesondere auf
Artikel 42 Absatz 1 und Artikel 43 Absatz 2,
auf Vorschlag der Europäischen Kommission,
nach Zuleitung des Entwurfs des Gesetzgebungsakts an die nationalen Parlamente,
nach Stellungnahme des Europäischen Wirtschafts- und Sozialausschusses⁹,
nach Stellungnahme des Ausschusses der Regionen¹⁰,
gemäß dem ordentlichen Gesetzgebungsverfahren,
in Erwägung nachstehender Gründe:

- (1) Die ökologische/biologische Produktion bildet ein Gesamtsystem der landwirtschaftlichen Betriebsführung und der Lebensmittelproduktion, das beste umweltschonende Verfahren, ein hohes Maß an Artenvielfalt, den Schutz der natürlichen Ressourcen sowie die Anwendung hoher Tierschutz- und Produktionsstandards kombiniert, die der Tatsache Rechnung tragen, dass die Nachfrage der Verbraucher nach Erzeugnissen, die unter Verwendung natürlicher Stoffe und nach natürlichen Verfahren erzeugt worden sind, stetig steigt. Die ökologische/biologische Produktion spielt somit eine doppelte gesellschaftliche Rolle, denn sie bedient einerseits auf einem spezifischen Markt die Verbrauchernachfrage nach ökologischen/biologischen Erzeugnissen und stellt andererseits öffentliche Güter bereit, die einen Beitrag zu Umwelt- und Tierschutz ebenso wie zur Entwicklung des ländlichen Raums leisten.
- (2) Die Einhaltung hoher Standards in den Bereichen öffentliche Gesundheit, Umwelt und Tierschutz bei der Produktion ökologischer/biologischer Erzeugnisse ist für die hohe Qualität dieser Erzeugnisse von grundlegender Bedeutung. Wie in der Mitteilung der Kommission an das Europäische Parlament, den Rat, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen über die Qualitätspolitik für Agrarerzeugnisse¹¹ hervorgehoben wurde, ist die ökologische/biologische Produktion zusammen mit den geografischen Angaben, den garantiert traditionellen Spezialitäten und den Erzeugnissen der Regionen in äußerster Randlage der Union gemäß der

⁹ ABl. C [...] vom [...], S. [...].

¹⁰ ABl. C [...] vom [...], S. [...].

¹¹ KOM (2009) 234 endg.

Verordnung (EU) Nr. 1151/2012 des Europäischen Parlaments und des Rates¹² bzw. der Verordnung (EU) Nr. 228/2013 des Europäischen Parlaments und des Rates¹³ Teil der Qualitätsregelungen für Agrarerzeugnisse der Union. In dieser Hinsicht verfolgt die ökologische/biologische Produktion im Rahmen der Gemeinsamen Agrarpolitik („GAP“) die gleichen Ziele wie alle Qualitätsregelungen für Agrarerzeugnisse der Union.

- (3) Die Ziele der ökologischen/biologischen Produktion fügen sich in die Ziele der GAP ein, so dass sich die Beachtung der Vorschriften über die ökologische/biologische Produktion für die Landwirte auszahlt. Darüber hinaus werden durch die steigende Nachfrage der Verbraucher nach ökologischen/biologischen Erzeugnissen die Bedingungen für eine weitere Entwicklung und Erweiterung des Marktes für diese Erzeugnisse und somit für eine Erhöhung der finanziellen Vorteile der Landwirte, die in der ökologischen/biologischen Produktion tätig sind, geschaffen.
- (4) Außerdem ist die ökologische/biologische Produktion ein System, das zur Einbeziehung der Umweltschutzerfordernisse in die Gemeinsame Agrarpolitik beiträgt und die nachhaltige landwirtschaftliche Erzeugung fördert. Aus diesem Grund wurden im Rahmen der GAP Maßnahmen zur finanziellen Unterstützung der ökologischen/biologischen Produktion eingeführt, zuletzt mit der Verordnung (EU) Nr. 1307/2013 des Europäischen Parlaments und des Rates¹⁴, und insbesondere bei der jüngsten Reform des Rechtsrahmens für die Politik zur Förderung der ländlichen Entwicklung gemäß der Verordnung (EU) Nr. 1305/2013 des Europäischen Parlaments und des Rates¹⁵ verstärkt.
- (5) Die ökologische/biologische Produktion trägt auch dazu bei, die Ziele der Umweltpolitik der Union zu erreichen, insbesondere die der EU-Strategie zum Schutz der Biodiversität bis 2020¹⁶, der Mitteilung über die Grüne Infrastruktur¹⁷, der Thematischen Strategie für den Bodenschutz¹⁸ und der Vorschriften der Vogelschutzrichtlinie¹⁹ und der Habitatrichtlinie²⁰, der Nitratriichtlinie²¹, der

¹² Verordnung (EU) Nr. 1151/2012 des Europäischen Parlaments und des Rates vom 21. November 2012 über Qualitätsregelungen für Agrarerzeugnisse und Lebensmittel (ABl. L 343 vom 14.12.2012, S. 1).

¹³ Verordnung (EU) Nr. 228/2013 des Europäischen Parlaments und des Rates vom 13. März 2013 über Sondermaßnahmen im Bereich der Landwirtschaft zugunsten der Regionen in äußerster Randlage der Union und zur Aufhebung der Verordnung (EG) Nr. 247/2006 des Rates (ABl. L 78 vom 20.3.2013, S. 23).

¹⁴ Verordnung (EU) Nr. 1307/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 mit Vorschriften über Direktzahlungen an Inhaber landwirtschaftlicher Betriebe im Rahmen von Stützungsregelungen der Gemeinsamen Agrarpolitik und zur Aufhebung der Verordnung (EG) Nr. 637/2008 des Rates und der Verordnung (EG) Nr. 73/2009 des Rates (ABl. L 347 vom 20.12.2013, S. 608).

¹⁵ Verordnung (EU) Nr. 1305/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 über die Förderung der ländlichen Entwicklung durch den Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (ELER) und zur Aufhebung der Verordnung (EG) Nr. 1698/2005 (ABl. L 347 vom 20.12.2013, S. 487).

¹⁶ KOM(2011) 244 endg., „Biologische Vielfalt - Naturkapital und Lebensversicherung: EU-Strategie zum Schutz der Biodiversität bis 2020“.

¹⁷ SWD(2013) 155 final, „Grüne Infrastruktur (GI) — Aufwertung des europäischen Naturkapitals“.

¹⁸ KOM(2006) 231 endgültig, „Thematische Strategie für den Bodenschutz“.

¹⁹ Richtlinie 2009/147/EG des Europäischen Parlaments und des Rates vom 30. November 2009 über die Erhaltung der wildlebenden Vogelarten (ABl. L 20 vom 26.1.2010, S. 7).

²⁰ Richtlinie 92/43/EWG des Rates vom 21. Mai 1992 zur Erhaltung der natürlichen Lebensräume sowie der wildlebenden Tiere und Pflanzen (ABl. L 206 vom 22.7.1992, S. 7).

²¹ Richtlinie 91/676/EWG des Rates vom 12. Dezember 1991 zum Schutz der Gewässer vor Verunreinigung durch Nitrat aus landwirtschaftlichen Quellen (ABl. L 375 vom 31.12.1991, S. 1).

Wasserrahmenrichtlinie²², der Richtlinie über Emissionshöchstmengen²³ und der Richtlinie über die nachhaltige Verwendung von Pestiziden²⁴.

- (6) Mit Blick auf die Ziele der Politik für den ökologischen/biologischen Landbau der Union sollte der für die Umsetzung dieser Politik geschaffene Rechtsrahmen darauf ausgerichtet sein, einen ordnungsgemäß funktionierenden Binnenmarkt für ökologische/biologische Erzeugnisse zu gewährleisten und das Vertrauen der Verbraucher in als ökologisch/biologisch gekennzeichnete Erzeugnisse zu wahren und zu rechtfertigen. Er sollte ferner auf die Schaffung von Voraussetzungen abzielen, unter denen sich die Politik entsprechend den Produktions- und Marktentwicklungen fortentwickeln kann.
- (7) Die politischen Prioritäten der Europa-2020-Strategie gemäß der Mitteilung der Kommission „Eine Strategie für intelligentes, nachhaltiges und integratives Wachstum“²⁵ enthalten die Ziele für die Verwirklichung einer wettbewerbsfähigen, auf Wissen und Innovation gestützten Wirtschaft, die Förderung einer Wirtschaft mit hoher Beschäftigung und sozialem und territorialem Zusammenhalt und die Unterstützung des Übergangs zu einer ressourcenschonenden und emissionsarmen Wirtschaft. Die Politik für die ökologische/biologische Produktion sollte den Erzeugern daher die richtigen Instrumente für eine bessere Kenntlichmachung und die Förderung des Absatzes ihrer Erzeugnisse an die Hand geben und sie gleichzeitig vor unlauteren Praktiken schützen.
- (8) Angesichts der Dynamik des ökologischen/biologischen Sektors wurde in der Verordnung (EG) Nr. 834/2007 des Rates²⁶ die Notwendigkeit einer Überarbeitung der Unionsvorschriften für die ökologische/biologische Produktion unter Berücksichtigung der Erfahrungen bei der Anwendung dieser Vorschriften ermittelt. Die Ergebnisse dieser von der Kommission durchgeführten Überarbeitung zeigen, dass der Rechtsrahmen der Union für die ökologische/biologische Produktion dahingehend verbessert werden sollte, dass Vorschriften vorgesehen werden, die den hohen Erwartungen der Verbraucher gerecht werden und den Adressaten ausreichende Klarheit bieten. Die Verordnung (EG) Nr. 834/2007 sollte daher aufgehoben und durch eine neue Verordnung ersetzt werden.
- (9) Die bisherigen Erfahrungen bei der Anwendung der Verordnung (EG) Nr. 834/2007 zeigen, dass geklärt werden muss, für welche Erzeugnisse diese Verordnung gilt. In erster Linie sollten dazu die in Anhang I des Vertrags über die Arbeitsweise der Europäischen Union („der Vertrag“) verzeichneten Agrarerzeugnisse, einschließlich Fischereierzeugnisse, gehören. Außerdem sollten dazu landwirtschaftliche Verarbeitungserzeugnisse zur Verwendung als Lebens- oder Futtermittel gehören, da das Inverkehrbringen solcher Erzeugnisse als ökologisch/biologisch einen wichtigen Markt für Agrarerzeugnisse bietet und sicherstellt, dass der Verbraucher erkennen

²² Richtlinie 2000/60/EG des Europäischen Parlaments und des Rates vom 23. Oktober 2000 zur Schaffung eines Ordnungsrahmens für Maßnahmen der Gemeinschaft im Bereich der Wasserpolitik (ABl. L 327 vom 22.12.2000, S. 1).

²³ Richtlinie 2001/81/EG des Europäischen Parlaments und des Rates vom 23. Oktober 2001 über nationale Emissionshöchstmengen für bestimmte Luftschadstoffe (ABl. L 309 vom 27.11.2001, S. 22).

²⁴ Richtlinie 2009/128/EG des Europäischen Parlaments und des Rates vom 21. Oktober 2009 über einen Aktionsrahmen der Gemeinschaft für die nachhaltige Verwendung von Pestiziden (ABl. L 309 vom 24.11.2009, S. 71).

²⁵ KOM(2010) 2020 endg.

²⁶ Verordnung (EG) Nr. 834/2007 des Rates vom 28. Juni 2007 über die ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen und zur Aufhebung der Verordnung (EWG) Nr. 2092/91 (ABl. L 189 vom 20.7.2007, S. 1).

kann, dass die Agrarerzeugnisse aus ökologischen/biologischen Erzeugnissen hergestellt wurden. Diese Verordnung sollte auch bestimmte andere Erzeugnisse umfassen, die ähnlich eng wie landwirtschaftliche Verarbeitungserzeugnisse mit Agrarerzeugnissen verbunden sind, da diese anderen Erzeugnisse entweder einen großen Markt für Agrarerzeugnisse darstellen oder Bestandteil des Produktionsprozesses sind. Schließlich sollte Meersalz in den Geltungsbereich dieser Verordnung einbezogen werden, da es unter Anwendung natürlicher Produktionstechniken erzeugt wird und seine Erzeugung zur Entwicklung ländlicher Räume beiträgt und somit zu den Zielen dieser Verordnung gehört. Aus Gründen der Klarheit sollten diese anderen Erzeugnisse, die nicht in Anhang I des Vertrags aufgeführt sind, im Anhang dieser Verordnung verzeichnet werden.

- (10) Um bestimmte nicht wesentliche Vorschriften dieser Verordnung ergänzen oder ändern zu können, sollte der Kommission die Befugnis übertragen werden, gemäß Artikel 290 des Vertrags Rechtsakte zu erlassen. Es ist von besonderer Bedeutung, dass die Kommission im Zuge ihrer Vorbereitungsarbeit angemessene Konsultationen, auch auf der Ebene von Sachverständigen, durchführt. Bei der Vorbereitung und Ausarbeitung delegierter Rechtsakte sollte die Kommission gewährleisten, dass die einschlägigen Dokumente dem Europäischen Parlament und dem Rat gleichzeitig, rechtzeitig und auf angemessene Weise übermittelt werden.
- (11) Zur Berücksichtigung neuer Produktionsmethoden oder neuen Materials oder internationaler Verpflichtungen sollte der Kommission die Befugnis übertragen werden, hinsichtlich der Änderung des Verzeichnisses anderer Erzeugnisse, die in den Geltungsbereich dieser Verordnung fallen, bestimmte Rechtsakte zu erlassen. Nur Erzeugnisse, die eng mit landwirtschaftlichen Erzeugnissen verbunden sind, sollten in dieses Verzeichnis aufgenommen werden können.
- (12) Da Arbeitsvorgänge in gemeinschaftlichen Verpflegungseinrichtungen lokaler Art sind, werden Maßnahmen der Mitgliedstaaten und private Regelungen in diesem Bereich als angemessen angesehen, um das Funktionieren des Binnenmarktes zu gewährleisten. Daher sollten Lebensmittel, die von gemeinschaftlichen Verpflegungseinrichtungen in ihren Produktionsstätten zubereitet werden, nicht Gegenstand dieser Verordnung sein. Auch Erzeugnisse der Jagd und der Fischerei wild lebender Tiere sollten nicht unter diese Verordnung fallen, da der Produktionsprozess nicht vollständig kontrollierbar ist.
- (13) Forschungsprojekte haben gezeigt, dass das Vertrauen der Verbraucher in den Markt für ökologische/biologische Lebensmittel von entscheidender Bedeutung ist. Langfristig gefährden nicht vertrauenswürdige Vorschriften das Vertrauen der Öffentlichkeit oder führen zu Marktversagen. Daher sollte die nachhaltige Entwicklung der ökologischen/biologischen Produktion in der Union auf fundierten, unionsweit harmonisierten Produktionsvorschriften basieren. Darüber hinaus sollten die Produktionsvorschriften den Erwartungen von Unternehmen und Verbrauchern hinsichtlich der Qualität ökologischer/biologischer Erzeugnisse sowie der Konformität mit den in dieser Verordnung festgeschriebenen Grundsätzen und Vorschriften gerecht werden.
- (14) Diese Verordnung sollte unbeschadet einschlägiger Rechtsvorschriften, beispielsweise in den Bereichen Sicherheit der Lebensmittelkette, Tiergesundheit und Tierschutz, Pflanzengesundheit, Pflanzenvermehrungsmaterial, Kennzeichnung und Umweltschutz, gelten. In Bezug auf die Zulassung von Erzeugnissen und Stoffen, die bei der Herstellung ökologischer/biologischer Erzeugnisse verwendet werden dürfen,

gilt es hervorzuheben, dass solche Erzeugnisse und Stoffe erst auf Unionsebene zugelassen sein müssen. Deshalb sollte diese Verordnung unbeschadet sonstiger spezifischer Unionsvorschriften betreffend die Zulassung und das Inverkehrbringen solcher Erzeugnisse und Stoffe gelten.

- (15) Grundsätzlich sollten die allgemeinen Produktionsvorschriften ein Verbot der Verwendung ionisierender Strahlung und genetisch veränderter Organismen (GVO) sowie aus GVO hergestellter Erzeugnisse umfassen. Da die Umweltauswirkungen der Lebensmittelherstellung und des Lebensmitteltransports den Verbrauchern immer mehr ein Anliegen sind, sollten ökologisch/biologisch produzierende Unternehmer, die keine Landwirte sind, und Unternehmer, die Meeresalgen oder Tiere in Aquakultur produzieren, ihre Umweltleistung im Rahmen eines harmonisierten Systems verwalten müssen. Mit dem Ziel einer Minimierung des Verwaltungsaufwands für an der ökologischen/biologischen Produktion beteiligte Kleinstunternehmen im Einklang mit der Empfehlung 2003/361/EG der Kommission²⁷ ist es angemessen, sie von dieser Auflage zu befreien. Um sicherzustellen, dass die allgemeinen Produktionsvorschriften ordnungsgemäß angewandt werden, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte in Bezug auf die Festlegung der Kriterien, die das Umweltmanagementsystem erfüllen muss, zu erlassen.
- (16) Die Gefahr einer Nichtbeachtung der ökologischen/biologischen Produktionsvorschriften wird bei landwirtschaftlichen Betrieben, die nicht nach ökologischen/biologischen Produktionsvorschriften verwaltete Einheiten umfassen, für höher erachtet. Deshalb sollten alle landwirtschaftlichen Betriebe in der Union, die auf die ökologische/biologische Produktion umstellen wollen, nach einem angemessenen Umstellungszeitraum ausschließlich im Einklang mit den Auflagen für die ökologische/biologische Produktion bewirtschaftet werden. Für alle ökologischen/biologischen landwirtschaftlichen Betriebe sollte in allen Mitgliedstaaten der gleiche Umstellungszeitraum gelten, unabhängig davon, ob sie zuvor an den Unionfonds unterstützten Agrarumweltmaßnahmen teilgenommen haben. Bei stillgelegten Flächen ist jedoch kein Umstellungszeitraum erforderlich. Um Qualität, Rückverfolgbarkeit und Einhaltung dieser Verordnung sowie die Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmt Rechtsakte in Bezug auf die Festlegung von Vorschriften zu erlassen, die die allgemeinen Umstellungsvorschriften ergänzen oder die spezifischen Umstellungsvorschriften ergänzen und ändern.
- (17) Es sollten spezifische Produktionsvorschriften für die pflanzliche und die tierische Erzeugung sowie die Aquakulturproduktion, einschließlich Vorschriften für das Sammeln von Wildpflanzen und Meeresalgen, und für die Produktion von verarbeiteten Lebensmitteln und Futtermitteln sowie von Wein und Hefe festgelegt werden, um eine Harmonisierung und Beachtung der Ziele und Grundsätze der ökologischen/biologischen Produktion zu gewährleisten.
- (18) Die ökologische/biologische pflanzliche Erzeugung basiert auf dem Grundsatz, dass Pflanzen ihre Nahrung in erster Linie über das Ökosystem des Bodens beziehen, Hydrokultur sollte nicht zulässig sein. Darüber hinaus sollten in der ökologischen/biologischen pflanzlichen Erzeugung Produktionstechniken verwendet werden, die Belastungen der Umwelt vermeiden oder so gering wie möglich halten.

²⁷ Empfehlung 2003/361/EG der Kommission vom 6. Mai 2003 betreffend die Definition der Kleinstunternehmen sowie der kleinen und mittleren Unternehmen (ABl. L 124 vom 20.5.2003, S. 36).

- (19) In Bezug auf die Bodenbewirtschaftung und die Düngung sollten Bedingungen für die Anwendung von in der ökologischen/biologischen pflanzlichen Erzeugung zulässigen Anbauverfahren und für den Einsatz von Düngemitteln und Bodenverbesserern festgelegt werden.
- (20) Der Einsatz von Pflanzenschutzmitteln sollte maßgeblich eingeschränkt werden. Es sollten vorzugsweise Maßnahmen angewandt werden, die mit Hilfe von Techniken, die keinen Einsatz von Pflanzenschutzmitteln vorsehen, beispielsweise dem Fruchtwechsel, Schäden durch Schädlinge und Unkraut vermeiden. Die Anwesenheit von Schädlingen und Unkraut sollte überwacht werden, so dass entschieden werden kann, ob ein Eingreifen wirtschaftlich und ökologisch gerechtfertigt ist. Der Einsatz bestimmter Pflanzenschutzmittel sollte nur dann erlaubt sein, wenn solche Techniken keinen angemessenen Schutz bieten und die Pflanzenschutzmittel gemäß der Verordnung (EG) Nr. 1107/2009 des Europäischen Parlaments und des Rates²⁸ zugelassen sind, nachdem festgestellt wurde, dass sie mit den Zielen und den Grundsätzen der ökologischen/biologischen Produktion, einschließlich strenger Anwendungsaufgaben, vereinbar und folglich im Einklang mit der vorliegenden Verordnung zulässig sind.
- (21) Um Qualität, Rückverfolgbarkeit und Einhaltung dieser Verordnung sowie die Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte in Bezug auf die Festlegung spezifischer Vorschriften zu erlassen, die spezifische Pflanzenerzeugungsvorschriften betreffend Anbauverfahren, Bodenbewirtschaftung und Düngung, Pflanzengesundheit und Bekämpfung von Schädlingen und Unkraut, Anbau von Pilzen und anderen spezifischen Pflanzen sowie Pflanzenerzeugungssysteme, die Herkunft von Pflanzenvermehrungsmaterial und das Sammeln von Wildpflanzen ändern oder ergänzen.
- (22) Da die Tierhaltung mit der Bewirtschaftung landwirtschaftlicher Nutzflächen einhergeht, auf denen Dünger als Nahrung bei der pflanzlichen Erzeugung eingesetzt wird, sollte eine flächenunabhängige Tierproduktion verboten werden. Bei der Auswahl der Rassen sollten ihrer Fähigkeit zur Anpassung an örtliche Bedingungen, ihrer Vitalität und ihrer Widerstandsfähigkeit gegenüber Krankheiten Rechnung getragen werden und sollte eine große biologische Vielfalt gefördert werden.
- (23) Die Unterbringung ökologisch/biologisch produzierter Tiere und Aquakulturtiere, gegebenenfalls auch im Wassermedium, sollte den Verhaltensbedürfnissen der Tiere entsprechen. Spezifische Unterbringungsaufgaben und Haltungspraktiken sollten für bestimmte Tiere, auch Bienen, festgelegt werden. Diese Aufgaben und Praktiken sollten ein hohes Tierschutzniveau gewährleisten, das in gewisser Hinsicht über die Tierschutzstandards der Union für die Tierhaltung im Allgemeinen hinausgehen sollte. In den meisten Fällen sollten Tiere zum Grasens ständig Zugang zu Freigelände haben, wobei dieses Freigelände grundsätzlich im Rahmen eines geeigneten Rotationsprogramms bewirtschaftet werden sollte.
- (24) Um eine Umweltbelastung der natürlichen Ressourcen wie Boden und Wasser durch Nährstoffe zu vermeiden, sollte für die Verwendung von Dünger je Hektar und den Tierbesatz je Hektar eine Obergrenze festgesetzt werden. Diese Obergrenze sollte auf den Stickstoffgehalt der Wirtschaftsdünger tierischer Herkunft bezogen werden.

²⁸ Verordnung (EG) Nr. 1107/2009 des Europäischen Parlaments und des Rates vom 21. Oktober 2009 über das Inverkehrbringen von Pflanzenschutzmitteln und zur Aufhebung der Richtlinien 79/117/EWG und 91/414/EWG des Rates (ABl. L 309 vom 24.11.2009, S. 1).

- (25) Verstümmelungen, die den Tieren Stress, Schaden, Krankheiten oder Leiden zufügen, sollten verboten werden.
- (26) Die Tiere sollten unter Berücksichtigung ihrer physiologischen Bedürfnisse Futtermittel erhalten, die nach den Vorschriften für den ökologischen/biologischen Landbau vorzugsweise im eigenen Betrieb gewonnen wurden. Um den grundlegenden Ernährungsbedürfnissen der Tiere gerecht zu werden, müssen unter genau festgelegten Bedingungen auch bestimmte Mineralstoffe, Spurenelemente und Vitamine verabreicht werden können.
- (27) Die Tiergesundheit sollte im Wesentlichen durch Krankheitsverhütung gesichert werden. Darüber hinaus sollten bestimmte Reinigungs- und Desinfektionsmaßnahmen durchgeführt werden. Die vorbeugende Verabreichung chemisch-synthetischer allopathischer Arzneimittel sollte in der ökologischen/biologischen Landwirtschaft verboten sein, es sei denn, bei kranken oder verletzten Tieren ist eine sofortige Behandlung erforderlich, die jedoch auf das notwendige Mindestmaß bis zur Gesundung des Tieres zu beschränken ist. Um die Glaubwürdigkeit der ökologischen/biologischen Produktion für den Verbraucher zu erhalten, sollten außerdem restriktive Maßnahmen beispielsweise in Form einer Verdoppelung der Wartezeit nach Verabreichung der in den Rechtsvorschriften der Union spezifizierten chemisch-synthetischen allopathischen Arzneimittel zulässig sein. Für die Bienenhaltung sind spezifische Vorschriften für die Verhütung von Krankheiten und die tierärztliche Behandlung festzulegen.
- (28) Um Qualität, Rückverfolgbarkeit und Einhaltung dieser Verordnung sowie die Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmt Rechtsakte in Bezug auf die Festlegung von Vorschriften zu erlassen, die die spezifischen Vorschriften für die tierische Erzeugung in Bezug auf die Herkunft und die Haltung der Tiere, einschließlich Mindeststall- und -freilandflächen, sowie den Höchsttierbesatz je Hektar, die Haltungsbedingungen, die Zucht, die Futtermittel und die Fütterung, die Krankheitsvorsorge und die tierärztliche Behandlung ändern oder ergänzen.
- (29) Diese Verordnung spiegelt die Ziele der neuen Gemeinsamen Fischereipolitik bezüglich der Aquakultur wider, der eine Schlüsselrolle zukommt, wenn im Rahmen einer wachsenden Nachfrage nach Fisch und Meeresfrüchten eine nachhaltige und langfristige Ernährungssicherheit sowie Wachstum und Beschäftigung sichergestellt werden sollen und gleichzeitig der Druck auf Wildfischbestände verringert werden soll. In der Mitteilung der Kommission an den Rat und an das Europäische Parlament aus dem Jahr 2013 zu den strategischen Leitlinien für eine nachhaltige Entwicklung einer Europäischen Aquakultur²⁹ werden die wichtigsten Herausforderungen an die Aquakultur und ihr Wachstumspotenzial herausgestellt. Die ökologische/biologische Aquakultur wird als besonders vielversprechender Sektor bezeichnet, und die Wettbewerbsvorteile aufgrund einer ökologischen/biologischen Zertifizierung werden hervorgehoben.
- (30) Die ökologische/biologische Aquakultur ist, im Vergleich zur ökologischen/biologischen Landwirtschaft mit ihrer langjährigen Erfahrung, ein verhältnismäßig junger Zweig der ökologischen/biologischen Produktion. Da das Verbraucherinteresse an ökologischen/biologischen Aquakulturerzeugnissen wächst, dürften immer mehr Betriebe auf die ökologische/biologische Produktionsweise umstellen. Dies führt zu mehr Erfahrungen, technischem Know-how und Fortschritt

²⁹ COM(2013) 229 vom 29.4.2013.

sowie zu Verbesserungen der ökologischen/biologischen Aquakultur, die in den Produktionsvorschriften zum Ausdruck kommen sollten.

- (31) Um eine gemeinsame Auslegung zu gewährleisten, Unklarheiten auszuschließen und eine einheitliche Anwendung der Vorschriften für die Produktion von Tieren und Meeresalgen in der ökologischen/biologischen Aquakultur zu gewährleisten, sollten diese Produktionsvorschriften bestimmte Begriffsbestimmungen im Zusammenhang mit der Aquakultur umfassen.
- (32) Um Qualität, Rückverfolgbarkeit und Einhaltung dieser Verordnung sowie die Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmt Rechtsakte in Bezug auf die Festlegung von Vorschriften zu erlassen, die die spezifischen Vorschriften für die Produktion von Meeresalgen in Bezug auf die Eignung des Wassermediums und den nachhaltigen Bewirtschaftungsplan, die Ernte wild wachsender Algen, Meeresalgenkulturen und Antifoulingmaßnahmen und die Reinigung von Produktionsausrüstungen und -einrichtungen ändern oder ergänzen, und in Bezug auf die Festlegung von Vorschriften, die die spezifischen Vorschriften für die Produktion von Aquakulturtieren hinsichtlich der Eignung des Wassermediums und des nachhaltigen Bewirtschaftungsplans, der Herkunft der Aquakulturtiere, der Aquakulturrhaltung, einschließlich aquatischer Haltungseinrichtungen, Produktionssysteme und maximaler Besatzdichte, Aufzucht, Bewirtschaftung von Aquakulturtieren, Futtermittel und Fütterung sowie Krankheitsvorsorge und tierärztliche Behandlung ergänzen.
- (33) Ökologische/biologische Lebens- oder Futtermittel erzeugende Unternehmer sollten verpflichtet werden, systematisch kritische Punkte im Verarbeitungsprozess zu identifizieren, um sicherzustellen, dass die hergestellten Verarbeitungserzeugnisse den Vorschriften für die ökologische/biologische Produktion genügen. Ökologisch/biologisch verarbeitete Erzeugnisse sollten mithilfe von Verarbeitungsmethoden erzeugt werden, die sicherstellen, dass die ökologische/biologische Integrität und die entscheidenden Qualitätsmerkmale der Erzeugnisse auf allen Stufen der Produktionskette gewahrt bleiben.
- (34) Es sollten Vorschriften für die Zusammensetzung verarbeiteter ökologischer/biologischer Lebensmittel festgelegt werden. Die Lebensmittel sollten überwiegend aus Zutaten landwirtschaftlichen Ursprungs aus ökologischer/biologischer Produktion mit einer eingeschränkten Möglichkeit, bestimmte in dieser Verordnung festgelegte nichtökologische/nichtbiologische landwirtschaftliche Zutaten zu verwenden, hergestellt werden. Außerdem sollten nur Stoffe, die nach dieser Verordnung zulässig sind, bei der Herstellung verarbeiteter ökologischer/biologischer Lebensmittel verwendet werden dürfen.
- (35) Verarbeitete Lebensmittel sollten nur dann als ökologische/biologische Erzeugnisse gekennzeichnet werden, wenn alle oder fast alle Zutaten landwirtschaftlichen Ursprungs aus der ökologischen/biologischen Produktion stammen. Jedoch sollten für verarbeitete Lebensmittel, in denen Zutaten landwirtschaftlichen Ursprungs enthalten sind, die nicht aus der ökologischen/biologischen Produktion stammen können, zum Beispiel Erzeugnisse der Jagd und der Fischerei, besondere Kennzeichnungsvorschriften erlassen werden. Darüber hinaus sollte es zur Information der Verbraucher und im Interesse der Markttransparenz und der verstärkten Verwendung von Zutaten aus der ökologischen/biologischen Produktion unter bestimmten Voraussetzungen möglich sein, im Verzeichnis der Zutaten auf die ökologische/biologische Produktion hinzuweisen.

- (36) Es sollten Vorschriften für die Zusammensetzung verarbeiteter ökologischer/biologischer Lebensmittel und die Verwendung bestimmter Stoffe und Techniken bei der Herstellung dieser Lebensmittel festgelegt werden.
- (37) Um Qualität, Rückverfolgbarkeit und Einhaltung dieser Verordnung sowie die Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte in Bezug auf die Festlegung von Vorschriften zu erlassen, die die spezifischen Vorschriften für die Herstellung verarbeiteter Lebens- und Futtermittel in Bezug auf die anzuwendenden Verfahren, zu treffende Vorsorgemaßnahmen, die Zusammensetzung verarbeiteter Lebens- und Futtermittel, Reinigungsmaßnahmen, das Inverkehrbringen verarbeiteter Erzeugnisse einschließlich ihrer Kennzeichnung und Identifizierung, die Trennung ökologischer/biologischer Erzeugnisse, landwirtschaftliche Zutaten und Futtermittelausgangserzeugnisse aus der nichtökologischen/nichtbiologischen Produktion, landwirtschaftliche Zutaten und Futtermittelausgangserzeugnisse, das Verzeichnis von landwirtschaftlichen nichtökologischen/nichtbiologischen Zutaten, die ausnahmsweise bei der Herstellung ökologisch/biologisch verarbeiteter Erzeugnisse verwendet werden dürfen, die Berechnung des Prozentsatzes landwirtschaftlicher Zutaten und die bei der Verarbeitung von Lebens- und Futtermittel angewandten Techniken ändern oder ergänzen.
- (38) Ökologischer/biologischer Wein sollte ausschließlich aus ökologischen/biologischen Ausgangsstoffen hergestellt werden, und es sollten nur bestimmte Stoffe hinzugefügt werden dürfen, die entsprechend dieser Verordnung zulässig sind. Bestimmte önologische Praktiken, Verfahren und Behandlungen sollten bei der Herstellung von ökologischem/biologischem Wein verboten sein. Andere Praktiken, Verfahren und Behandlungen sollten unter genau festgelegten Bedingungen erlaubt sein.
- (39) Um Qualität, Rückverfolgbarkeit und Einhaltung dieser Verordnung sowie die Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte in Bezug auf die Festlegung von Vorschriften zu erlassen, die die spezifischen Vorschriften für die Herstellung von Wein hinsichtlich önologischer Praktiken und Einschränkungen ändern oder ergänzen.
- (40) Anfänglich wurde Hefe nicht als landwirtschaftliche Zutat im Sinne der Verordnung (EG) Nr. 834/2007 angesehen und bei der Zusammensetzung der ökologischen/biologischen Erzeugnisse landwirtschaftlichen Ursprungs nicht berücksichtigt. Mit der Verordnung (EG) Nr. 889/2008 der Kommission³⁰ wurde jedoch zwingend vorgeschrieben, dass Hefe und Hefeprodukte für die Zwecke der ökologischen/biologischen Produktion zu den Zutaten landwirtschaftlichen Ursprungs gerechnet werden müssen, und zwar ab dem 31. Dezember 2013, so dass die Industrie ausreichend Zeit erhielt, sich an diese Vorschrift anzupassen. Entsprechend sollten für die Herstellung ökologischer/biologischer Hefe nur ökologisch/biologisch erzeugte Substrate verwendet werden und nur bestimmte Stoffe bei der Herstellung, Zubereitung und Formulierung von Hefe zulässig sein. Außerdem sollte ökologische/biologische Hefe in ökologischen/biologischen Lebens- oder Futtermitteln nicht zusammen mit nichtökologischer/nichtbiologischer Hefe vorkommen.

³⁰ Verordnung (EG) Nr. 889/2008 der Kommission vom 5. September 2008 mit Durchführungsvorschriften zur Verordnung (EG) Nr. 834/2007 des Rates über die ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen hinsichtlich der ökologischen/biologischen Produktion, Kennzeichnung und Kontrolle (ABl. L 250 vom 18.9.2008, S. 1).

- (41) Um Qualität, Rückverfolgbarkeit und Einhaltung dieser Verordnung sowie die Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte in Bezug auf die Festlegung von Vorschriften zu erlassen, die die spezifischen Vorschriften für die Herstellung ökologischer/biologischer Hefe hinsichtlich der Herstellungsverfahren und der bei der Produktion eingesetzten Substrate ändern oder ergänzen.
- (42) Um einem eventuellen künftigen Bedarf an spezifischen Produktionsvorschriften für Erzeugnisse, deren Produktion nicht unter eine der Kategorien spezifischer Produktionsvorschriften dieser Verordnung fallen, Rechnung zu tragen und um Qualität, Rückverfolgbarkeit und Einhaltung dieser Verordnung und die anschließende Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte in Bezug auf spezifische Produktionsvorschriften für solche Erzeugnisse, einschließlich deren Änderungen oder Ergänzungen, zu erlassen.
- (43) Die Verordnung (EG) Nr. 834/2007 enthält verschiedene Ausnahmen von den Vorschriften für die ökologische/biologische Produktion. Die bei der Anwendung dieser Vorschriften gemachten Erfahrungen zeigen, dass solche Ausnahmen einen negativen Einfluss auf die ökologische/biologische Produktion haben. Insbesondere wurde festgestellt, dass das Bestehen der Ausnahmen als solche die Produktion von Betriebsmitteln in ihrer ökologischen/biologischen Form behindert und dass die hohen Tierschutzstandards, die mit der ökologischen/biologischen Produktion in Verbindung gebracht werden, nicht gewährleistet sind. Darüber hinaus verursachen Verwaltung und Kontrolle der Ausnahmen sowohl für die nationalen Behörden als auch für die Unternehmer einen erheblichen Verwaltungsaufwand. Schließlich hat das Bestehen der Ausnahmen Bedingungen für Wettbewerbsverzerrungen geschaffen und das Vertrauen der Verbraucher gefährdet. Daher sollte der Spielraum für die Genehmigung von Ausnahmen von den Vorschriften für die ökologische/biologische Produktion weiter eingeschränkt und Katastrophenfällen vorbehalten werden.
- (44) Damit die ökologische/biologische Produktion in Katastrophenfällen erhalten oder wiederaufgenommen werden kann, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte in Bezug auf die Festlegung von Kriterien für das Vorliegen eines Katastrophenfalls zu erlassen und spezifische Vorschriften für die Behandlung solcher Fälle sowie die notwendige Überwachung und die Berichtspflichten festzulegen.
- (45) Unter bestimmten Voraussetzungen können ökologische/biologische Erzeugnisse zusammen mit nichtökologischen/nichtbiologischen Erzeugnissen gesammelt und befördert werden. Es sollten spezifische Vorschriften festgelegt werden, um die ordnungsgemäße Trennung ökologischer/biologischer und nichtökologischer/nichtbiologischer Erzeugnisse während ihrer Handhabung zu gewährleisten und jedes Vermischen der Erzeugnisse zu vermeiden.
- (46) Um die Integrität der ökologischen/biologischen Produktion und die Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte in Bezug auf die Festlegung von Vorschriften zur Änderung oder Ergänzung der spezifischen Vorschriften betreffend Sammlung, Verpackung, Transport und Lagerung ökologischer/biologischer Erzeugnisse zu erlassen.
- (47) Die Verwendung von Produkten und Stoffen wie Pflanzenschutzmittel, Düngemittel, Bodenverbesserer, Nährstoffe, Bestandteile der Tierernährung, Lebensmittel- oder

Futterzusätze, Verarbeitungshilfsstoffe und Reinigungs- und Desinfektionsprodukte sollten in der ökologischen/biologischen Produktion auf ein Minimum beschränkt werden und den in dieser Verordnung festgelegten spezifischen Bedingungen unterliegen. Der gleiche Ansatz sollte bei der Verwendung von Produkten und Stoffen wie Lebensmittelzusätze und Verarbeitungshilfsstoffe bei der Herstellung ökologischer/biologischer verarbeiteter Lebensmittel verfolgt werden. Daher sollten Vorschriften festgelegt werden, die einen möglichen Einsatz solcher Produkte und Stoffe in der ökologischen/biologischen Produktion im Allgemeinen und bei der Herstellung von ökologischen/biologischen verarbeiteten Lebensmitteln im Besonderen vorbehaltlich der in dieser Verordnung festgelegten Grundsätze und bestimmter Kriterien regeln.

- (48) Um Qualität, Rückverfolgbarkeit und Einhaltung dieser Verordnung in Bezug auf die ökologische/biologische Produktion im Allgemeinen und die Herstellung von ökologischen/biologischen verarbeiteten Lebensmitteln im Besonderen sowie die Anpassung an technische Entwicklungen sicherzustellen, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte zu erlassen, um zusätzliche Kriterien für die Erteilung oder die Rücknahme der Genehmigung von Produkten und Stoffen, die in der ökologischen/biologischen Produktion im Allgemeinen und bei der Herstellung von ökologischen/biologischen verarbeiteten Lebensmitteln im Besonderen verwendet werden dürfen, sowie weitere Anforderungen an die Verwendung solcher genehmigter Produkte und Stoffe festzulegen.
- (49) Da es keine spezifischen Unionsvorschriften für die Maßnahmen gibt, die zu treffen sind, wenn nicht genehmigte Stoffe oder Produkte in ökologischen/biologischen Erzeugnissen angetroffen werden, wurden in der Union unterschiedliche Ansätze entwickelt und umgesetzt. Diese Situation schafft Unsicherheiten für Unternehmer, Kontrollbehörden und Kontrollstellen. Sie kann auch zu einer unterschiedlichen Behandlung von Unternehmern in der Union führen und das Vertrauen der Verbraucher in ökologische/biologische Erzeugnisse beeinträchtigen. Daher ist es angebracht, klare und einheitliche Vorschriften festzulegen, nach denen es verboten ist, Erzeugnisse, in denen nicht genehmigte Produkte oder Stoffe über einem bestimmten Höchstgehalt vorkommen, als ökologisch/biologisch zu vermarkten. Dieser Höchstgehalt sollte insbesondere unter Berücksichtigung der Richtlinie 2006/125/EG der Kommission über Getreidebeikost und andere Beikost für Säuglinge und Kleinkinder³¹ festgelegt werden.
- (50) Um die Wirksamkeit, Effizienz und Transparenz des Systems für ökologische/biologische Produktion und die Kennzeichnung ökologischer/biologischer Erzeugnisse zu gewährleisten, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte zu erlassen, um spezifische Kriterien und Bedingungen für die Festsetzung und Anwendung der Schwellenwerte für das Vorhandensein von nicht zugelassenen Erzeugnissen und Stoffen, bei deren Überschreitung Produkte nicht als ökologisch/biologisch vermarktet werden dürfen, festzulegen, diese Schwellenwerte festzusetzen und ihre Anpassung an den technischen Fortschritt zu regeln.
- (51) Die ökologische/biologische Produktion beruht auf dem allgemeinen Grundsatz der beschränkten Verwendung externer Produktionsmittel. Landwirte sind verpflichtet, Maßnahmen zu treffen, um das Risiko einer Kontaminierung durch unzulässige Erzeugnisse oder Stoffe zu vermeiden. Ungeachtet derartiger Maßnahmen kann es

³¹ Richtlinie 2006/125/EG der Kommission vom 5. Dezember 2006 über Getreidebeikost und andere Beikost für Säuglinge und Kleinkinder (ABl. L 339 vom 6.12.2006, S. 16).

vorkommen, dass Landwirte aufgrund des unbeabsichtigten Vorhandenseins unzulässiger Erzeugnisse oder Stoffe daran gehindert werden, ihre landwirtschaftlichen Erzeugnisse als ökologisch/biologische Produkte zu vermarkten. Deshalb sollte die Möglichkeit vorgesehen werden, dass die Kommission die Mitgliedstaaten gemäß Artikel 42 des Vertrags ermächtigt, nationale Zahlungen zu gewähren, um die in diesen Fällen entstandenen Verluste auszugleichen. Die Mitgliedstaaten können auch die Instrumente der Gemeinsamen Agrarpolitik nutzen, um solche Verluste ganz oder teilweise zu decken.

- (52) Die Kennzeichnung landwirtschaftlicher Erzeugnisse und Lebensmittel sollte den allgemeinen Vorschriften der Verordnung (EU) Nr. 1169/2011 des Europäischen Parlaments und des Rates³² und insbesondere den Bestimmungen zur Vermeidung von Kennzeichnungen, die den Verbraucher verwirren oder irreführen können, unterliegen. Mit der vorliegenden Verordnung sollten außerdem spezifische Vorschriften für die Kennzeichnung ökologischer/biologischer Erzeugnisse eingeführt werden. Ziel ist, sowohl das Interesse der Unternehmer an einer korrekten Kennzeichnung ihrer vermarkteten Erzeugnisse und ausgewogenen Wettbewerbsbedingungen als auch das Interesse der Verbraucher zu schützen, damit diese fundierte Entscheidungen treffen können.
- (53) Entsprechend sollten die zur Ausweisung ökologischer/biologischer Erzeugnisse verwendeten Begriffe EU-weit geschützt werden, damit sie, unabhängig von der verwendeten Sprache, nicht zur Kennzeichnung konventioneller Erzeugnisse verwendet werden können. Dieser Schutz sollte sich auch auf die gebräuchlichen Ableitungen und Diminutive erstrecken, ganz gleich, ob sie alleine oder kombiniert verwendet werden.
- (54) Um im gesamten Binnenmarkt Klarheit für den Verbraucher zu schaffen, sollte das Logo der Europäischen Union für ökologische/biologische Produktion für alle in der Union produzierten vorverpackten ökologischen/biologischen Lebensmittel zur Auflage gemacht werden. Für alle in der Union produzierten nicht vorverpackten ökologischen/biologischen Erzeugnisse und alle aus Drittländern eingeführten ökologischen/biologischen Erzeugnisse sollte das EU-Logo auf freiwilliger Basis ebenfalls benutzt werden können. Das Muster des EU-Logos für ökologische/biologische Produktion sollte in dieser Verordnung festgelegt werden.
- (55) Um jedoch eine Irreführung des Verbrauchers bezüglich des ökologischen/biologischen Charakters des ganzen Erzeugnisses zu vermeiden, ist es angezeigt, die Verwendung dieses Logos auf Erzeugnisse zu beschränken, die ausschließlich oder fast ausschließlich ökologische/biologische Zutaten enthalten. Das Logo sollte daher nicht zur Kennzeichnung von während der Umstellungszeit produzierten Erzeugnissen oder von Verarbeitungserzeugnissen verwendet werden dürfen, bei denen weniger als 95 % der Zutaten landwirtschaftlichen Ursprungs aus ökologischer/biologischer Produktion stammen.
- (56) Ferner sollten die Verbraucher zur Vermeidung etwaiger Unklarheiten darüber, ob ein Erzeugnis aus der Union stammt oder nicht, bei der Verwendung des EU-Logos über

³² Verordnung (EU) Nr. 1169/2011 des Europäischen Parlaments und des Rates vom 25. Oktober 2011 betreffend die Information der Verbraucher über Lebensmittel und zur Änderung der Verordnungen (EG) Nr. 1924/2006 und (EG) Nr. 1925/2006 des Europäischen Parlaments und des Rates und zur Aufhebung der Richtlinie 87/250/EWG der Kommission, der Richtlinie 90/496/EWG des Rates, der Richtlinie 1999/10/EG der Kommission, der Richtlinie 2000/13/EG des Europäischen Parlaments und des Rates, der Richtlinien 2002/67/EG und 2008/5/EG der Kommission und der Verordnung (EG) Nr. 608/2004 der Kommission (ABl. L 304 vom 22.11.2011, S. 18).

den Ort der Erzeugung der landwirtschaftlichen Ausgangsstoffe, aus denen sich das Erzeugnis zusammensetzt, informiert werden. Daher sollte es auch gestattet werden, auf den Etiketten von Erzeugnissen aus ökologischer/biologischer Aquakultur anstatt auf den landwirtschaftlichen Ursprung auf die Aquakultur zu verweisen.

- (57) Um Klarheit für die Verbraucher zu schaffen und sicherzustellen, dass sie angemessen informiert werden, sollte die Kommission ermächtigt werden, bestimmte Rechtsakte zu erlassen, um das in dieser Verordnung aufgestellte Verzeichnis der auf die ökologische/biologische Produktion verweisenden Begriffe anzupassen, bestimmte Vorschriften für die Kennzeichnung und Zusammensetzung von Futtermitteln und Futtermittelzutaten sowie weitere Vorschriften für die Kennzeichnung und Verwendung der in dieser Verordnung vorgesehenen anderen Angaben als das EU-Logo für ökologische/biologische Produktion festzulegen und um das EU-Logo und die ihm zugrunde liegenden Vorschriften zu ändern.
- (58) Ökologische/biologische Produktion ist nur glaubwürdig, wenn auf allen Stufen der Produktion, der Verarbeitung und des Vertriebs effiziente Prüfungen und Kontrollen vorgenommen werden. Die ökologische/biologische Produktion sollte amtlichen Kontrollen oder anderen amtlichen Tätigkeiten unterliegen, die nach Maßgabe der Verordnung (EU) Nr. (XXX/XXXX) des Europäischen Parlament und des Rates³³ durchgeführt werden, um die Einhaltung der Vorschriften für die ökologische/biologische Produktion und die Kennzeichnung ökologischer/biologischer Erzeugnisse zu überprüfen.
- (59) Es sollten spezifische Vorschriften festgelegt werden, um sicherzustellen, dass die speziellen Regeln für die ökologische/biologische Produktion eingehalten werden. Insbesondere sollten Vorschriften für die Mitteilung der Tätigkeiten der Unternehmer und die Einführung eines Zertifizierungssystems vorgesehen werden, damit die Unternehmer identifiziert werden können, die die Vorschriften für die ökologische/biologische Produktion und die Kennzeichnung ökologischer/biologischer Erzeugnisse einhalten. Diese Vorschriften sollten auch für etwaige Subunternehmer der betreffenden Unternehmer gelten. Die Transparenz des Zertifizierungssystems sollte dadurch sichergestellt werden, dass den Mitgliedstaaten zur Auflage gemacht wird, das Verzeichnis der Unternehmer, die ihre Tätigkeiten mitgeteilt haben, sowie etwaige Gebühren, die im Zusammenhang mit den Kontrollen zur Überprüfung der Einhaltung der Vorschriften für die ökologische/biologische Produktion möglicherweise erhoben werden, zu veröffentlichen.
- (60) Kleinlandwirte in der Union sind jeder für sich mit einem relativ hohen Inspektionskosten- und Verwaltungsaufwand konfrontiert, die mit der Zertifizierung der ökologischen/biologischen Produktion in Zusammenhang stehen. Es sollte ein System der Gruppenzertifizierung eingeführt werden, um die Inspektions- und Zertifizierungskosten und den damit verbundenen Verwaltungsaufwand zu reduzieren,

³³ Verordnung (EU) Nr. XXX/XXXX des Europäischen Parlaments und des Rates über amtliche Kontrollen und andere amtliche Tätigkeiten zur Gewährleistung der Anwendung des Lebens- und Futtermittelrechts und der Vorschriften über Tiergesundheit und Tierschutz, Pflanzengesundheit, Pflanzenvermehrungsmaterial und Pflanzenschutzmittel sowie zur Änderung der Verordnungen (EG) Nr. 999/2001, (EG) Nr. 1829/2003, (EG) Nr. 1831/2003, (EG) Nr. 1/2005, (EG) Nr. 396/2005, (EG) Nr. 834/2007, (EG) Nr. 1069/2009, (EG) Nr. 1099/2009, (EG) Nr. 1107/2009, (EU) Nr. 1151/2012 und (EU) Nr. [...] /2013 [Amt für Veröffentlichungen, Nummer der Verordnung mit Bestimmungen für die Verwaltung der Ausgaben in den Bereichen Lebensmittelkette, Tiergesundheit und Tierschutz sowie Pflanzengesundheit und Pflanzenvermehrungsmaterial einsetzen] und der Richtlinien 98/58/EG, 1999/74/EG, 2007/43/EG, 2008/119/EG, 2008/120/EG und 2009/128/EG (Verordnung über amtliche Kontrollen) (ABl. L ...).

lokale Netzwerke zu stärken, bessere Absatzmöglichkeiten zu erschließen und ausgewogene Bedingungen für den Wettbewerb mit Drittlandunternehmen zu gewährleisten. Dazu sollte der Begriff der „Unternehmergruppe“ eingeführt und definiert werden.

- (61) Um die Wirksamkeit, Effizienz und Transparenz des Systems für die ökologische/biologische Produktion und die Kennzeichnung ökologischer/biologischer Erzeugnisse zu gewährleisten, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte zu erlassen, um Unternehmer oder Unternehmergruppen zur Buchführung zu verpflichten, die Veröffentlichung des Unternehmerverzeichnisses vorzuschreiben, die Anforderungen und Verfahrensvorschriften für die Veröffentlichung etwaiger Gebühren im Zusammenhang mit den Kontrollen zur Überprüfung der Einhaltung der Vorschriften für die ökologische/biologische Produktion und für die Überwachung der Erhebung dieser Gebühren durch die zuständigen Behörden sowie die Kriterien für die Festlegung der Gruppe von Erzeugnissen festzulegen, bei denen Unternehmer Anspruch auf lediglich ein von der betreffenden Kontrollbehörde oder Kontrollstelle ausgestelltes Bio-Zertifikat haben.
- (62) Um sicherzustellen, dass die Zertifizierung einer Unternehmergruppe wirksam und effizient erfolgt, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte zu erlassen, um die Verantwortlichkeiten der einzelnen Mitglieder einer Unternehmergruppe, die Zusammensetzung und Größe dieser Gruppe, die von einer Unternehmergruppe zu produzierenden Kategorien von Erzeugnissen, die Bedingungen für die Gruppenmitgliedschaft sowie Aufbau und Funktionsweise des Systems der Gruppe für interne Kontrollen, einschließlich Umfang, Gegenstand und Häufigkeit der durchzuführenden Kontrollen, festzulegen.
- (63) Die Erfahrung mit der Regelung für die Einfuhr ökologischer/biologischer Erzeugnisse in die Union gemäß der Verordnung (EG) Nr. 834/2007 hat gezeigt, dass diese Regelung überarbeitet werden muss, um der Verbrauchererwartung, dass eingeführte ökologische/biologische Erzeugnisse Anforderungen erfüllen, die denen der Union gleichwertig sind, gerecht zu werden und für ökologische/biologische Erzeugnisse aus der Union den Zugang zu internationalen Märkten zu erleichtern. Zudem müssen die Vorschriften für die Ausfuhr ökologischer/biologischer Erzeugnisse präzisiert werden, indem insbesondere eine Ausfuhrbescheinigung vorgesehen und die Ausfuhr nach Drittländern geregelt wird, die in Bezug auf die Gleichwertigkeit gemäß der Verordnung (EG) Nr. 834/2007 anerkannt sind.
- (64) Die Vorschriften für die Einfuhr von Erzeugnissen, die die Produktions- und Kennzeichnungsvorschriften der Union erfüllen und in Bezug auf die die betreffenden Unternehmer von Kontrollbehörden oder Kontrollstellen, die die Kommission als für Kontrollen im Ökosektor von Drittländern zuständig anerkannt hat, kontrolliert wurden, sollten weiter verschärft werden. Es sollten insbesondere Vorschriften für die Akkreditierungsstellen festgelegt werden, die die für die Einfuhr konformer ökologischer/biologischer Erzeugnisse in die Union zuständigen Kontrollstellen akkreditieren, um ausgewogene Bedingungen für die Überwachung der Kontrollstellen durch die Kommission zu schaffen. Darüber hinaus muss die Kommission im Interesse einer effizienteren Überwachung von Kontrollbehörden bzw. Kontrollstellen befähigt werden, die Akkreditierungsstellen und die zuständigen Behörden in Drittländern direkt zu kontaktieren.
- (65) Die Möglichkeit des Zugangs zum Unionsmarkt für ökologische/biologische Erzeugnisse, die den Unionsvorschriften für die ökologische/biologische Produktion

nicht genügen, die jedoch aus Drittländern stammen, deren Systeme für ökologische/biologische Produktion als dem Unionssystem gleichwertig anerkannt wurden, sollte beibehalten werden. Die Anerkennung der Gleichwertigkeit von Drittländern gemäß der Verordnung (EG) Nr. 834/2007 sollte jedoch nur im Rahmen einer internationalen Vereinbarung zwischen der Union und jenen Drittländern gewährt werden, bei denen auch die Union im Rahmen der Gegenseitigkeit eine Gleichwertigkeitsanerkennung anstrebt.

- (66) Drittländer, die in Bezug auf die Gleichwertigkeit im Rahmen der Verordnung (EG) Nr. 834/2007 anerkannt sind, sollten für einen begrenzten Zeitraum auch im Rahmen der vorliegenden Verordnung weiterhin als solche anerkannt werden, um einen reibungslosen Übergang zur Anerkennung im Rahmen einer internationalen Vereinbarung zu gewährleisten, vorausgesetzt, diese Länder garantieren weiterhin die Gleichwertigkeit ihrer ökologischen/biologischen Produktion und ihrer Kontrollvorschriften mit den relevanten geltenden Unionsvorschriften und erfüllen sämtliche Anforderungen bezüglich der Überwachung ihrer Anerkennung durch die Kommission. Diese Überwachung sollte insbesondere auf der Grundlage der Jahresberichte erfolgen, die die Drittländer der Kommission übermitteln.
- (67) Die Erfahrung mit dem System von Kontrollbehörden und Kontrollstellen, die als für die Durchführung von Kontrollen und die Ausstellung von Bescheinigungen in Drittländern zum Zwecke der Einfuhr von gleichwertige Garantien bietenden Erzeugnissen zuständig anerkannt sind, zeigt, dass diese Behörden und Stellen unterschiedliche Vorschriften anwenden, die kaum als den diesbezüglichen Unionsvorschriften gleichwertig angesehen werden könnten. Des Weiteren erschwert die Vielfalt der von den Kontrollbehörden und Kontrollstellen angewandten Kontrollstandards eine angemessene Überwachung durch die Kommission. Aus diesem Grunde sollte dieses System der Gleichwertigkeitsanerkennung abgeschafft werden. Den betreffenden Kontrollbehörden und Kontrollstellen sollte jedoch genügend Zeit eingeräumt werden, sich auf ihre Anerkennung zum Zwecke der Einfuhr EU-konformer Erzeugnisse vorzubereiten.
- (68) Das Inverkehrbringen – im Rahmen jeder in dieser Verordnung vorgesehenen Einfuhrregelung – von in die Union eingeführten ökologischen/biologischen Erzeugnissen als ökologische/biologische Erzeugnisse sollte vom Vorliegen der Informationen abhängig gemacht werden, die zur Rückverfolgbarkeit des Erzeugnisses entlang der Nahrungskette erforderlich sind.
- (69) Um einen fairen Wettbewerb zwischen Unternehmern, die Rückverfolgbarkeit der Einfuhrerzeugnisse, die als ökologische/biologische Erzeugnisse auf dem Unionsmarkt in den Verkehr gebracht werden sollen, oder die Transparenz der Anerkennungs- und Überwachungsverfahren für Kontrollbehörden und Kontrollstellen im Zusammenhang mit der Einfuhr konformer ökologischer/biologischer Erzeugnisse sowie die ordnungsgemäße Führung des Verzeichnisses von Drittländern, die in Bezug auf die Gleichwertigkeit gemäß der Verordnung (EG) Nr. 834/2007 anerkannt sind, zu gewährleisten, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte zu erlassen, um die Übermittlung von für Drittland Zollbehörden bestimmten Dokumenten (insbesondere eine Ausführbescheinigung für ökologische/biologische Erzeugnisse, die möglichst in elektronischer Form vorzulegen ist, sowie die erforderlichen Einfuhrdokumente, die ebenfalls möglichst in elektronischer Form vorzulegen sind) zu regeln, die Kriterien für die Anerkennung und den Entzug der Anerkennung von Kontrollbehörden und Kontrollstellen im Zusammenhang mit der Einfuhr konformer ökologischer/biologischer Erzeugnisse und

die von im Rahmen der genannten Verordnung anerkannten Drittländern zu übermittelnden Informationen festzulegen, die zur Überwachung der Anerkennung dieser Länder und der Ausübung der diesbezüglichen Überwachungsbefugnisse durch die Kommission, auch im Wege von Kontrollen vor Ort, erforderlich sind.

- (70) Es sollte sichergestellt werden, dass die Verbringung ökologischer/biologischer Erzeugnisse, die in einem Mitgliedstaat kontrolliert wurden und die Vorschriften dieser Verordnung erfüllen, in einem anderen Mitgliedstaat nicht eingeschränkt werden. Im Interesse des reibungslosen Funktionierens des Binnenmarktes und des Handels zwischen den Mitgliedstaaten sollte der Kommission die Befugnis übertragen werden, Vorschriften für die uneingeschränkte Verbringung ökologischer/biologischer Erzeugnisse zu erlassen.
- (71) Um verlässliche Informationen zur Verfügung zu haben, die für die Durchführung dieser Verordnung erforderlich sind, sollten die Mitgliedstaaten der Kommission jährlich alle notwendigen Informationen übermitteln. Aus Gründen der Klarheit und Transparenz sollten die Mitgliedstaaten aktualisierte Verzeichnisse der zuständigen Behörden, Kontrollbehörden und Kontrollstellen führen. Die Verzeichnisse der Kontrollbehörden und Kontrollstellen sollten von den Mitgliedstaaten publik gemacht und von der Kommission jährlich veröffentlicht werden.
- (72) Es müssen Maßnahmen festgelegt werden, um einen reibungslosen Übergang zu bestimmten Änderungen der Rahmenregelung für die Einfuhr ökologischer/biologischer Erzeugnisse in die Union, wie sie mit dieser Verordnung eingeführt wurde, zu gewährleisten. Insbesondere sollte der Kommission im Interesse des reibungslosen Übergangs von der alten zur neuen Rahmenregelung die Befugnis übertragen werden, bestimmte Rechtsakte zu erlassen, um abweichend von der allgemeinen Regel, dass keine früheren Zeiträume retroaktiv als Teil des Umstellungszeitraums anerkannt werden können, Vorschriften für die mit der Verordnung (EG) Nr. 834/2007 eingeführten Umstellungszeiträume festzulegen.
- (73) Außerdem sollten ein Termin für den Ablauf der Anerkennung der im Hinblick auf die Gleichwertigkeit anerkannten Kontrollbehörden und Kontrollstellen festgesetzt und Vorschriften zur Regelung der Lage bis zum Ablauf der Anerkennung festgelegt werden. Des Weiteren sollten Vorschriften für Drittlandanträge auf Gleichwertigkeitsanerkennung festgelegt werden, die im Rahmen der Verordnung (EG) Nr. 834/2007 gestellt wurden und die zum Zeitpunkt des Inkrafttretens dieser Verordnung noch anhängig sind.
- (74) Um die Führung der Verzeichnisse der gemäß der Verordnung (EG) Nr. 834/2007 im Hinblick auf die Gleichwertigkeit anerkannten Kontrollbehörden und Kontrollstellen zu gewährleisten und die Prüfung der am Tag des Inkrafttretens der vorliegenden Verordnung anhängigen Anträge von Drittländern auf Gleichwertigkeitsanerkennung zu erleichtern, sollte der Kommission die Befugnis übertragen werden, bestimmte Rechtsakte zu erlassen, um die von diesen Kontrollbehörden und Kontrollstellen zwecks Überwachung ihrer Anerkennung zu übermittelnden Informationen sowie etwaige Verfahrensvorschriften für die Prüfung anhängiger Drittlandanträge festzulegen.
- (75) Um einheitliche Bedingungen für die Durchführung dieser Verordnung zu gewährleisten, sollten der Kommission Durchführungsbefugnisse zur Regelung der folgenden Fragen übertragen werden: technische Einzelheiten für die Erstellung der Datenbank für die Auflistung der Sorten, für die ökologisch/biologisch erzeugtes Pflanzenvermehrungsmaterial zur Verfügung steht; Zulassung oder Entzug der

Zulassung der Erzeugnisse und Stoffe, die für die ökologische/biologische Produktion im Allgemeinen und die Herstellung verarbeiteter ökologischer/biologischer Lebensmittel im Besonderen verwendet werden können, einschließlich der Verfahrensvorschriften für die Zulassung und Listung dieser Erzeugnisse und Stoffe und gegebenenfalls ihrer Beschreibung, ihrer vorgegebenen Zusammensetzung und ihrer Verwendungsbedingungen; spezifische und praktische Modalitäten der Gestaltung, Zusammensetzung und Größe der Angaben bezüglich der Codenummern von Kontrollbehörden und Kontrollstellen und der Angabe des Standorts, an dem die landwirtschaftlichen Rohstoffe erzeugt wurden; Zuweisung von Codenummern an Kontrollbehörden und Kontrollstellen; Einzelheiten und Spezifikationen betreffend Inhalt, Form und Art der Übermittlung der Mitteilungen über die Unternehmer- oder Gruppentätigkeit durch die betreffenden Unternehmer und Unternehmergruppen an die zuständigen Behörden und betreffend die Form der Veröffentlichung etwa erhobener Kontrollgebühren; Austausch von Informationen zwischen Unternehmergruppen und zuständigen Behörden, Kontrollbehörden und Kontrollstellen sowie zwischen Mitgliedstaaten und Kommission; Anerkennung bzw. Entzug der Anerkennung von Kontrollbehörden und Kontrollstellen, die für die Durchführung von Kontrollen in Drittländern zuständig sind, sowie Erstellung des Verzeichnisses jener Kontrollbehörden und Kontrollstellen und Durchführung von Maßnahmen in Fällen oder mutmaßlichen Fällen der Nichteinhaltung, die die Integrität eingeführter ökologischer/biologischer Erzeugnisse beeinträchtigen; Erstellung eines Verzeichnisses von Drittländern, die gemäß Artikel 33 Absatz 2 der Verordnung (EG) Nr. 834/2007 anerkannt sind, und Änderung dieses Verzeichnisses sowie Durchführung von Maßnahmen in Fällen oder mutmaßlichen Fällen der Nichteinhaltung, die die Integrität der aus diesen Ländern eingeführten ökologischen/biologischen Erzeugnisse beeinträchtigen; System für die Übermittlung der für die Durchführung und Überwachung der vorliegenden Verordnung erforderlichen Informationen; Erstellung des Verzeichnisses von Kontrollbehörden und Kontrollstellen, die gemäß Artikel 33 Absatz 3 der Verordnung (EG) Nr. 834/2007 anerkannt sind, sowie Änderung dieses Verzeichnisses. Diese Befugnisse sollten nach Maßgabe der Verordnung (EU) Nr. 182/2011 des Europäischen Parlament und des Rates³⁴ ausgeübt werden.

- (76) Der Kommission sollte die Befugnis übertragen werden, unverzüglich geltende Durchführungsrechtsakte zu erlassen, wenn dies in gerechtfertigten Fällen, die den Schutz gegen unlautere Praktiken oder nicht mit den Grundsätzen und Regeln für die ökologische/biologische Produktion vereinbare Praktiken, die Erhaltung des Verbrauchervertrauens oder die Sicherung eines fairen Wettbewerbs zwischen Unternehmern betreffen, und aus Gründen äußerster Dringlichkeit erforderlich ist, um in Fällen oder mutmaßlichen Fällen der Nichteinhaltung, die die Integrität der der Kontrolle anerkannter Kontrollbehörden und Kontrollstellen unterliegenden eingeführten ökologischen/biologischen Erzeugnisse beeinträchtigen, die Durchführung von Maßnahmen zu gewährleisten.
- (77) Um einen reibungslosen Übergang von den Regeln betreffend den ökologischen/biologischen Ursprung von Pflanzenvermehrungsmaterial, den Regeln für Zuchttiere gemäß der Verordnung (EG) Nr. 834/2007 und der Ausnahme von den Produktionsvorschriften gemäß Artikel 22 der Verordnung einerseits zu den neuen

³⁴

Verordnung (EU) Nr. 182/2011 des Europäischen Parlaments und des Rates vom 16. Februar 2011 zur Festlegung der allgemeinen Regeln und Grundsätze, nach denen die Mitgliedstaaten die Wahrnehmung der Durchführungsbefugnisse durch die Kommission kontrollieren (ABl L 55 vom 28.2.2011, S. 13).

Produktionsvorschriften der vorliegenden Verordnung für Pflanzen, pflanzliche Erzeugnisse und Tiere andererseits zu gewährleisten, sollte der Kommission die Befugnis übertragen werden, in Bezug auf die Gewährung von Ausnahmen, sofern diese für erforderlich gehalten werden, bestimmte Rechtsakte zu erlassen, um den Zugang zu pflanzlichem Vermehrungsmaterial und lebenden Zuchttieren zu sichern, die sich für die ökologische/biologische Produktion eignen. Da diese Rechtsakte Übergangscharakter haben, sollten sie für einen begrenzten Zeitraum gelten.

- (78) Die Kommission sollte die Verfügbarkeit von Pflanzenvermehrungsmaterial und Zuchttieren prüfen und dem Europäischen Parlament und dem Rat 2021 einen entsprechenden Bericht vorlegen.
- (79) Es sollte gestattet werden, Bestände von Erzeugnissen, die gemäß der Verordnung (EG) Nr. 834/2007 produziert und vor dem Geltungstermin der vorliegenden Verordnung in den Verkehr gebracht wurden, zu erschöpfen.
- (80) Die Überprüfung der Rahmenregelung für ökologische/biologische Produktion und die Kennzeichnung ökologischer/biologischer Erzeugnisse hat gezeigt, dass die besonderen Erfordernisse in Bezug auf die gemäß der Verordnung (EU) Nr. XXX/XXX (Verordnung über die amtlichen Kontrollen) durchgeführten amtlichen Kontrollen und anderen amtlichen Tätigkeiten es erfordern, dass Fälle der Nichteinhaltung strenger geahndet werden. Darüber hinaus sollten die Vorschriften der Verordnung (EU) Nr. XXX/XXX (Verordnung über die amtlichen Kontrollen) bezüglich der Aufgaben und Verantwortlichkeiten der zuständigen Behörden, der Zulassung und Beaufsichtigung beauftragter Stellen, der amtlichen Zertifizierung, der Berichtspflichten und der Amtshilfe den besonderen Erfordernissen des Sektors der ökologischen/biologischen Produktion angepasst werden. Die Verordnung (EU) Nr. XXX/XXX (Verordnung über die amtlichen Kontrollen) sollte daher entsprechend geändert werden.
- (81) Da die Ziele dieser Verordnung - insbesondere, was einen fairen Wettbewerb und ein reibungsloses Funktionieren des Binnenmarktes für ökologische/biologische Erzeugnisse sowie die Sicherung des Verbrauchervertrauens in diese Erzeugnisse und das Ökologo der Europäischen Union anbelangt - von den Mitgliedstaaten selbst nicht hinreichend verwirklicht werden können und sich daher aufgrund der erforderlichen Harmonisierung der Vorschriften für die ökologische/biologische Produktion auf Unionsebene besser erreichen lassen, kann die Union nach dem Subsidiaritätsprinzip gemäß Artikel 5 des Vertrags über die Europäische Union Maßnahmen erlassen. Nach dem im selben Artikel festgeschriebenen Grundsatz der Verhältnismäßigkeit geht diese Verordnung nicht über das zum Erreichen dieser Ziele erforderliche Maß hinaus.
- (82) Es empfiehlt sich, einen Termin für die Anwendung dieser Verordnung festzusetzen, der es Unternehmen gestattet, sich an die neuen Vorschriften anzupassen -

HABEN FOLGENDE VERORDNUNG ERLASSEN:

Kapitel I

Gegenstand, Geltungsbereich und Begriffsbestimmungen

Artikel 1

Gegenstand

In dieser Verordnung sind die Grundsätze der ökologischen/biologischen Produktion sowie die Vorschriften für diese Produktion und die Verwendung diesbezüglicher Angaben in der Kennzeichnung und Werbung festgelegt.

Artikel 2

Geltungsbereich

- (1) Diese Verordnung gilt für die in Anhang I des Vertrags über die Arbeitsweise der Europäischen Union (AEUV) aufgeführten landwirtschaftlichen Erzeugnisse sowie für einige andere Erzeugnisse, die in Anhang I dieser Verordnung aufgelistet sind, sofern diese landwirtschaftlichen Erzeugnisse und anderen Erzeugnisse dazu bestimmt sind, als ökologische/biologische Erzeugnisse produziert, aufbereitet, vertrieben, in Verkehr gebracht, eingeführt oder ausgeführt zu werden.

Die Erzeugnisse von in freier Wildbahn bzw. in freien Gewässern erlegten/gefangenen Tieren gelten nicht als ökologische/biologische Erzeugnisse.

- (2) Diese Verordnung findet auf alle Unternehmer Anwendung, die auf irgendeiner Stufe der Produktion, der Aufbereitung oder des Vertriebs von Erzeugnissen im Sinne von Absatz 1 tätig sind.

Arbeitsgänge der Gemeinschaftsverpflegung, die von einem Anbieter im Sinne von Artikel 2 Absatz 2 Buchstabe d der Verordnung (EU) Nr. 1169/2011 des Europäischen Parlaments und des Rates³⁵ durchgeführt werden, fallen nicht unter die vorliegende Verordnung.

Die Mitgliedstaaten können nationale Vorschriften oder, bei deren Fehlen, private Standards für die Kennzeichnung und die Kontrolle von Erzeugnissen aus Arbeitsgängen der Gemeinschaftsverpflegung anwenden.

- (3) Diese Verordnung gilt unbeschadet verwandter Rechtsvorschriften der Union unter anderem in den Bereichen Lebensmittelsicherheit, Tiergesundheit und Tierschutz, Pflanzengesundheit und Pflanzenvermehrungsmaterial, insbesondere der Verordnung (EU) Nr. XX/XXX des Europäischen Parlaments und des Rates³⁶ (Pflanzenvermehrungsmaterial) und der Verordnung (EU) Nr. XX/XXXX des Europäischen Parlaments und des Rates³⁷ (Maßnahmen zum Schutz vor Pflanzenschädlingen).
- (4) Diese Verordnung gilt unbeschadet sonstiger spezifischer Unionsvorschriften betreffend das Inverkehrbringen von Erzeugnissen und insbesondere der Verordnung (EU) Nr. 1308/2013 des Europäischen Parlaments und des Rates³⁸ und der Verordnung (EU) Nr. 1169/2011.
- (5) Zur Berücksichtigung neuer Informationen über Produktionsmethoden oder neuen Materials oder internationaler Verpflichtungen wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zur Änderung des Verzeichnisses der Erzeugnisse in Anhang I zu erlassen. Nur Erzeugnisse, die eng mit der landwirtschaftlichen Produktion verbunden sind, kommen für eine Aufnahme in dieses Verzeichnis in Betracht.

Artikel 3

Begriffsbestimmungen

Für die Zwecke dieser Verordnung gelten folgende Begriffsbestimmungen:

- (1) „ökologische/biologische Produktion“: Anwendung von Produktionsverfahren nach den Vorschriften dieser Verordnung auf allen Stufen der Produktion, der Aufbereitung und des Vertriebs;
- (2) „ökologisch/biologisch“: aus ökologischer/biologischer Produktion stammend oder sich darauf beziehend;

³⁵ Verordnung (EU) Nr. 1169/2011 des Europäischen Parlaments und des Rates vom 25. Oktober 2011 betreffend die Information der Verbraucher über Lebensmittel und zur Änderung der Verordnungen (EG) Nr. 1924/2006 und (EG) Nr. 1925/2006 des Europäischen Parlaments und des Rates und zur Aufhebung der Richtlinie 87/250/EWG der Kommission, der Richtlinie 90/496/EWG des Rates, der Richtlinie 1999/10/EG der Kommission, der Richtlinie 2000/13/EG des Europäischen Parlaments und des Rates, der Richtlinien 2002/67/EG und 2008/5/EG der Kommission und der Verordnung (EG) Nr. 608/2004 der Kommission (ABl. L 304 vom 22.11.2011, S. 18).

³⁶ [vollständiger Titel] (ABl. L...).

³⁷ [vollständiger Titel] (ABl. L...).

³⁸ Verordnung (EU) Nr. 1308/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 über eine gemeinsame Marktorganisation für landwirtschaftliche Erzeugnisse und zur Aufhebung der Verordnungen (EWG) Nr. 922/72, (EWG) Nr. 234/79, (EG) Nr. 1037/13 und (EG) Nr. 1234/2007 (ABl. L 347 vom 20.12.2013, S. 671).

- (3) „landwirtschaftlicher Ausgangsstoff“: ein landwirtschaftliches Erzeugnis, das weder haltbar gemacht noch verarbeitet wurde;
- (4) „Vorbeugungsmaßnahmen“: erforderliche Maßnahmen zur Gewährleistung der Bodenqualität, zur Verhütung und Bekämpfung von Schädlingen und Unkraut sowie zur Verhütung der Kontaminierung durch Erzeugnisse oder Stoffe, die nicht im Rahmen dieser Verordnung zugelassen sind;
- (5) „Umstellung“: Übergang von nichtökologischer/nichtbiologischer auf ökologische/biologische Produktion innerhalb eines bestimmten Zeitraums;
- (6) „Unternehmer“: die natürliche oder juristische Person, die für Einhaltung der Vorschriften dieser Verordnung auf allen ihrer Kontrolle unterstehenden Produktions-, Aufbereitungs- und Vertriebsstufen verantwortlich ist;
- (7) „Unternehmergruppe“: Gruppe, in der jeder Unternehmer ein Landwirt ist, der über eine Betriebsfläche von bis zu 5 Hektar landwirtschaftlicher Nutzfläche verfügt und neben der Lebens- oder Futtermittelproduktion auch Lebens- oder Futtermittel verarbeiten kann;
- (8) „Landwirt“: eine natürliche oder juristische Person oder eine Vereinigung natürlicher oder juristischer Personen, unabhängig davon, welchen rechtlichen Status diese Vereinigung und ihre Mitglieder aufgrund nationalen Rechts besitzen, die eine landwirtschaftliche Tätigkeit ausübt;
- (9) „landwirtschaftliche Fläche“: landwirtschaftliche Fläche im Sinne von Artikel 4 Absatz 1 Buchstabe e der Verordnung (EU) Nr. 1307/2013;
- (10) „Pflanzen“: Pflanzen im Sinne von Artikel 3 Nummer 5 der Verordnung (EG) Nr. 1107/2009;
- (11) „Pflanzenproduktion“: Erzeugung landwirtschaftlicher Kulturpflanzen, einschließlich der Ernte von Wildpflanzenerzeugnissen für Erwerbszwecke;
- (12) „Pflanzenerzeugnisse“: Pflanzenerzeugnisse im Sinne von Artikel 3 Nummer 6 der Verordnung (EG) Nr. 1107/2009;
- (13) „Schädling“: Schädling im Sinne von Artikel 1 Absatz 1 der Verordnung (EU) Nr. XX/XXX (über Maßnahmen zum Schutz vor Pflanzenschädlingen);
- (14) „Pflanzenschutzmittel“: Produkte gemäß Artikel 2 der Verordnung (EG) Nr. 1107/2009;
- (15) „Tierproduktion“: Erzeugung von an Land lebenden Haustieren oder domestizierten Tieren (einschließlich Insekten);
- (16) „Veranda“: zusätzlicher, überdachter, nicht isolierter Außenbereich eines Stallgebäudes, der auf der Längsseite in der Regel von einem Drahtzaun oder Netzen begrenzt ist, mit Außenklima, natürlicher und künstlicher Beleuchtung und eingestreutem Boden;
- (17) „Aquakultur“: Aquakultur im Sinne von Artikel 4 Absatz 1 Nummer 25 der Verordnung (EU) Nr. 1380/2013 des Europäischen Parlaments und des Rates³⁹;

³⁹ Verordnung (EU) Nr. 1380/2013 des Europäischen Parlaments und des Rates vom 11. Dezember 2013 über die Gemeinsame Fischereipolitik und zur Änderung der Verordnungen (EG) Nr. 1954/2003 und (EG) Nr. 1224/2009 des Rates sowie zur Aufhebung der Verordnungen (EG) Nr. 2371/2002 und (EG) Nr. 639/2004 des Rates und des Beschlusses 2004/585/EG des Rates (ABl. L 354 vom 28.12.2013, S. 22).

- (18) „tierärztliche Behandlung“: alle Maßnahmen im Rahmen einer Heilbehandlung oder prophylaktischen Behandlung gegen eine bestimmte Krankheit;
- (19) „Tierarzneimittel“: Tierarzneimittel im Sinne von Artikel 1 Nummer 2 der Richtlinie 2001/82/EG des Europäischen Parlaments und des Rates⁴⁰;
- (20) „Aufbereitung“: Arbeitsgänge zur Haltbarmachung oder Verarbeitung ökologischer/biologischer Erzeugnisse, einschließlich Schlachtung und Zerlegung bei tierischen Erzeugnissen, sowie Verpackung, Kennzeichnung oder Änderung der Kennzeichnung betreffend die ökologische/biologische Produktionsweise;
- (21) „Lebensmittel“: Lebensmittel im Sinne von Artikel 2 der Verordnung (EG) Nr. 178/2002 des Europäischen Parlaments und des Rates⁴¹;
- (22) „Futtermittel“ Futtermittel im Sinne von Artikel 3 Nummer 4 der Verordnung (EG) Nr. 178/2002;
- (23) „Futtermittel-Ausgangserzeugnis“: Einzelfuttermittel im Sinne von Artikel 3 Absatz 2 Buchstabe g der Verordnung (EG) Nr. 767/2009 des Europäischen Parlaments und des Rates⁴²;
- (24) „Umstellungsfuttermittel“: Futtermittel, die während des Umstellungszeitraums erzeugt werden, ausgenommen Futtermittel, die in den zwölf Monaten nach Beginn der Umstellung geerntet wurden;
- (25) „Inverkehrbringen“: das Inverkehrbringen im Sinne von Artikel 3 Nummer 8 der Verordnung (EG) Nr. 178/2002;
- (26) „Rückverfolgbarkeit“: Rückverfolgbarkeit im Sinne von Artikel 3 Nummer 15 der Verordnung (EG) Nr. 178/2002;
- (27) „Stufen der Produktion, der Aufbereitung und des Vertriebs“: alle Stufen, angefangen bei der Primärproduktion eines ökologischen/biologischen Erzeugnisses bis zu seiner Lagerung, seiner Verarbeitung, seiner Beförderung, seinem Verkauf oder seiner Abgabe an den Endverbraucher und gegebenenfalls der Kennzeichnung, der Werbung, der Einfuhr, der Ausfuhr und der im Rahmen von Unteraufträgen ausgeführten Tätigkeiten;
- (28) „Katastrophenfälle“: Situationen infolge „widriger Witterungsverhältnisse“, eines „Umweltvorfalls“, einer „Naturkatastrophe“ oder eines „Katastrophenereignisses“ im Sinne von Artikel 2 Absatz 1 Buchstabe h, j, k bzw. l der Verordnung (EU) Nr. 1305/2013;
- (29) „Zutat“: Zutat im Sinne von Artikel 2 Absatz 2 Buchstabe f der Verordnung (EU) Nr. 1169/2011;

⁴⁰ Richtlinie 2001/82/EG des Europäischen Parlaments und des Rates vom 6. November 2001 zur Schaffung eines Gemeinschaftskodexes für Tierarzneimittel (ABl. L 311 vom 28.11.2001, S. 1).

⁴¹ Verordnung (EG) Nr. 178/2002 des Europäischen Parlaments und des Rates vom 28. Januar 2002 zur Festlegung der allgemeinen Grundsätze und Anforderungen des Lebensmittelrechts, zur Errichtung der Europäischen Behörde für Lebensmittelsicherheit und zur Festlegung von Verfahren zur Lebensmittelsicherheit (ABl. L 31 vom 1.2.2002, S. 1).

⁴² Verordnung (EG) Nr. 767/2009 des Europäischen Parlaments und des Rates vom 13. Juli 2009 über das Inverkehrbringen und die Verwendung von Futtermitteln, zur Änderung der Verordnung (EG) Nr. 1831/2003 des Europäischen Parlaments und des Rates und zur Aufhebung der Richtlinien 79/373/EWG des Rates, 80/511/EWG der Kommission, 82/471/EWG des Rates, 83/228/EWG des Rates, 93/74/EWG des Rates, 93/113/EG des Rates und 96/25/EG des Rates und der Entscheidung 2004/217/EG der Kommission (ABl. L 229 vom 1.9.2009, S. 1).

- (30) „Kennzeichnung“: Kennzeichnung im Sinne von Artikel 2 Absatz 2 Buchstabe j der Verordnung (EU) Nr. 1169/2011;
- (31) „Werbung“: jede Darstellung von ökologischen/biologischen Erzeugnissen gegenüber der Öffentlichkeit mit anderen Mitteln als einem Etikett, mit der beabsichtigt oder wahrscheinlich die Einstellung, die Überzeugung oder das Verhalten beeinflusst oder verändert wird, um direkt oder indirekt den Verkauf von ökologischen/biologischen Erzeugnissen zu fördern;
- (32) „zuständige Behörden“: zuständige Behörden im Sinne von Artikel 2 Nummer 5 der Verordnung (EU) Nr. XXX/XXXX [*Verordnung über amtliche Kontrollen*];
- (33) „Kontrollbehörde“: Kontrollbehörde für ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen im Sinne von Artikel 2 Nummer 39 der Verordnung (EU) Nr. XXX/XXXX [*Verordnung über amtliche Kontrollen*];
- (34) „Kontrollstelle“: eine beauftragte Stelle im Sinne von Artikel 2 Nummer 38 der Verordnung (EU) Nr. XXX/XXXX [*Verordnung über amtliche Kontrollen*] sowie eine Stelle, die von der Kommission oder einem von der Kommission anerkannten Drittland dafür anerkannt wurde, in Drittländern Kontrollen für die Einfuhr ökologischer/biologischer Erzeugnisse in die Union durchzuführen;
- (35) „Verstoß“: Nichteinhaltung dieser Verordnung;
- (36) „genetisch veränderter Organismus“: genetisch veränderter Organismus im Sinne von Artikel 2 Nummer 2 der Richtlinie 2001/18/EG des Europäischen Parlaments und des Rates⁴³, der nicht aus einem der in Anhang I.B der genannten Richtlinie aufgeführten Verfahren der genetischen Veränderung hervorgegangen ist (im Folgenden „GVO“ genannt);
- (37) „aus GVO hergestellt“: ganz oder teilweise von GVO stammend, jedoch nicht aus GVO bestehend oder GVO enthaltend;
- (38) „mit GVO hergestellt“: unter Verwendung eines GVO als letztem lebenden Organismus im Produktionsverfahren produziert, jedoch nicht aus GVO bestehend, GVO enthaltend oder aus GVO hergestellt;
- (39) „Lebensmittelzusatzstoff“: Lebensmittelzusatzstoff im Sinne von Artikel 3 Absatz 2 Buchstabe a der Verordnung (EG) Nr. 1333/2008 des Europäischen Parlaments und des Rates⁴⁴;
- (40) „Futtermittelzusatzstoff“: Futtermittelzusatzstoff im Sinne von Artikel 2 Absatz 2 Buchstabe a der Verordnung (EG) Nr. 1831/2003 des Europäischen Parlaments und des Rates⁴⁵;
- (41) „Gleichwertigkeit“: Erfüllung derselben Ziele und Grundsätze durch Anwendung von Vorschriften, die die gleiche Konformitätsgarantie bieten;

⁴³ Richtlinie 2001/18/EG des Europäischen Parlaments und des Rates vom 12. März 2001 über die absichtliche Freisetzung genetisch veränderter Organismen in die Umwelt und zur Aufhebung der Richtlinie 90/220/EWG des Rates (ABl. L 106 vom 17.4.2001, S. 1).

⁴⁴ Verordnung (EG) Nr. 1333/2008 des Europäischen Parlaments und des Rates vom 16. Dezember 2008 über Lebensmittelzusatzstoffe (ABl. L 354 vom 31.12.2008, S. 16).

⁴⁵ Verordnung (EG) Nr. 1831/2003 des Europäischen Parlaments und des Rates vom 22. September 2003 über Zusatzstoffe zur Verwendung in der Tierernährung (ABl. L 268 vom 18.10.2003, S. 29).

- (42) „Verarbeitungshilfsstoff“: Verarbeitungshilfsstoff im Sinne von Artikel 3 Absatz 2 Buchstabe b der Verordnung (EG) Nr. 1333/2008,
- (43) „Lebensmittelenzym“: Lebensmittelenzym im Sinne von Artikel 3 Absatz 2 Buchstabe a der Verordnung (EG) Nr. 1332/2008 des Europäischen Parlaments und des Rates⁴⁶;
- (44) „ionisierende Strahlung“: ionisierende Strahlung im Sinne von Artikel 1 der Richtlinie 96/29/Euratom des Rates⁴⁷.

⁴⁶ Verordnung (EG) Nr. 1332/2008 des Europäischen Parlaments und des Rates vom 16. Dezember 2008 über Lebensmittelenzyme und zur Änderung der Richtlinie 83/417/EWG des Rates, der Verordnung (EG) Nr. 1493/1999 des Rates, der Richtlinie 2000/13/EG, der Richtlinie 2001/112/EG des Rates sowie der Verordnung (EG) Nr. 258/97 (ABl. L 354 vom 31.12.2008, S. 7).

⁴⁷ Richtlinie 96/29/Euratom des Rates vom 13. Mai 1996 zur Festlegung der grundlegenden Sicherheitsnormen für den Schutz der Gesundheit der Arbeitskräfte und der Bevölkerung gegen die Gefahren durch ionisierende Strahlungen (ABl. L 159 vom 29.6.1996, S. 1).

Kapitel II

Grundsätze der ökologischen/biologischen Produktion

Artikel 4

Allgemeine Grundsätze

Die ökologische/biologische Produktion ist ein nachhaltiges Bewirtschaftungssystem für die Landwirtschaft, das auf folgenden allgemeinen Grundsätzen beruht:

- (a) Respektieren der Systeme und Kreisläufe der Natur sowie Förderung der Nachhaltigkeit und Verbesserung des Zustands von Boden, Wasser, Luft, biologischer Vielfalt, der Gesundheit von Pflanzen und Tieren sowie des Gleichgewichts zwischen ihnen;
- (b) Förderung des Biodiversitätsreichtums;
- (c) verantwortungsvolle Nutzung von Energie- und natürlichen Ressourcen wie Wasser, Boden, organischer Substanz und Luft;
- (d) Beachtung hoher Tierschutzstandards und insbesondere Erfüllung artspezifischer Verhaltensbedürfnisse;
- (e) angemessene Gestaltung und Management biologischer Prozesse auf der Grundlage ökologischer Systeme unter Nutzung systeminterner natürlicher Ressourcen und nach Methoden, für die Folgendes gilt:
 - i) Verwendung lebender Organismen und mechanischer Produktionsverfahren,
 - ii) flächengebundene Pflanzen- und Tiererzeugung; Aquakultur nach dem Grundsatz der nachhaltigen Nutzung der Fischerei,
 - iii) keine Verwendung von GVO und von aus oder mit GVO hergestellten Erzeugnissen mit Ausnahme von Tierarzneimitteln,
 - iv) gegebenenfalls Durchführung von Präventivmaßnahmen;
- (f) Beschränkung der Verwendung externer Produktionsmittel. Sind externe Produktionsmittel erforderlich oder gibt es keine angemessenen geeigneten Bewirtschaftungspraktiken oder -verfahren gemäß Buchstabe e, so beschränken sich Produktionsmittel auf
 - i) Produktionsmittel aus der ökologischen/biologischen Produktion,
 - ii) natürliche oder auf natürlichem Wege gewonnene Stoffe,
 - iii) schwer lösliche mineralische Düngemittel;
- (g) erforderlichenfalls Anpassung des Produktionsprozesses im Rahmen dieser Verordnung zur Berücksichtigung des Gesundheitszustandes, regionaler Unterschiede beim ökologischen Gleichgewicht, des Klimas und örtlicher Verhältnisse, der Entwicklungsstadien und spezifischer Tierhaltungspraktiken.

Spezifische Grundsätze für landwirtschaftliche Tätigkeiten und die Aquakultur

Die ökologische/biologische Produktion beruht sowohl in der Landwirtschaft als auch in der Aquakultur auf folgenden spezifischen Grundsätzen:

- (a) Erhaltung und Förderung des Lebens im Boden sowie der natürlichen Fruchtbarkeit, der Stabilität, des Wasserrückhaltevermögens und der biologischen Vielfalt des Bodens zwecks Verhinderung und Bekämpfung des Verlusts von organischer Bodensubstanz, der Bodenverdichtung und -erosion und zur Versorgung der Pflanzen mit Nährstoffen hauptsächlich über das Ökosystem des Bodens;
- (b) Minimierung der Verwendung von nicht erneuerbaren Ressourcen und von außerbetrieblichen Produktionsmitteln;
- (c) Wiederverwertung von Abfallstoffen und Nebenerzeugnissen pflanzlichen und tierischen Ursprungs als Produktionsmittel in der pflanzlichen und tierischen Erzeugung;
- (d) Erhaltung der Pflanzengesundheit durch vorbeugende Maßnahmen wie Auswahl von geeigneten Arten und Sorten und heterogenem Material, die gegen Schädlinge und Krankheiten resistent sind, durch geeignete Fruchtfolge, durch mechanische und physikalische Methoden und durch den Schutz von Nützlingen;
- (e) Wahl von Tierrassen unter Berücksichtigung ihrer Anpassungsfähigkeit an die örtlichen Bedingungen, ihrer Vitalität und ihrer Widerstandsfähigkeit gegenüber Krankheiten oder Gesundheitsprobleme; Betreiben einer an den Standort angepassten flächengebundenen Tiererzeugung; Anwendung von Tierhaltungspraktiken, durch die das Immunsystem der Tiere und ihre natürlichen Abwehrkräfte gegen Krankheiten gestärkt werden; dazu gehören insbesondere regelmäßige Bewegung und Zugang zu Freigelände und gegebenenfalls zu Weideland;
- (f) Beachtung eines hohen Tierschutzniveaus unter Berücksichtigung artspezifischer Bedürfnisse;
- (g) Verfütterung ökologischer/biologischer Futtermittel, die sich aus Zutaten landwirtschaftlichen Ursprungs aus ökologischer/biologischer Produktion und natürlichen, nichtlandwirtschaftlichen Stoffen zusammensetzen;
- (h) Verzicht auf Gentechnik, das Klonen von Tieren, künstlich induzierte Polyploidie und ionisierende Strahlung in der gesamten Bio-Lebensmittelkette;
- (i) Gesunderhaltung des Wassermilieus und der Qualität angrenzender aquatischer und terrestrischer Ökosysteme;
- (j) Fütterung von Wasserorganismen mit Futtermitteln aus der nachhaltigen Nutzung von Fischereiressourcen im Sinne der Verordnung (EU) Nr. 1380/2013, oder mit ökologischen/biologischen Futtermitteln, die sich aus Zutaten landwirtschaftlichen Ursprungs aus der ökologischen/biologischen Produktion, einschließlich ökologischer/biologischer Aquakultur, und aus natürlichen, nichtlandwirtschaftlichen Stoffen zusammensetzen.

Artikel 6

Spezifische Grundsätze für die Verarbeitung von ökologischen/biologischen Lebens- und Futtermitteln

Die Herstellung verarbeiteter ökologischer/biologischer Lebensmittel beruht insbesondere auf folgenden Grundsätzen:

- (a) Herstellung ökologischer/biologischer Lebensmittel aus ökologischen/biologischen Zutaten landwirtschaftlichen Ursprungs;
- (b) Herstellung ökologischer/biologischer Futtermittel aus ökologischen/biologischen Futtermittel-Ausgangserzeugnissen;
- (c) Beschränkung der Verwendung von Lebensmittelzusatzstoffen, von nichtökologischen/nichtbiologischen Zutaten mit überwiegend technischen und sensorischen Funktionen sowie von Mikronährstoffen und Verarbeitungshilfsstoffen auf ein Minimum und auf Fälle, in denen dies technologisch unbedingt gerechtfertigt ist oder besonderen Ernährungszwecken dient;
- (d) Beschränkung der Verwendung von Futtermittelzusatzstoffen und Verarbeitungshilfsstoffen auf ein Minimum und auf Fälle, in denen dies ein technologisch oder aus tierzüchterischen Gründen unbedingt gerechtfertigt ist oder besonderen Ernährungszwecken dient;
- (e) Ausschluss von Stoffen und Verarbeitungsverfahren, die in Bezug auf die tatsächliche Beschaffenheit des Erzeugnisses irreführend sein könnten;
- (f) sorgfältige Verarbeitung der Lebens- oder Futtermittel, vorzugsweise nach biologischen, mechanischen und physikalischen Methoden.

Kapitel III

Produktionsvorschriften

Artikel 7

Allgemeine Produktionsvorschriften

1. Die Unternehmer müssen folgende allgemeine Produktionsvorschriften einhalten:
 - (a) Der gesamte landwirtschaftliche Betrieb oder die gesamte Aquakulturanlage ist nach den Vorschriften für die ökologische/biologische Produktion zu bewirtschaften;
 - (b) vorbehaltlich anderslautender Bestimmungen in Anhang II Teil IV Nummer 2.2 und Teil VI Nummer 1.3 dürfen in der ökologischen/biologischen Landwirtschaft und der ökologischen/biologischen Aquakultur nur gemäß Artikel 19 zugelassene Erzeugnisse und Stoffe verwendet werden, sofern diese nach einschlägigen Unionsvorschriften und gegebenenfalls in den betreffenden Mitgliedstaaten nach nationalen Vorschriften im Einklang mit dem Unionsrecht für die Verwendung in der Landwirtschaft und Aquakultur zugelassen wurden;
 - (c) die Verwendung ionisierender Strahlen zur Behandlung ökologischer/biologischer Lebens- oder Futtermittel oder der in ökologischen/biologischen Lebens- oder Futtermitteln verwendeten Ausgangsstoffe ist verboten;
 - (d) ökologisch/biologisch wirtschaftende Unternehmer, ausgenommen Kleinstunternehmer, Landwirte und Unternehmer, die Meeresalgen oder Aquakulturtiere produzieren, führen zur Verbesserung ihrer Umweltleistung ein Umweltmanagementsystem ein.
2. Um sicherzustellen, dass die allgemeinen Produktionsvorschriften ordnungsgemäß angewendet werden, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zur Festlegung der Kriterien zu erlassen, die das Umweltmanagementsystem gemäß Absatz 1 Buchstabe d erfüllen muss. Diese Kriterien müssen die Besonderheiten von kleinen und mittleren Unternehmen berücksichtigen.

Artikel 8

Umstellung

1. Landwirte und Unternehmer, die Meeresalgen und Aquakulturtiere produzieren, müssen einen Umstellungszeitraum einhalten. Während des gesamten Umstellungszeitraums müssen sie die Vorschriften dieser Verordnung über die ökologische/biologische Produktion und insbesondere die spezifischen Vorschriften für die Umstellung in Anhang II anwenden.
2. Der Umstellungszeitraum beginnt frühestens, wenn der Landwirt oder der Meeresalgen oder Aquakulturtiere produzierende Unternehmer im Einklang mit dieser Verordnung den zuständigen Behörden seine Tätigkeit gemeldet hat.

- 2a. Für Flächen, die vor der Mitteilung gemäß Artikel 24 Absatz 1 während mindestens des für die Umstellung erforderlichen Zeitraums stillgelegt waren, ist abweichend von Absatz 2 kein Umstellungszeitraum erforderlich, sofern die anderen Anforderungen erfüllt sind.
3. Frühere Zeiträume dürfen nicht rückwirkend als Teil des Umstellungszeitraums anerkannt werden.
 4. Während des Umstellungszeitraums produzierte Erzeugnisse dürfen nicht als ökologische/biologische Erzeugnisse vermarktet werden.
 5. Abweichend von Artikel 7 Absatz 1 Buchstabe a kann ein landwirtschaftlicher Betrieb während des Umstellungszeitraums in deutlich getrennte Produktionseinheiten aufgeteilt werden, die nicht alle nach den Vorschriften für die ökologische/biologische Produktion wirtschaften. Bei Tierhaltung muss es sich während der Umstellung auf die ökologische/biologische Produktion um verschiedene Tierarten handeln. Bei Aquakultur kann es sich um die gleiche Art handeln, sofern eine angemessene Trennung zwischen den Produktionseinheiten besteht. Bei Pflanzen muss es sich während der Umstellung auf die ökologische/biologische Produktion um mehrere leicht zu unterscheidende Sorten handeln.
 6. Um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die ökologische/biologische Produktion und die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zur Ergänzung der Vorschriften des vorliegenden Artikels oder zur Ergänzung und Änderung der Vorschriften in Anhang II betreffend die Umstellung zu erlassen.

Artikel 9

Verbot der Verwendung von GVO

1. GVO und aus oder mit GVO hergestellte Erzeugnisse dürfen nicht in Lebens- oder Futtermitteln oder als Lebensmittel, Futtermittel, Verarbeitungshilfsstoff, Pflanzenschutzmittel, Düngemittel, Bodenverbesserer, Pflanzenvermehrungsmaterial, Mikroorganismus oder Tier in der ökologischen/biologischen Produktion verwendet werden.
2. Für die Zwecke von Absatz 1 können Unternehmer in Bezug auf GVO und aus oder mit GVO hergestellte Erzeugnisse im Zusammenhang mit Lebens- und Futtermitteln auf die Etikette auf dem Erzeugnis oder etwaige andere Begleitpapiere konsultieren, die gemäß der Richtlinie 2001/18/EG, der Verordnung (EG) Nr. 1829/2003 des Europäischen Parlaments und des Rates⁴⁸ oder der Verordnung (EG) Nr. 1830/2003 des Europäischen Parlaments und des Rates⁴⁹ auf dem Erzeugnis angebracht sind oder es begleiten.

⁴⁸ Verordnung (EG) Nr. 1829/2003 des Europäischen Parlaments und des Rates vom 22. September 2003 über genetisch veränderte Lebensmittel und Futtermittel (ABl. L 268 vom 18.10.2003, S. 1).

⁴⁹ Verordnung (EG) Nr. 1830/2003 des Europäischen Parlaments und des Rates vom 22. September 2003 über die Rückverfolgbarkeit und Kennzeichnung von genetisch veränderten Organismen und über die

3. Die Unternehmer können davon ausgehen, dass keine GVO oder aus oder durch GVO hergestellte Erzeugnisse für die Herstellung gekaufter Lebens- und Futtermittel verwendet wurden, wenn diese nicht gemäß den in Absatz 2 genannten Verordnungen gekennzeichnet oder mit einem Begleitpapier versehen sind, es sei denn, den Unternehmern liegen Informationen vor, die darauf hindeuten, dass die Kennzeichnung der betreffenden Erzeugnisse nicht mit den genannten Verordnungen im Einklang steht.

Artikel 10

Vorschriften für die Pflanzenproduktion

1. Unternehmer, die Pflanzen oder Pflanzenerzeugnisse produzieren, müssen insbesondere die spezifischen Produktionsvorschriften gemäß Anhang II Teil I einhalten.
2. Die Mitgliedstaaten tragen dafür Sorge, dass zur Erfassung der Sorten und des heterogenen Materials gemäß der Verordnung (EU) Nr. XX/XXX (Rechtsvorschriften für Pflanzenvermehrungsmaterial), für die bzw. das in ihrem Hoheitsgebiet Pflanzenvermehrungsmaterial aus ökologischer/biologischer Produktion zur Verfügung steht, eine elektronische Datenbank erstellt wird.
3. Um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die ökologische/biologische Pflanzenproduktion sowie die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die spezifischen Vorschriften für die Pflanzenproduktion in folgenden Punkten zu ändern oder zu ergänzen:
 - (a) Anbauverfahren;
 - (b) Bodenbewirtschaftung und Düngung;
 - (c) Pflanzengesundheit und Schädlings- und Unkrautbekämpfung;
 - (d) Management der Pilzproduktion und anderer spezifischer Pflanzen und Pflanzenproduktionssysteme;
 - (e) Herkunft des Pflanzenvermehrungsmaterials;
 - (f) Sammeln von Wildpflanzen.
4. Die Kommission legt im Wege von Durchführungsrechtsakten die technischen Einzelheiten für die Erstellung der Datenbank gemäß Absatz 2 fest. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.

Artikel 11

Vorschriften für die Tierproduktion

1. Tierproduzenten müssen insbesondere die spezifischen Produktionsvorschriften gemäß Anhang II Teil II einhalten.

Rückverfolgbarkeit von aus genetisch veränderten Organismen hergestellten Lebensmitteln und Futtermitteln sowie zur Änderung der Richtlinie 2001/18/EG (ABl. L 268 vom 18.10.2003, S. 24).

2. Um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die ökologische/biologische Tierproduktion sowie die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die spezifischen Vorschriften für die Tierproduktion in folgenden Punkten zu ändern oder zu ergänzen:
- (a) Herkunft der Tiere;
 - (b) Unterbringung der Tiere, einschließlich Mindeststallflächen und Mindestaußenflächen sowie der höchstzulässigen Anzahl Tiere je Hektar;
 - (c) Haltungspraktiken;
 - (d) Zucht;
 - (e) Futtermittel und Fütterung;
 - (f) Krankheitsvorsorge und tierärztliche Behandlung.

Artikel 12

Produktionsvorschriften für Meeresalgen und Aquakulturtiere

1. Unternehmer, die Meeresalgen und Aquakulturtiere produzieren, müssen insbesondere die spezifischen Produktionsvorschriften gemäß Anhang II Teil III einhalten.
2. Um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die ökologische/biologische Meeresalgenproduktion sowie die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die spezifischen Vorschriften für die Meeresalgenproduktion in folgenden Punkten zu ändern oder zu ergänzen:
- (a) Eignung des Wassermilieus und Plan für nachhaltige Bewirtschaftung;
 - (b) Ernte wilder Meeresalgenbestände;
 - (c) Meeresalgenkultur;
 - (d) Antifoulingmaßnahmen und Reinigung von Ausrüstungen und Anlagen.
3. Um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die ökologische/biologische Produktion von Aquakulturtieren sowie die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die spezifischen Produktionsvorschriften für Aquakulturtiere in folgenden Punkten zu ändern oder zu ergänzen:
- (a) Eignung des Wassermilieus und Plan für nachhaltige Bewirtschaftung;
 - (b) Herkunft der Aquakulturtiere;
 - (c) Aquakulturhaltung, einschließlich Wassergehege, Produktionssysteme, Höchstbesatzdichte und gegebenenfalls Mindestbesatzdichte;
 - (d) Zucht;
 - (e) Manipulation von Aquakulturtieren;
 - (f) Futtermittel und Fütterung;

- (g) Krankheitsvorsorge und tierärztliche Behandlung.

Artikel 13

Produktionsvorschriften für verarbeitete Lebens- und Futtermittel

1. Unternehmer, die verarbeitete Lebens- und Futtermittel herstellen, müssen insbesondere die spezifischen Produktionsvorschriften gemäß Anhang II Teil IV einhalten.
2. Um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die Produktion verarbeiteter Lebens- und Futtermittel sowie die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die spezifischen Produktionsvorschriften für verarbeitete Lebens- und Futtermittel in folgenden Punkten zu ändern oder zu ergänzen:
 - (a) anzuwendende Verfahren;
 - (b) zu treffende Vorsorgemaßnahmen;
 - (c) Zusammensetzung und Bedingungen für die Verwendung verarbeiteter Lebens- und Futtermittel, einschließlich Erzeugnisse und Stoffe, die in verarbeiteten Lebens- und Futtermitteln verwendet werden dürfen;
 - (d) Reinigungsmaßnahmen;
 - (e) Inverkehrbringen verarbeiteter Erzeugnisse einschließlich Kennzeichnung und Identifizierung;
 - (f) Trennung ökologischer/biologischer Erzeugnisse, Zutaten landwirtschaftlichen Ursprungs und Futtermittel-Ausgangserzeugnisse von nichtökologischen/nichtbiologischen Erzeugnissen, Zutaten landwirtschaftlichen Ursprungs und Futtermittel-Ausgangserzeugnissen;
 - (g) Verzeichnis der nichtökologischen/nichtbiologischen Zutaten landwirtschaftlichen Ursprungs, die ausnahmsweise bei der Herstellung von verarbeiteten ökologischen/biologischen Erzeugnissen verwendet werden dürfen;
 - (h) Berechnung des prozentualen Anteils von Zutaten landwirtschaftlichen Ursprungs gemäß Artikel 21 Absatz 3 Buchstabe a Ziffer ii und Buchstabe b;
 - (i) bei der Verarbeitung von Lebens- oder Futtermitteln eingesetzte Techniken.

Artikel 14

Produktionsvorschriften für Wein

1. Unternehmer, die Erzeugnisse des Weinsektors herstellen, müssen insbesondere die spezifischen Produktionsvorschriften gemäß Anhang II Teil V einhalten.
2. Um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die ökologische/biologische Weinproduktion sowie die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen,

delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die spezifischen Produktionsvorschriften für Wein in Bezug auf ökologische Verfahren und Einschränkungen zu ändern oder zu ergänzen.

Artikel 15

Produktionsvorschriften für Hefe, die als Lebens- oder Futtermittel verwendet wird

1. Unternehmer, die Hefe herstellen, die als Lebens- oder Futtermittel verwendet wird, müssen insbesondere die spezifischen Produktionsvorschriften gemäß Anhang II Teil VI einhalten.
2. Um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die Herstellung von ökologischer/biologischer Hefe sowie die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die spezifischen Produktionsvorschriften für Hefe in Bezug auf die Verarbeitung und die verwendeten Substrate zu ändern oder zu ergänzen.

Artikel 16

Produktionsvorschriften für sonstige Erzeugnisse

Um einem eventuellen künftigen Bedarf an spezifischen Produktionsvorschriften für andere als die in den Artikeln 10 bis 15 genannten Erzeugnisse Rechnung zu tragen und um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die ökologische/biologische Produktion dieser zusätzlichen Erzeugnisse und die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um Anhang II in Bezug auf spezifische Produktionsvorschriften für solche Erzeugnisse zu ändern oder zu ergänzen.

Artikel 17

Ausnahmen von den Produktionsvorschriften

Damit die ökologische/biologische Produktion in Katastrophenfällen unter Berücksichtigung der Grundsätze in Kapitel II aufrecht erhalten oder wiederaufgenommen werden kann, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um Kriterien für die Entscheidung über das Vorliegen eines Katastrophenfalls sowie spezifische Vorschriften für die Behandlung solcher Fälle, die Überwachung und die Berichtspflichten festzulegen.

Artikel 18

Abholung, Verpackung, Beförderung und Lagerung

- (1) Ökologische/biologische Erzeugnisse werden nach den Vorschriften in Anhang III abgeholt, verpackt, befördert und gelagert.
- (2) Um die Integrität der ökologischen/biologischen Produktion und die Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen,

delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die Vorschriften in Anhang III zu ändern oder zu ergänzen.

Artikel 19

Zulassung von Erzeugnissen und Stoffen, die in der ökologischen/biologischen Produktion verwendet werden

1. Die Kommission kann bestimmte Erzeugnisse und Stoffe zur Verwendung in der ökologischen/biologischen Produktion für folgende Zwecke zulassen und sie in beschränkte Verzeichnisse aufnehmen:
 - (a) als Pflanzenschutzmittel;
 - (b) als Düngemittel, Bodenverbesserer und Nährstoffe;
 - (c) als Futtermittel-Ausgangserzeugnisse;
 - (d) als Futtermittelzusatzstoffe und Verarbeitungshilfsstoffe;
 - (e) als Mittel zur Reinigung und Desinfektion von Teichen, Käfigen, Becken, Fließkanälen, Gebäuden und Anlagen für die tierische Erzeugung;
 - (f) als Mittel zur Reinigung und Desinfektion von Gebäuden und Anlagen für die pflanzliche Erzeugung, einschließlich Lagerung in einem landwirtschaftlichen Betrieb.

Die Kommission kann insbesondere bestimmte Erzeugnisse und Stoffe zur Verwendung in der Produktion ökologischer/biologischer Verarbeitungserzeugnisse für folgende Zwecke zulassen und sie in beschränkte Verzeichnisse aufnehmen:

- (a) als Lebensmittelzusatzstoffe, Lebensmittelenzyme und Verarbeitungshilfsstoffe;
 - (b) als Verarbeitungshilfsstoffe für die Herstellung von Hefe und Hefeprodukten.
2. Die Zulassung der in Absatz 1 Unterabsatz 1 genannten Erzeugnisse und Stoffe für die Verwendung in der ökologischen/biologischen Produktion unterliegt den Grundsätzen des Kapitels II sowie folgenden Kriterien, die als Ganzes zu bewerten sind:
 - (a) Ihre Verwendung ist für eine nachhaltige Produktion notwendig und für deren beabsichtigte Verwendung unerlässlich;
 - (b) alle Erzeugnisse und Stoffe müssen pflanzlichen, tierischen, mikrobiellen oder mineralischen Ursprungs sein, es sei denn, solche Erzeugnisse oder Stoffe sind nicht in ausreichender Menge oder Qualität erhältlich oder Alternativen stehen nicht zur Verfügung;
 - (c) im Falle der in Absatz 1. Unterabsatz 1 Buchstabe a genannten Erzeugnisse gilt Folgendes:
 - i) Ihre Verwendung ist unerlässlich für die Bekämpfung eines Schädlings, d. h. es stehen keine anderen biologischen, physischen, züchterischen Alternativen oder anbautechnischen Praktiken oder sonstigen effizienten Bewirtschaftungspraktiken zur Verfügung;

- ii) Erzeugnisse, die nicht pflanzlichen, tierischen, mikrobiellen oder mineralischen Ursprungs und nicht mit ihrer natürlichen Form identisch sind, dürfen nur zugelassen werden, wenn ihre Verwendungsbedingungen jeglichen Kontakt mit den essbaren Teilen der Pflanze ausschließen;
- (d) im Falle der in Absatz 1 Unterabsatz 1 Buchstabe b genannten Erzeugnisse ist die Verwendung unerlässlich, um die Fruchtbarkeit des Bodens zu fördern oder zu erhalten oder besondere Ernährungsbedürfnisse der Pflanzen zu decken oder spezifische Bodenverbesserungszwecke zu erfüllen;
- (e) im Falle der in Absatz 1 Unterabsatz 1 Buchstaben c und d genannten Erzeugnisse gilt Folgendes:
 - i) Ihre Verwendung ist im Interesse der Tiergesundheit, des Tierschutzes und der Vitalität der Tiere erforderlich und trägt zu einer angemessenen Ernährung bei, die den physiologischen und Verhaltensbedürfnissen der betreffenden Art entspricht, oder ihre Verwendung ist für die Herstellung oder Haltbarmachung von Futtermitteln erforderlich, da es ohne Rückgriff auf diese Stoffe unmöglich ist, solche Futtermittel herzustellen oder haltbar zu machen;
 - ii) Futtermittel mineralischen Ursprungs, Spurenelemente, Vitamine oder Provitamine müssen natürlichen Ursprungs sein, es sei denn, solche Erzeugnisse oder Stoffe sind nicht in ausreichender Menge oder Qualität erhältlich oder Alternativen stehen nicht zur Verfügung.

Die Zulassung der in Absatz 1 Unterabsatz 2 genannten Erzeugnisse und Stoffe für die Verwendung in der Produktion verarbeiteter ökologischer/biologischer Lebensmittel unterliegt den Grundsätzen des Kapitels II sowie folgenden Kriterien, die als Ganzes zu bewerten sind:

- (a) Gemäß diesem Artikel zugelassene Alternativen stehen nicht zur Verfügung;
- (b) ohne Rückgriff auf diese Erzeugnisse und Stoffe kann das Lebensmittel nicht hergestellt oder haltbar gemacht werden oder können ernährungsspezifische Anforderungen, die aufgrund des Unionsrechts festgelegt wurden, nicht eingehalten werden;
- (c) sie müssen in der Natur vorkommen und dürfen nur mechanischen, physikalischen, biologischen, enzymatischen oder mikrobiologischen Prozessen unterzogen worden sein, außer wenn solche Erzeugnisse und Stoffe nicht in ausreichender Menge oder Qualität erhältlich sind.

Die Genehmigung der Verwendung chemisch-synthetischer Erzeugnisse oder Stoffe ist strikt auf Fälle beschränkt, in denen die Verwendung von externen Produktionsmitteln gemäß Artikel 4 Buchstabe f zu unannehmbaren Umweltfolgen beitragen würde.

3. Um Qualität, Rückverfolgbarkeit und Einhaltung der Vorschriften dieser Verordnung für die ökologische/biologische Produktion im Allgemeinen und die Herstellung verarbeiteter ökologischer/biologischer Lebensmittel im Besonderen sowie die

Anpassung an technische Entwicklungen sicherzustellen, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um zusätzliche Kriterien für die Zulassung oder den Entzug der Zulassung von Erzeugnissen und Stoffen gemäß Absatz 1 für die Verwendung in der ökologischen/biologischen Produktion im Allgemeinen und die Herstellung verarbeiteter ökologischer/biologischer Lebensmittel im Besonderen sowie andere Vorschriften und Bedingungen für die Verwendung solcher genehmigten Erzeugnisse und Stoffe festzulegen.

4. Ist ein Mitgliedstaat der Ansicht, dass ein Erzeugnis oder Stoff in das in Absatz 1 genannte Verzeichnis der zugelassenen Erzeugnisse und Stoffe aufgenommen oder daraus gestrichen werden sollte oder dass die in den Produktionsvorschriften genannten Verwendungsbedingungen geändert werden sollten, so stellt er sicher, dass der Kommission und den anderen Mitgliedstaaten offiziell ein Dossier mit den Gründen für die Aufnahme, Streichung oder Änderung übermittelt wird.

Änderungs- oder Streichungsanträge werden von den Mitgliedstaaten veröffentlicht.

5. Die Kommission erlässt Durchführungsrechtsakte für die Zulassung oder den Entzug der Zulassung von Erzeugnissen und Stoffen, die in der ökologischen/biologischen Produktion im Allgemeinen und für die Herstellung verarbeiteter ökologischer/biologischer Lebensmittel im Besonderen verwendet werden dürfen, und zur Festlegung des Zulassungsverfahrens und der Verzeichnisse der betreffenden Erzeugnisse und Stoffe und gegebenenfalls ihrer Beschreibung, ihrer vorgegebenen Zusammensetzung und ihrer Verwendungsbedingungen. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.

Artikel 20

Vorhandensein nicht zugelassener Erzeugnisse oder Stoffe

1. Erzeugnisse, in denen Erzeugnisse oder Stoffe, die nicht gemäß Artikel 19 zugelassen wurden, in Mengen nachgewiesen werden, die über die insbesondere unter Berücksichtigung der Richtlinie 2006/125/EG festgelegten Schwellenwerte hinausgehen, dürfen nicht als ökologisch/biologisch vermarktet werden.
2. Um die Wirksamkeit, Effizienz und Transparenz des Systems für die ökologische/biologische Produktion und die Kennzeichnung ökologischer/biologischer Erzeugnisse zu gewährleisten, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um bestimmte Kriterien und Bedingungen für die Anwendung der Schwellenwerte gemäß Absatz 1 festzulegen, diese Schwellenwerte festzusetzen und ihre Anpassung an technische Entwicklungen zu regeln.
3. Abweichend von Artikel 211 Absatz 1 der Verordnung (EU) Nr. 1308/2013 und vorbehaltlich einer Genehmigung durch die Kommission ohne Anwendung des Verfahrens gemäß Artikel 37 Absatz 2 oder 3 der vorliegenden Verordnung können die Mitgliedstaaten Landwirten nationale Zahlungen gewähren, um die Verluste infolge der Kontaminierung der landwirtschaftlichen Erzeugnisse durch unzulässige Erzeugnisse oder Stoffe, die eine Vermarktung dieser Erzeugnisse als ökologische/biologische Produkte verhindert, auszugleichen, sofern die Landwirte alle angemessenen Maßnahmen getroffen haben, um das Risiko einer solchen

Kontaminierung zu vermeiden. Die Mitgliedstaaten können auch die Instrumente der Gemeinsamen Agrarpolitik nutzen, um solche Verluste ganz oder teilweise zu decken.

Kapitel IV

Kennzeichnung

Artikel 21

Verwendung von Begriffen zum Verweis auf die ökologische/biologische Produktion

1. Im Sinne dieser Verordnung gilt ein Erzeugnis als mit Verweis auf die ökologische/biologische Produktion gekennzeichnet, wenn auf dem Etikett, in der Werbung oder in den Geschäftspapieren das Erzeugnis, seine Zutaten oder die Futtermittel-Ausgangserzeugnisse mit Begriffen beschrieben werden, die dem Käufer nahelegen, dass das Erzeugnis, seine Bestandteile oder die Futtermittel-Ausgangserzeugnisse nach den Vorschriften dieser Verordnung produziert wurden. Insbesondere dürfen die in Anhang IV aufgeführten Begriffe, daraus abgeleitete Bezeichnungen und Diminutive wie „Bio-“ und „Öko-“, allein oder kombiniert, in der gesamten Union und in allen in dem genannten Anhang aufgeführten Sprachen zur Kennzeichnung von Erzeugnissen und in ihrer Werbung verwendet werden, wenn diese Erzeugnisse die Vorschriften dieser Verordnung erfüllen.

2. In Bezug auf die in Artikel 2 Absatz 1 genannten Erzeugnisse dürfen die Begriffe gemäß Absatz 1 des vorliegenden Artikels nirgendwo in der Union und in keiner der in Anhang IV aufgeführten Sprachen für die Kennzeichnung, in der Werbung sowie in den Geschäftspapieren von Erzeugnissen verwendet werden, die die Vorschriften dieser Verordnung nicht erfüllen.

Darüber hinaus sind alle Begriffe, einschließlich in Handelsmarken verwendeter Begriffe, sowie Kennzeichnungs- und Werbepraktiken, die den Verbraucher oder Nutzer irreführen können, indem sie ihn glauben lassen, dass das betreffende Erzeugnis oder die zu seiner Produktion verwendeten Zutaten die Vorschriften dieser Verordnung erfüllen, nicht zulässig.

3. Bei verarbeiteten Lebensmitteln dürfen die Begriffe nach Absatz 1 in folgenden Fällen verwendet werden:

- (a) in der Verkehrsbezeichnung, vorausgesetzt
 - i) die verarbeiteten Lebensmittel entsprechen den Produktionsvorschriften in Anhang II Teil IV;
 - ii) mindestens 95 % der Zutaten landwirtschaftlichen Ursprungs stammen aus ökologischer/biologischer Produktion;
- (b) nur im Verzeichnis der Zutaten, wenn mindestens 95 % der Zutaten landwirtschaftlichen Ursprungs aus ökologischer/biologischer Produktion stammen und den Produktionsvorschriften dieser Verordnung entsprechen.

Im Verzeichnis der Zutaten gemäß Unterabsatz 1 Buchstabe b ist anzugeben, welche Zutaten ökologisch/biologisch sind. Der Bezug auf die ökologische/biologische Produktion darf nur im Zusammenhang mit den ökologischen/biologischen Zutaten erscheinen. Im Verzeichnis der Zutaten ist der Gesamtanteil der ökologischen/biologischen Zutaten an der Gesamtmenge der Zutaten landwirtschaftlichen Ursprungs anzugeben.

Die Begriffe gemäß Absatz 1 und der Prozentanteil gemäß Unterabsatz 1 Buchstabe b müssen in derselben Farbe, Größe und Schrifttype wie die übrigen Angaben im Verzeichnis der Zutaten erscheinen.

4. Um Klarheit für die Verbraucher zu schaffen und sicherzustellen, dass sie angemessen informiert werden, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die Liste der Angaben in Anhang IV aufgrund sprachlicher Entwicklungen in den Mitgliedstaaten anzupassen und bestimmte Vorschriften für die Kennzeichnung und Zusammensetzung von Futtermitteln und Futtermittelzutaten festzulegen.

Artikel 22

Verbindliche Angaben

1. Werden Begriffe nach Artikel 21 Absatz 1 verwendet, muss
 - (a) die Kennzeichnung auch die Codenummer der Kontrollbehörde oder Kontrollstelle enthalten, die für die Kontrolle des Unternehmers zuständig ist, der die letzte Erzeugungs- oder Aufbereitungshandlung vorgenommen hat;
 - (b) bei vorverpackten Lebensmitteln gemäß Artikel 2 Absatz 2 Buchstabe e der Verordnung (EU) Nr. 1169/2011 auf der Verpackung auch das Logo der Europäischen Union für ökologische/biologische Produktion gemäß Artikel 23 erscheinen.
2. Bei der Verwendung des Logos der Europäischen Union für ökologische/biologische Produktion muss im selben Sichtfeld wie das Logo auch der Ort der Erzeugung der landwirtschaftlichen Ausgangsstoffe erscheinen, aus denen sich das Erzeugnis zusammensetzt, und zwar je nach Fall in einer der folgenden Formen:
 - (a) „EU-Landwirtschaft“, wenn die landwirtschaftlichen Ausgangsstoffe in der Union erzeugt wurden;
 - (b) „Nicht-EU-Landwirtschaft“, wenn die landwirtschaftlichen Ausgangsstoffe in Drittländern erzeugt wurden;
 - (c) „EU-/Nicht-EU-Landwirtschaft“, wenn die landwirtschaftlichen Ausgangsstoffe zum Teil in der Union und zum Teil in einem Drittland erzeugt wurden.

Das Wort „Landwirtschaft“ kann gegebenenfalls durch das Wort „Aquakultur“ ersetzt werden.

Sind alle landwirtschaftlichen Ausgangsstoffe, aus denen sich das Erzeugnis zusammensetzt, in ein und demselben Land erzeugt worden, so kann die Angabe „EU“ oder „Nicht-EU“ durch die Angabe dieses Landes ersetzt oder um diese ergänzt werden.

Bei der Angabe „EU“ oder „Nicht-EU“ können kleine Gewichtsmengen an Zutaten außer Acht gelassen werden, sofern die Gesamtmenge der nicht berücksichtigten Zutaten 5 Gewichtsprozent der Gesamtmenge der landwirtschaftlichen Ausgangsstoffe nicht übersteigt.

Die Angabe „EU“ oder „Nicht-EU“ darf nicht in einer auffälligeren Farbe, Größe oder Schrifttype als die Verkehrsbezeichnung des Lebensmittels erscheinen.

3. Die Angaben gemäß den Absätzen 1 und 2 dieses Artikels und gemäß Artikel 23 Absatz 3 müssen an gut sichtbarer Stelle angebracht, deutlich lesbar und unverwischbar sein.
4. Um Klarheit für die Verbraucher zu schaffen und sicherzustellen, dass sie angemessen informiert werden, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um weitere Vorschriften für die Kennzeichnung und Verwendung der Angaben gemäß Absatz 1 Buchstabe a und Absatz 2 dieses Artikels und gemäß Artikel 23 Absatz 3 festzulegen.
5. Die Kommission legt im Wege von Durchführungsrechtsakten Folgendes fest:
 - (a) spezifische und praktische Modalitäten der Gestaltung, Zusammensetzung und Größe der Angaben gemäß Absatz 1 Buchstabe a und Absatz 2 dieses Artikels und gemäß Artikel 23 Absatz 3;
 - (b) die Zuweisung von Codenummern an Kontrollbehörden und Kontrollstellen;
 - (c) die Angabe des Standorts, an dem die landwirtschaftlichen Ausgangsstoffe erzeugt wurden, gemäß Absatz 2 dieses Artikels und gemäß Artikel 23 Absatz 3.

Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.

Artikel 23

Logo der Europäischen Union für ökologische/biologische Produktion

1. Das Logo der Europäischen Union für ökologische/biologische Produktion darf in der Kennzeichnung und Aufmachung von Erzeugnissen sowie in der Werbung hierfür verwendet werden, sofern diese Erzeugnisse die Vorschriften dieser Verordnung erfüllen.
2. Das Logo der Europäischen Union für ökologische/biologische Produktion ist eine amtliche Attestierung im Sinne der Artikel 85 und 90 der Verordnung (EU) Nr. XXX/XXXX [Verordnung über amtliche Kontrollen].
3. Die Verwendung des Logos der Europäischen Union für ökologische/biologische Produktion für aus Drittländern eingeführte Erzeugnisse erfolgt auf freiwilliger Basis. Erscheint das Logo in der Kennzeichnung, muss diese auch die Angabe gemäß Artikel 22 Absatz 2 enthalten.
4. Das Logo der Europäischen Union für ökologische/biologische Produktion wird nach dem Muster und im Einklang mit den Vorschriften in Anhang V erstellt.
5. Nationale und private Logos dürfen in der Kennzeichnung und Aufmachung von Erzeugnissen sowie in der Werbung hierfür verwendet werden, sofern diese Erzeugnisse die Vorschriften dieser Verordnung erfüllen.
6. Um Klarheit für die Verbraucher zu schaffen und sicherzustellen, dass sie angemessen informiert werden, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um das Logo der Europäischen Union für ökologische/biologische Produktion und die ihm zugrunde liegenden Vorschriften in Anhang V zu ändern.

Kapitel V

Zertifizierung ökologischer/biologischer Erzeugnisse

Artikel 24

System zur Zertifizierung ökologischer/biologischer Erzeugnisse

1. Unternehmer oder Unternehmergruppen, die ökologische/biologische Erzeugnisse produzieren, aufbereiten oder lagern, solche Erzeugnisse aus einem Drittland einführen oder in ein Drittland ausführen oder solche Erzeugnisse in Verkehr bringen, müssen ihre Tätigkeit vor dem Inverkehrbringen von Erzeugnissen als ökologische/biologische Erzeugnisse oder vor der Umstellung den zuständigen Behörden des Mitgliedstaats, in dem diese Tätigkeit ausgeübt wird, mitteilen.
2. Vergeben Unternehmer oder Unternehmergruppen die Durchführung einer ihrer Tätigkeiten als Unterauftrag an Dritte, so müssen sowohl die Unternehmer und Unternehmergruppen als auch die Dritten, an die diese Tätigkeiten als Unterauftrag vergeben wurden, die Vorschriften von Absatz 1 einhalten.
3. Unternehmer und Unternehmergruppen führen Buch über die Tätigkeiten, die sie im Rahmen dieser Verordnung ausüben.
4. Die zuständigen Behörden führen ein aktualisiertes Verzeichnis mit Namen und Anschriften der Unternehmer und Unternehmergruppen, die ihre Tätigkeiten gemäß Absatz 1 mitgeteilt haben, und veröffentlichen dieses Verzeichnis zusammen mit den Angaben über Bio-Zertifikate dieser Unternehmer und Unternehmergruppen gemäß Artikel 25 Absatz 1. Die zuständigen Behörden beachten dabei die Anforderungen an den Schutz personenbezogener Daten gemäß der Richtlinie 95/46/EG des Europäischen Parlaments und des Rates⁵⁰.
5. Die Mitgliedstaaten stellen sicher, dass die Gebühren, die von den zuständigen Behörden, Kontrollbehörden oder Kontrollstellen gemäß Artikel 76 der Verordnung (EU) Nr. XX/XXXX (Verordnung über amtliche Kontrollen) erhoben werden können, veröffentlicht werden.
6. Um die Wirksamkeit, Effizienz und Transparenz des Systems für die ökologische/biologische Produktion und die Kennzeichnung ökologischer/biologischer Erzeugnisse zu gewährleisten, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um Vorschriften für die Buchführung, für die Veröffentlichung des Verzeichnisses gemäß Absatz 4 des vorliegenden Artikels sowie Anforderungen und Verfahrensvorschriften für die Veröffentlichung der Gebühren gemäß Absatz 5 des vorliegenden Artikels und für die Überwachung der Erhebung dieser Gebühren durch die zuständigen Behörden festzulegen.
7. Die Kommission kann im Wege von Durchführungsrechtsakten Einzelheiten und Spezifikationen betreffend Inhalt, Form und Art der Übermittlung der Mitteilungen gemäß Absatz 1 und betreffend die Form der Veröffentlichung der Gebühren gemäß

⁵⁰ Richtlinie 95/46/EG des Europäischen Parlaments und des Rates vom 24. Oktober 1995 zum Schutz natürlicher Personen bei der Verarbeitung personenbezogener Daten und zum freien Datenverkehr (ABl. L 281 vom 23.11.1995, S. 31).

Absatz 5 festlegen. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.

Artikel 25

Bio-Zertifikat

1. Unternehmer und Unternehmergruppen, die ihre Tätigkeit gemäß Artikel 24 Absatz 1 mitgeteilt haben und die Anforderungen dieser Verordnung erfüllen, haben Anspruch auf Erteilung eines Bio-Zertifikats. Dieses Bio-Zertifikat, das möglichst in elektronischer Form erteilt wird, muss zumindest Aufschluss über die Identität des Unternehmers oder der Unternehmergruppe, die Art oder das Sortiment der Erzeugnisse, auf die sich das Zertifikat bezieht, und über die Geltungsdauer des Zertifikats geben.
2. Das Bio-Zertifikat ist eine amtliche Bescheinigung im Sinne der Artikel 85 und 86 der Verordnung (EU) Nr. XXX/XXX (Verordnung über amtliche Kontrollen).
3. Unternehmer und Unternehmergruppen haben keinen Anspruch auf Erteilung eines Bio-Zertifikats durch verschiedene Kontrollbehörden oder Kontrollstellen für dieselbe Gruppe von Erzeugnissen, auch wenn sie auf verschiedenen Produktions-, Zubereitungs- und Vertriebsstufen tätig sind.
4. Mitglieder einer Unternehmergruppe haben keinen Anspruch auf Erteilung eines Einzelzertifikats für Tätigkeiten, die durch ein Gruppenzertifikat abgedeckt sind.
5. Die Unternehmer müssen systematisch die Bio-Zertifikate ihrer Lieferanten prüfen.
6. Um die Wirksamkeit, Effizienz und Transparenz des Systems für die ökologische/biologische Produktion und die Kennzeichnung ökologischer/biologischer Erzeugnisse zu gewährleisten, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 in Bezug auf die Kriterien für die Festlegung der Gruppe von Erzeugnissen gemäß Absatz 3 zu erlassen.

Artikel 26

Unternehmergruppe

1. Jede Unternehmergruppe richtet ein System für interne Kontrollen ein. Dieses System besteht aus einer Reihe dokumentierter Kontrolltätigkeiten und -verfahren, bei denen eine bestimmte Person oder Stelle dafür zuständig ist, die Einhaltung dieser Verordnung bei jedem Mitglied der Gruppe zu überprüfen.
2. Mängel bei der Einrichtung oder Funktionsweise des Systems für interne Kontrollen gemäß Absatz 1, insbesondere die Nichtaufdeckung von oder fehlende Abhilfemaßnahmen bei Verstößen einzelner Mitglieder der Unternehmergruppe, die sich auf die Integrität der ökologischen/biologischen Erzeugnisse auswirken, können zum Entzug der Zertifizierung für die gesamte Gruppe führen.
3. Um sicherzustellen, dass die Zertifizierung einer Unternehmergruppe wirksam und effizient erfolgt, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die Verantwortlichkeiten der einzelnen Mitglieder einer Unternehmergruppe, die Zusammensetzung und Größe einer

Unternehmergruppe, die von einer Unternehmergruppe zu produzierenden Kategorien von Erzeugnissen, die Bedingungen für die Mitgliedschaft in einer Unternehmergruppe, den Aufbau und die Funktionsweise des Systems der Gruppe für interne Kontrollen, einschließlich Umfang, Gegenstand und Häufigkeit der durchzuführenden Kontrollen, festzulegen.

4. Die Kommission kann Durchführungsrechtsakte zur Regelung des Austauschs von Informationen zwischen Unternehmergruppen und zuständigen Behörden, Kontrollbehörden oder Kontrollstellen sowie zwischen Mitgliedstaaten und Kommission erlassen. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.

Kapitel VI

Handel mit Drittländern

Artikel 27

Ausfuhr ökologischer/biologischer Erzeugnisse

1. Ein Erzeugnis darf als ökologisches/biologisches Erzeugnis aus der Union ausgeführt werden und das Logo der Europäischen Union für ökologische/biologische Produktion tragen, sofern es den Vorschriften dieser Verordnung entspricht.
Ein Erzeugnis kann jedoch als ökologisches/biologisches Erzeugnis in ein gemäß Artikel 31 anerkanntes Drittland ausgeführt werden, wenn es die in dem betreffenden Drittland geltenden Anforderungen für das Inverkehrbringen als ökologisches/biologisches Erzeugnis erfüllt.
2. Um für die Unternehmer ungleiche Bedingungen bei der Ausfuhr in Drittländer zu vermeiden, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 mit spezifischen Vorschriften für die Ausfuhr ökologischer/biologischer Erzeugnisse in gemäß Artikel 31 anerkannte Drittländer zu erlassen.
3. Um einen fairen Wettbewerb zwischen Unternehmern zu gewährleisten, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 in Bezug auf die für Drittland Zollbehörden bestimmten Dokumente (insbesondere einer Ausfuhrbescheinigung für ökologische/biologische Erzeugnisse, die möglichst in elektronischer Form vorzulegen ist) zu erlassen, mit denen bescheinigt wird, dass die ausgeführten ökologischen/biologischen Erzeugnisse die Vorschriften dieser Verordnung erfüllen.

Artikel 28

Einfuhr ökologischer/biologischer Erzeugnisse

1. Ein aus einem Drittland eingeführtes Erzeugnis darf in der Union als ökologisches/biologisches Erzeugnis in Verkehr gebracht werden, sofern folgende Bedingungen erfüllt sind:
 - (a) es handelt sich um ein ökologisch/biologisches Erzeugnis gemäß Artikel 2 Absatz 1;
 - (b) das Erzeugnis
 - i) genügt den Vorschriften der Kapitel II, III und IV und alle Unternehmer, einschließlich der Ausführer in dem betreffenden Drittland, wurden der Kontrolle durch nach Artikel 29 anerkannte Kontrollbehörden oder Kontrollstellen unterworfen, oder
 - ii) stammt aus einem anerkannten Drittland gemäß
 - Artikel 30 oder
 - Artikel 31;

- (c) die Unternehmer in dem betreffenden Drittland können den Einführern oder den nationalen Behörden jederzeit Informationen vorlegen, die die Identifizierung des Unternehmers, der den letzten Arbeitsgang durchgeführt hat, gestatten, um so die Rückverfolgbarkeit des ökologischen/biologischen Erzeugnisses sicherzustellen.
- 2. Um die Rückverfolgbarkeit der zum Inverkehrbringen auf dem Unionsmarkt als ökologische/biologische Erzeugnisse bestimmten Einfuhrerzeugnisse zu gewährleisten, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 in Bezug auf die erforderlichen Einfuhrdokumente, die möglichst in elektronischer Form vorzulegen sind, zu erlassen.
- 3. Die Einhaltung der Bedingungen und Maßnahmen für die Einfuhr von ökologischen/biologischen Erzeugnissen in die Union wird gemäß Artikel 45 Absatz 1 der Verordnung (EU) Nr. XXX/XXX (Verordnung über amtliche Kontrollen) an Grenzkontrollstellen kontrolliert. Die Häufigkeit der physischen Kontrollen gemäß Artikel 47 Absatz 3 der genannten Verordnung richtet sich nach dem Risiko von Verstößen gegen die vorliegende Verordnung.

Artikel 29

Anerkennung von Kontrollbehörden und Kontrollstellen

- 1. Die Kommission kann Durchführungsrechtsakte zur Anerkennung bzw. zum Entzug der Anerkennung von Kontrollbehörden und Kontrollstellen erlassen, die die in einem delegierten Rechtsakt gemäß Absatz 7 festgelegten Kriterien erfüllen, oder die für die Durchführung von Kontrollen in Drittländern zuständig sind, sowie zur Erstellung eines Verzeichnisses jener Kontrollbehörden und Kontrollstellen. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.
- 2. Die Kontrollstellen müssen gemäß der einschlägigen harmonisierten Norm „Konformitätsbewertung - Anforderungen an Stellen, die Produkte, Prozesse und Dienstleistungen zertifizieren“, deren Fundstelle im *Amtsblatt der Europäischen Union* veröffentlicht wurde, akkreditiert sein.
- 3. Die Akkreditierung gemäß Absatz 2 kann nur vorgenommen werden von
 - (a) einer Akkreditierungsstelle eines Mitgliedstaats der Union im Einklang mit den Vorschriften der Verordnung (EG) Nr. 765/2008 des Europäischen Parlaments und des Rates⁵¹ oder
 - (b) einer Akkreditierungsstelle eines Drittlands, das Unterzeichner einer multilateralen Vereinbarung über die Anerkennung von Produktzertifizierungen des Internationalen Akkreditierungsforums ist.
- 4. Bei der Prüfung der Anträge auf Anerkennung fordert die Kommission bei der Kontrollbehörde oder Kontrollstelle alle erforderlichen Informationen an.

Die anerkannten Kontrollbehörden oder Kontrollstellen stellen das von der Akkreditierungsstelle ausgestellte Zertifikat bzw. den Bewertungsbericht der

⁵¹ Verordnung (EG) Nr. 765/2008 des Europäischen Parlaments und des Rates vom 9. Juli 2008 über die Vorschriften für die Akkreditierung und Marktüberwachung im Zusammenhang mit der Vermarktung von Produkten und zur Aufhebung der Verordnung (EWG) Nr. 339/93 des Rates (ABl. L 218 vom 13.8.2008, S. 30).

zuständigen Behörde und gegebenenfalls Berichte über die regelmäßige Evaluierung vor Ort, die Überwachung und die mehrjährige Neubewertung ihrer Tätigkeiten zur Verfügung.

5. Auf der Grundlage der Informationen gemäß Absatz 4 stellt die Kommission eine angemessene Überwachung über die anerkannten Kontrollbehörden und Kontrollstellen sicher, indem sie eine regelmäßige Überprüfung ihrer Anerkennung vornimmt. Für die Zwecke dieser Überwachung kann die Kommission zusätzliche Informationen bei den akkreditierten Stellen oder gegebenenfalls den zuständigen Behörden anfordern.
6. Die Art der Überwachung wird anhand einer Bewertung des Risikos von Verstößen festgelegt.
7. Um die Transparenz der Anerkennungs- und Überwachungsverfahren zu gewährleisten, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die Kriterien für die Anerkennung und den Entzug der Anerkennung von Kontrollbehörden und Kontrollstellen gemäß Absatz 1 festzulegen und die Ausübung der Überwachungsbefugnisse durch die Kommission, auch durch Kontrollen vor Ort, zu regeln.
8. Die Kommission kann Durchführungsrechtsakte erlassen, um bei Verstößen oder mutmaßlichen Verstößen, die die Integrität der im Rahmen der Anerkennung gemäß diesem Artikel eingeführten ökologischen/biologischen Erzeugnisse beeinträchtigen, die Durchführung von Maßnahmen zu gewährleisten. Solche Maßnahmen können insbesondere die Überprüfung der Integrität der ökologischen/biologischen Erzeugnisse vor dem Inverkehrbringen in der Union und gegebenenfalls die Aussetzung der Genehmigung für das Inverkehrbringen solcher Erzeugnisse als ökologische/biologische Erzeugnisse in der Union umfassen. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.
9. Wenn dies in gerechtfertigten Dringlichkeitsfällen, die den Schutz gegen unlautere Praktiken oder nicht mit den Grundsätzen und Regeln für die ökologische/biologische Produktion vereinbare Praktiken, die Erhaltung des Verbrauchervertrauens oder die Sicherung eines fairen Wettbewerbs zwischen Unternehmen betreffen, erforderlich ist, erlässt die Kommission unverzüglich anwendbare Durchführungsrechtsakte nach dem Verfahren gemäß Artikel 37 Absatz 3, um die Maßnahmen gemäß Absatz 8 des vorliegenden Artikels treffen oder über den Entzug der Anerkennung der Kontrollbehörden und Kontrollstellen gemäß Absatz 1 des vorliegenden Artikels beschließen zu können.

Artikel 30

Gleichwertigkeit im Rahmen einer Handelsvereinbarung

Ein anerkanntes Drittland gemäß Artikel 28 Absatz 1 Buchstabe b Ziffer ii erster Gedankenstrich ist ein Drittland, für das die Union im Rahmen einer Handelsvereinbarung anerkannt hat, dass dessen Produktionssystem infolge der Anwendung von Vorschriften, die die gleiche Konformitätsgarantie bieten wie die Vorschriften der Union, die gleichen Ziele und Grundsätze erfüllt.

Gleichwertigkeit im Rahmen der Verordnung (EG) Nr. 834/2007

1. Ein anerkanntes Drittland gemäß Artikel 28 Absatz 1 Buchstabe b Ziffer ii zweiter Gedankenstrich ist ein Drittland, das für die Zwecke der Gleichwertigkeit gemäß Artikel 33 Absatz 2 der Verordnung (EG) Nr. 834/2007 anerkannt wurde, einschließlich der im Rahmen der Übergangsmaßnahme gemäß Artikel 40 anerkannten Drittländer.

Die Anerkennung der Drittländer gemäß Unterabsatz 1 gilt bis zum [einzufügendes Datum: fünf Jahre nach dem Datum des Beginns der Anwendung dieser Verordnung einfügen].

2. Auf der Grundlage der Jahresberichte, die die Drittländer gemäß Absatz 1 der Kommission bis zum 31. März jedes Jahres über die Anwendung und Durchsetzung ihrer Kontrollmaßnahmen übermitteln müssen, stellt die Kommission mit Unterstützung der Mitgliedstaaten eine angemessene Überwachung der anerkannten Drittländer sicher, indem sie deren Anerkennung regelmäßig überprüft. Die Art der Überwachung wird anhand einer Bewertung des Risikos von Verstößen festgelegt.
3. Die Kontrollstellen, die Kontrollen in den Drittländern gemäß Absatz 1 durchführen, müssen gemäß der einschlägigen harmonisierten Norm „Konformitätsbewertung - Anforderungen an Stellen, die Produkte, Prozesse und Dienstleistungen zertifizieren“, deren Fundstelle im *Amtsblatt der Europäischen Union* veröffentlicht wurde, akkreditiert sein. Wird die Akkreditierung nicht von einer Akkreditierungsstelle eines Mitgliedstaats der Union im Einklang mit den Vorschriften der Verordnung (EG) Nr. 765/2008 vorgenommen, so kann sie nur von einer Akkreditierungsstelle eines Drittlands erteilt werden, das Unterzeichner einer multilateralen Vereinbarung über die Anerkennung von Produktzertifizierungen des Internationalen Akkreditierungsforums ist.
4. Die Kommission erstellt im Wege eines Durchführungsrechtsakts ein Verzeichnis der Drittländer gemäß Absatz 1 und kann dieses Verzeichnis im Wege von Durchführungsrechtsakten ändern. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.
5. Um die Führung des Verzeichnisses der Drittländer gemäß Absatz 4 zu gewährleisten, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um die von diesen Drittländern zwecks Überwachung ihrer Anerkennung durch die Kommission zu übermittelnden Informationen festzulegen und die Ausübung der Überwachungsbefugnisse durch die Kommission, auch durch Kontrollen vor Ort, zu regeln.
6. Die Kommission kann Durchführungsrechtsakte erlassen, um bei Verstößen oder mutmaßlichen Verstößen, die die Integrität der ökologischen/biologischen Erzeugnisse beeinträchtigen, die aus gemäß diesem Artikel anerkannten Drittländern eingeführt werden, die Durchführung von Maßnahmen zu gewährleisten. Solche Maßnahmen können insbesondere in der Überprüfung der Integrität der ökologischen/biologischen Erzeugnisse vor dem Inverkehrbringen in der Union und gegebenenfalls in der Aussetzung der Genehmigung für das Inverkehrbringen solcher Erzeugnisse als ökologische/biologische Erzeugnisse in der Union umfassen. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.

Kapitel VII

Allgemeine Vorschriften

ABSCHNITT 1

FREIER WARENVERKEHR FÜR ÖKOLOGISCHE/BIOLOGISCHE ERZEUGNISSE

Artikel 32

Kein Verbot und keine Einschränkung der Vermarktung ökologischer/biologischer Erzeugnisse

1. Die zuständigen Behörden, Kontrollbehörden und Kontrollstellen dürfen die Vermarktung von ökologischen/biologischen Erzeugnissen, die von einer in einem anderen Mitgliedstaat ansässigen anderen zuständigen Behörde, Kontrollbehörde oder Kontrollstelle kontrolliert wurden, nicht aus Gründen des Produktionsverfahrens, der Kennzeichnung oder der Angebotsform der Erzeugnisse verbieten oder einschränken, sofern diese Erzeugnisse den Anforderungen dieser Verordnung entsprechen. Insbesondere dürfen keine anderen als die in der Verordnung (EU) Nr. XXX/XXX (Verordnung über amtliche Kontrollen) vorgesehenen amtlichen Kontrollen und anderen amtlichen Tätigkeiten durchgeführt und keine anderen als die in Artikel 76 der genannten Verordnung vorgesehenen Gebühren für amtliche Kontrolle und andere amtliche Tätigkeiten erhoben werden.
2. Im Interesse des reibungslosen Funktionieren des Binnenmarktes und des Handels zwischen den Mitgliedstaaten wird die Kommission ermächtigt, für die Zwecke von Absatz 1 dieses Artikels delegierte Rechtsakte gemäß Artikel 36 mit Vorschriften für den freien Warenverkehr für ökologische/biologische Erzeugnisse zu erlassen.

ABSCHNITT 2

INFORMATION UND BERICHTERSTATTUNG

Artikel 33

Information über den Sektor und den Handel mit ökologischen/biologischen Erzeugnissen

1. Die Mitgliedstaaten übermitteln der Kommission jährlich die Informationen, die für die Durchführung dieser Verordnung und die Überwachung ihrer Anwendung erforderlich sind.
2. Die Kommission erlässt Durchführungsrechtsakte betreffend das für die Übermittlung der Informationen gemäß Absatz 1 anzuwendende System, die Einzelheiten der zu übermittelnden Informationen und den Zeitpunkt, bis zu dem diese Informationen zu übermitteln sind. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.

Artikel 34

Information über die zuständigen Behörden, Kontrollbehörden und Kontrollstellen

1. Die Mitgliedstaaten führen ein regelmäßig aktualisiertes Verzeichnis, das folgende Angaben enthält:
 - (a) Name und Anschrift der zuständigen Behörden;
 - (b) Name und Anschrift der Kontrollbehörden und Kontrollstellen und ihre Codenummern.Die Mitgliedstaaten veröffentlichen das Verzeichnis gemäß Unterabsatz 1 Buchstabe b.
2. Die Kommission veröffentlicht jährlich im Internet das Verzeichnis der Kontrollbehörden und Kontrollstellen gemäß Absatz 1 Buchstabe b.

Artikel 35

Bericht

Die Kommission legt dem Europäischen Parlament und dem Rat bis zum 31. Dezember 2021 einen Bericht über die Verfügbarkeit von Pflanzenvermehrungsmaterial und Zuchttieren aus ökologischer/biologischer Produktion vor.

Kapitel VIII

Verfahrensvorschriften, Übergangs- und Schlussbestimmungen

ABSCHNITT 1

VERFAHRENSVORSCHRIFTEN

Artikel 36

Ausübung der Befugnisübertragung

1. Die Befugnis zum Erlass delegierter Rechtsakte wird der Kommission unter den in diesem Artikel festgelegten Bedingungen übertragen.
2. Die Befugnisübertragung gemäß Artikel [...] kann vom Europäischen Parlament oder vom Rat jederzeit widerrufen werden. Der Beschluss über den Widerruf beendet die Übertragung der in diesem Beschluss angegebenen Befugnis. Er wird am Tag nach seiner Veröffentlichung im *Amtsblatt der Europäischen Union* oder zu einem im Beschluss über den Widerruf angegebenen späteren Zeitpunkt wirksam. Die Gültigkeit von delegierten Rechtsakten, die bereits in Kraft sind, wird von dem Beschluss über den Widerruf nicht berührt.
3. Sobald die Kommission einen delegierten Rechtsakt erlässt, übermittelt sie ihn gleichzeitig dem Europäischen Parlament und dem Rat.
4. Ein delegierter Rechtsakt, der gemäß Artikel [...] erlassen wurde, tritt nur in Kraft, wenn weder das Europäische Parlament noch der Rat innerhalb einer Frist von zwei Monaten nach Übermittlung dieses Rechtsakts an das Europäische Parlament und den Rat Einwände erhoben haben oder wenn vor Ablauf dieser Frist das Europäische Parlament und der Rat beide der Kommission mitgeteilt haben, dass sie keine Einwände erheben werden. Auf Initiative des Europäischen Parlaments oder des Rates wird diese Frist um zwei Monate verlängert.

Artikel 37

Ausschussverfahren

1. Die Kommission wird von einem Ausschuss unterstützt, der als „Ausschuss für ökologische/biologische Produktion“ bezeichnet wird. Dabei handelt es sich um einen Ausschuss im Sinne der Verordnung (EU) Nr. 182/2011.
2. Wird auf diesen Absatz Bezug genommen, so gilt Artikel 5 der Verordnung (EU) Nr. 182/2011.
3. Wird auf diesen Absatz Bezug genommen, so gilt Artikel 8 der Verordnung (EU) Nr. 182/2011 in Verbindung mit deren Artikel 5.

ABSCHNITT 2

AUFHEBUNG, ÄNDERUNGEN, ÜBERGANGS- UND SCHLUSSBESTIMMUNGEN

Artikel 38

Aufhebung

Die Verordnung (EG) Nr. 834/2007 wird aufgehoben.

Die Verordnung (EG) Nr. 834/2007 gilt jedoch weiterhin bis zum Abschluss der Prüfung noch anhängiger Anträge aus Drittländern gemäß Artikel 42 der vorliegenden Verordnung.

Artikel 39

Übergangsmaßnahmen für die Umstellung auf ökologische/biologische Produktion

Um einen reibungslosen Übergang von der alten zur neuen Rahmenregelung zu gewährleisten, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 mit Vorschriften für eine Ausnahme von Artikel 8 Absatz 3 in Bezug auf die Umstellungszeiträume zu erlassen, die für Landwirte gelten, die mit der Umstellung vor Inkrafttreten dieser Verordnung begonnen haben.

Artikel 40

Übergangsmaßnahmen betreffend die Herkunft von Pflanzenvermehrungsmaterial, von Zuchttieren und von Jungbeständen von Aquakulturtieren

Um einen reibungslosen Übergang von den Regeln betreffend den ökologischen/biologischen Ursprung von Pflanzenvermehrungsmaterial gemäß Artikel 12 Absatz 1 Buchstabe i der Verordnung (EG) Nr. 834/2007, von Zuchttieren gemäß Artikel 14 Absatz 1 Buchstabe a Ziffer ii der genannten Verordnung und von Jungbeständen von Aquakulturtieren gemäß Artikel 15 Absatz 1 Buchstabe a Ziffer ii der genannten Verordnung sowie betreffend die Ausnahme von den Produktionsvorschriften, die die Kommission gemäß Artikel 22 der genannten Verordnung (EG) Nr. 834/2007 beschlossen hat, zu den neuen Produktionsvorschriften für Pflanzen, pflanzliche Erzeugnisse und Tiere gemäß Artikel 10 Absatz 1 bzw. Artikel 11 Absatz 1 der vorliegenden Verordnung zu gewährleisten, wird der Kommission die Befugnis übertragen, in Bezug auf die Gewährung von Ausnahmen, sofern diese für erforderlich gehalten werden, delegierte Rechtsakte gemäß Artikel 36 zu erlassen, um den Zugang zu Pflanzenvermehrungsmaterial, lebenden Zuchttieren und Jungbeständen von Aquakulturtieren zu sichern, die sich für die ökologische/biologische Produktion eignen. Die gemäß diesem Artikel erlassenen delegierten Rechtsakte gelten bis zum 31. Dezember 2021.

Artikel 41

Übergangsmaßnahmen für Kontrollbehörden und Kontrollstellen, die gemäß Artikel 33 Absatz 3 der Verordnung (EG) Nr. 834/2007 anerkannt wurden

1. Die gemäß Artikel 33 Absatz 3 der Verordnung (EG) Nr. 834/2007 erteilte Anerkennung von Kontrollbehörden und Kontrollstellen läuft spätestens am [31. Dezember 2018] ab.
2. Die Kommission erstellt im Wege eines Durchführungsrechtsakts ein Verzeichnis der Kontrollbehörden und Kontrollstellen, die gemäß Artikel 33 Absatz 3 der Verordnung (EG) Nr. 834/2007 anerkannt sind, und kann dieses Verzeichnis im Wege von Durchführungsrechtsakten ändern. Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 37 Absatz 2 erlassen.
3. Um die Führung des Verzeichnisses der Kontrollbehörden und Kontrollstellen gemäß Absatz 2 zu gewährleisten, wird der Kommission die Befugnis übertragen, delegierte

Rechtsakte gemäß Artikel 36 zu erlassen, um die von diesen Kontrollbehörden und Kontrollstellen zwecks Überwachung ihrer Anerkennung durch die Kommission zu übermittelnden Informationen festzulegen und die Ausübung der Überwachungsbefugnisse durch die Kommission, auch durch Kontrollen vor Ort, zu regeln.

Artikel 42

Übergangsmaßnahmen für Anträge von Drittländern, die gemäß Artikel 33 Absatz 2 der Verordnung (EG) Nr. 834/2007 eingereicht wurden

1. Die Kommission schließt die Prüfung der am Tag des Inkrafttretens der vorliegenden Verordnung anhängigen Anträge von Drittländern, die gemäß Artikel 33 Absatz 2 der Verordnung (EG) Nr. 834/2007 eingereicht wurden, ab. Für die Prüfung solcher Anträge findet die Verordnung (EG) Nr. 834/2007 Anwendung.
2. Um den Abschluss der Prüfung der Anträge gemäß Absatz 1 zu erleichtern, wird der Kommission die Befugnis übertragen, delegierte Rechtsakte gemäß Artikel 36 zur Festlegung der erforderlichen Verfahrensvorschriften für die Prüfung, einschließlich der von den Drittländern zu übermittelnden Informationen, zu erlassen.

Artikel 43

Übergangsmaßnahmen für Bestände ökologischer/biologischer Erzeugnisse, die nach Maßgabe der Verordnung (EG) Nr. 834/2007 produziert wurden

Erzeugnisse, die nach Maßgabe der Verordnung (EG) Nr. 834/2007 produziert und vor dem 1. Juli 2007 in Verkehr gebracht wurden, können weiterhin vermarktet werden, bis die Bestände aufgebraucht sind.

Artikel 44

Änderungen der Verordnung (EU) Nr. [...] [über amtliche Kontrollen]

Die Verordnung (EU) Nr. XXX/XXXX (Verordnung über amtliche Kontrollen) wird wie folgt geändert:

1. In Artikel 2 erhalten die Nummern 38 und 39 folgende Fassung:

„38. „beauftragte Stelle“ einen Dritten, dem die zuständigen Behörden bestimmte Aufgaben im Rahmen der amtlichen Kontrolle oder andere amtliche Tätigkeiten übertragen haben;

39. „Kontrollbehörde für ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen“ eine öffentliche Verwaltungsorganisation eines Mitgliedstaats, der die zuständigen Behörden ihre Aufgaben in Verbindung mit der Durchführung von Unionsrecht in dem Bereich gemäß Artikel 1 Absatz 2 Buchstabe j ganz oder teilweise übertragen haben, gegebenenfalls auch die entsprechende Behörde eines Drittlandes oder die entsprechende in einem Drittland tätige Behörde;“
2. Artikel 3 wird wie folgt geändert:
 - a) Absatz 3 erhält folgende Fassung:

„(3) Die zuständigen Behörden, die für die Überprüfung der Einhaltung der Vorschriften gemäß Artikel 1 Absatz 2 Buchstabe j verantwortlich sind, können einer oder mehreren Kontrollbehörden für ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen bestimmte Aufgaben der amtlichen Kontrolle oder andere amtliche Tätigkeiten übertragen. In diesen Fällen teilen sie jeder Behörde eine individuelle Codenummer zu.“

b) Absatz 4 Buchstabe c erhält folgende Fassung:

„c) der Kontrollbehörden für ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen gemäß Absatz 3;“

3. Artikel 23 erhält folgende Fassung:

„Artikel 23

Besondere Bestimmungen über amtliche Kontrollen und Maßnahmen der zuständigen Behörden in Bezug auf ökologische/biologische Erzeugnisse und auf die Verwendung der Angaben „geschützte Ursprungsbezeichnung“, „geschützte geografische Angabe“ und „garantiert traditionelle Spezialität“

(1) In Bezug auf die Vorschriften gemäß Artikel 1 Absatz 2 Buchstabe j stellen die zuständigen Behörden sicher, dass

a) bei Verstößen, die die Integrität ökologischer/biologischer Erzeugnisse auf allen Produktions-, Aufbereitungs- und Vertriebsstufen sowie bei der Ausfuhr beeinträchtigen, insbesondere durch die Verwendung verbotener oder nicht zugelassener Stoffe und Techniken oder das Vermischen mit nichtökologischen/nichtbiologischen Erzeugnissen, in der Kennzeichnung und Werbung für die gesamte betroffene Partie oder Erzeugung nicht auf die ökologische/biologische Produktion verwiesen wird;

b) bei wiederholten oder anhaltenden Verstößen zusätzlich zu den Maßnahmen gemäß Buchstabe a des vorliegenden Absatzes dem betreffenden Unternehmer oder der betreffenden Unternehmergruppe gemäß Artikel 3 Nummer 6 bzw. 7 der Verordnung (EU) Nr. [ökologische/biologische Produktion] des Europäischen Parlaments und des Rates* die Vermarktung von Erzeugnissen mit einem Verweis auf die ökologische/biologische Produktion untersagt und sein bzw. ihr Bio-Zertifikat ausgesetzt oder gegebenenfalls entzogen wird.

(2) Die Kommission ist befugt, gemäß Artikel 139 delegierte Rechtsakte mit Bestimmungen über die Durchführung der amtlichen Kontrollen und anderen amtlichen Tätigkeiten zu erlassen, mit denen die Einhaltung der Vorschriften gemäß Artikel 1 Absatz 2 Buchstaben j und k überprüft wird, sowie mit Bestimmungen über die von den zuständigen Behörden nach diesen amtlichen Kontrollen und anderen amtlichen Tätigkeiten zu ergreifenden Maßnahmen.

(3) In Bezug auf die Vorschriften gemäß Artikel 1 Absatz 2 Buchstabe j enthalten die in Absatz 2 des vorliegenden Artikels genannten delegierten Rechtsakte Bestimmungen über

a) die besonderen Zuständigkeiten und Aufgaben der zuständigen Behörden, zusätzlich zu den in den Artikeln 4, 8 und 9, Artikel 10 Absatz 1, den Artikeln 11 bis 13, Artikel 34 Absätze 1 und 2, Artikel 36 sowie – was die Zulassung und Beaufsichtigung beauftragter Stellen betrifft – in den Artikeln 25, 26, 28, 29, 30 und 32 und für das amtliche Bescheinigungsverfahren in den Artikeln 85 bis 90 genannten Zuständigkeiten und Aufgaben;

b) die Anforderungen – zusätzlich zu den in Artikel 8 Absatz 1 genannten Anforderungen – an die Risikobewertung, die Festlegung der Häufigkeit der amtlichen Kontrollen und (gegebenenfalls) die Probenahmen, wobei die Wahrscheinlichkeit eines Verstoßes zu berücksichtigen ist;

c) die Häufigkeit amtlicher Kontrollen bei Unternehmern und die Fälle, in denen, sowie die Bedingungen, unter denen bestimmte dieser Unternehmer von bestimmten amtlichen Kontrollen befreit sind;

d) Methoden und Techniken für amtliche Kontrollen, zusätzlich zu den in Artikel 13 und Artikel 33 Absätze 1 bis 5 genannten Methoden und Techniken, und spezifische Anforderungen an die Durchführung amtlicher Kontrollen, mit denen die Rückverfolgbarkeit ökologischer/biologischer Erzeugnisse auf allen Produktions-, Zubereitungs- und Vertriebsstufen und die Einhaltung der Vorschriften gemäß Artikel 1 Absatz 2 Buchstabe j gewährleistet werden sollen;

e) Aktionen und Maßnahmen, die – zusätzlich zu den in Artikel 134 Absätze 2 und 3 genannten Aktionen und Maßnahmen – bei mutmaßlichen Verstößen zu ergreifen sind, sowie Kriterien – zusätzlich zu den in Artikel 135 Absatz 1 Unterabsatz 2 genannten Kriterien – und Kriterien und Maßnahmen – zusätzlich zu den in Artikel 135 Absatz 2 und in Absatz 1 des vorliegenden Artikels genannten Kriterien und Maßnahmen – die bei Verstößen Anwendung finden;

f) Anforderungen – zusätzlich zu den in Artikel 4 Absatz 1 Buchstabe f genannten Anforderungen – an die Einrichtungen und Ausrüstungen, die für die Durchführung amtlicher Kontrollen notwendig sind, sowie spezifische Bedingungen und Pflichten, die die in den Artikeln 25, 26, 28, 29 und 30 bis 32 genannten Bedingungen und Pflichten ergänzen und die Übertragung von Aufgaben der amtlichen Kontrolle und anderer amtlicher Tätigkeiten an beauftragte Stellen betreffen;

g) Berichterstattungspflichten – zusätzlich zu den in den Artikeln 12, 28 und 31 genannten Berichterstattungspflichten – der zuständigen Behörden, der Kontrollbehörden und der mit amtlichen Kontrollen und anderen amtlichen Tätigkeiten beauftragten Stellen;

h) spezifische Kriterien und Voraussetzungen für die Auslösung der Amtshilfemechanismen gemäß Titel IV, einschließlich Austausch von Informationen über Verstöße oder mutmaßliche Verstöße zwischen zuständigen Behörden, Kontrollbehörden und beauftragten Stellen.

(4) In Bezug auf die Vorschriften gemäß Artikel 1 Absatz 2 Buchstabe k enthalten die in Absatz 3 des vorliegenden Artikels genannten delegierten Rechtsakte Bestimmungen über

a) Anforderungen, Methoden und Techniken für amtliche Kontrollen zur Überprüfung der Einhaltung der Produktspezifikationen und der Kennzeichnungsanforderungen, zusätzlich zu den in den Artikeln 11 und 13 genannten Anforderungen, Methoden und Techniken;

b) Methoden und Techniken – zusätzlich zu den in Artikel 13 genannten Methoden und Techniken – für die Durchführung amtlicher Kontrollen, mit denen die Rückverfolgbarkeit der Produkte, die unter die Vorschriften gemäß Artikel 1 Absatz 2 Buchstabe k fallen, auf allen Produktions-, Zubereitungs- und Vertriebsstufen sowie die Einhaltung dieser Vorschriften gewährleistet werden sollen;

c) spezifische Kriterien und Inhalte – zusätzlich zu den in Artikel 108 genannten Kriterien und Inhalten – für die Ausarbeitung der einschlägigen Teile des mehrjährigen nationalen Kontrollplans gemäß Artikel 107 Absatz 1 und weitere spezifische Inhalte für den in Artikel 112 vorgesehenen Bericht;

d) spezifische Kriterien und Voraussetzungen für die Auslösung der Amtshilfemechanismen gemäß Titel IV;

e) spezifische Maßnahmen, die – zusätzlich zu den in Artikel 135 Absatz 2 genannten Maßnahmen – bei Verstößen sowie bei schweren oder wiederholten Verstößen zu ergreifen sind.

(5) Gegebenenfalls weichen die Bestimmungen der delegierten Rechtsakte gemäß den Absätzen 3 und 4 von den in den vorgenannten Absätzen genannten Bestimmungen dieser Verordnung ab.

ABl. L ...vom ..., S.“

4. Artikel 128 Absatz 1 erhält folgende Fassung:

„(1) In den Bereichen, die durch die Vorschriften gemäß Artikel 1 Absatz 2 - mit Ausnahme der Buchstaben d, e, g, h und j - geregelt sind, kann die Kommission mittels Durchführungsrechtsakten auf folgender Grundlage anerkennen, dass die Maßnahmen, die in einem Drittland oder Drittlandsgebiet angewandt werden, den Bestimmungen in den vorgenannten Vorschriften gleichwertig sind:

a) einer gründlichen Prüfung der von dem betreffenden Drittland gemäß Artikel 124 Absatz 1 bereitgestellten Informationen und Daten;

b) gegebenenfalls dem zufriedenstellenden Ergebnis einer gemäß Artikel 119 Absatz 1 durchgeführten Kontrolle.

Diese Durchführungsrechtsakte werden nach dem Prüfverfahren gemäß Artikel 141 Absatz 2 erlassen.

5. Artikel 141 Absatz 1 erhält folgende Fassung:

„(1) Die Kommission wird durch den Ständigen Ausschuss für Pflanzen, Tiere, Lebensmittel und Futtermittel unterstützt, der durch Artikel 58 Absatz 1 der Verordnung (EG) Nr. 178/2002 eingesetzt wurde. Dieser Ausschuss ist ein Ausschuss im Sinne der Verordnung (EU) Nr. 182/2011. Für Maßnahmen, die in den Bereich gemäß Artikel 1 Absatz 2 Buchstabe j der vorliegenden Verordnung fallen, wird die Kommission durch den Ausschuss für ökologische/biologische Produktion unterstützt, der durch Artikel 37 Absatz 1 der Verordnung (EU) Nr. [ökologische/biologische Produktion] eingesetzt wurde.“

Artikel 45

Inkrafttreten und Geltungsbeginn

Diese Verordnung tritt am dritten Tag nach ihrer Veröffentlichung im *Amtsblatt der Europäischen Union* in Kraft.

Sie gilt ab dem 1. Juli 2017⁵².

⁵²

Mindestens sechs Monate nach dem Inkrafttreten.

Diese Verordnung ist in allen ihren Teilen verbindlich und gilt unmittelbar in jedem Mitgliedstaat.

Geschehen zu Brüssel am [...]

Im Namen des Europäischen Parlaments
Der Präsident
[...]

Im Namen des Rates
Der Präsident
[...]

FINANZBOGEN ZU RECHTSAKTEN

1. RAHMEN DES VORSCHLAGS/DER INITIATIVE

- 1.1. Bezeichnung des Vorschlags/der Initiative
- 1.2. Politikbereich(e) in der ABM/ABB-Struktur
- 1.3. Art des Vorschlags/der Initiative
- 1.4. Ziele
- 1.5. Begründung des Vorschlags/der Initiative
- 1.6. Laufzeit der Maßnahme und Dauer ihrer finanziellen Auswirkungen
- 1.7. Vorgeschlagene Methode(n) der Mittelverwaltung

2. VERWALTUNGSMASSNAHMEN

- 2.1. Monitoring und Berichterstattung
- 2.2. Verwaltungs- und Kontrollsystem
- 2.3. Prävention von Betrug und Unregelmäßigkeiten

3. GESCHÄTZTE FINANZIELLE AUSWIRKUNGEN DES VORSCHLAGS/DER INITIATIVE

- 3.1. Betroffene Rubrik(en) des mehrjährigen Finanzrahmens und Ausgabenlinie(n)
- 3.2. Geschätzte Auswirkungen auf die Ausgaben
 - 3.2.1. Übersicht
 - 3.2.2. Geschätzte Auswirkungen auf die operativen Mittel
 - 3.2.3. Geschätzte Auswirkungen auf die Verwaltungsmittel
 - 3.2.4. Vereinbarkeit mit dem mehrjährigen Finanzrahmen
 - 3.2.5. Finanzierungsbeteiligung Dritter
- 3.3. Geschätzte Auswirkungen auf die Einnahmen

FINANZBOGEN ZU RECHTSAKTEN

1. RAHMEN DES VORSCHLAGS/DER INITIATIVE

1.1. Bezeichnung des Vorschlags/der Initiative

Verordnung des Europäischen Parlaments und des Rates über die ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen sowie zur Änderung der Verordnung (EU) Nr. XXX/XXX des Europäischen Parlaments und des Rates [Verordnung über amtliche Kontrollen] und zur Aufhebung der Verordnung (EG) Nr. 834/2007

1.2. Politikbereich(e) in der ABM/ABB-Struktur⁵³

1.3. Art des Vorschlags/der Initiative

☐ Der Vorschlag/Die Initiative betrifft eine **neue Maßnahme**.

☐ Der Vorschlag/Die Initiative betrifft eine **neue Maßnahme im Anschluss an ein Pilotprojekt/eine vorbereitende Maßnahme**⁵⁴.

☐ Der Vorschlag/Die Initiative betrifft die **Verlängerung einer bestehenden Maßnahme**.

☒ Der Vorschlag/Die Initiative betrifft eine **neu ausgerichtete Maßnahme**.

1.4. Ziel(e)

1.4.1. Mit dem Vorschlag/der Initiative verfolgte mehrjährige strategische Ziele der Kommission

Mit dem Vorschlag sollen Vorschriften für die ökologische/biologische Produktion festgelegt werden, die dazu beitragen, die politischen Prioritäten der Europa-2020-Strategie für intelligentes, nachhaltiges und integratives Wachstum zu verwirklichen, insbesondere im Hinblick auf die Ziele Entwicklung einer wettbewerbsfähigen, auf Wissen und Innovation gestützten Wirtschaft, Förderung einer Wirtschaft mit hoher Beschäftigung und sozialem und territorialem Zusammenhalt und Unterstützung des Übergangs zu einer ressourcenschonenden und emissionsarmen Wirtschaft.

Einzelziele(e) und ABM/ABB-Tätigkeit(en)

Der Vorschlag zielt im Einzelnen auf Folgendes ab:

- Beseitigung von Hemmnissen für die Entwicklung der ökologischen/biologischen Produktion in der Union;
- Gewährleistung eines fairen Wettbewerbs für Landwirte und Unternehmer sowie Verbesserung des Funktionierens des Binnenmarktes;
- Aufrechterhaltung und Stärkung des Verbrauchervertrauens in ökologische/biologische Erzeugnisse.

Im Einklang mit dem gemeinsamen Überwachungs- und Bewertungsrahmen 2014-2020 für die Gemeinsame Agrarpolitik (GAP)⁵⁵ fördert der Vorschlag folgende allgemeine Ziele: „Nachhaltige Bewirtschaftung der natürlichen Ressourcen sowie

⁵³ ABM: Activity Based Management: maßnahmenbezogenes Management – ABB: Activity Based Budgeting: maßnahmenbezogene Budgetierung.

⁵⁴ Im Sinne des Artikels 54 Absatz 2 Buchstabe a oder b der Haushaltsordnung.

⁵⁵ Artikel 110 der Verordnung (EU) Nr. 1306/2013 des Europäischen Parlaments und des Rates über die Finanzierung, die Verwaltung und das Kontrollsystem der Gemeinsamen Agrarpolitik

Klimaschutzmaßnahmen“ durch Bereitstellung (hauptsächlich umweltbezogener) öffentlicher Güter und „Eindämmung des Klimawandels und Anpassung an seine Folgen“ sowie „Rentable Nahrungsmittelerzeugung“ durch „Erfüllung der Verbrauchererwartungen“ und „Verbesserung der Wettbewerbsfähigkeit des Agrarsektors und Steigerung seines Wertschöpfungsanteils in der Lebensmittelversorgungskette“ im Rahmen der ersten Säule der GAP.

Der Vorschlag fördert das Ziel „Nachhaltige Bewirtschaftung der natürlichen Ressourcen und Klimamaßnahmen“ auch durch Wiederherstellung, Erhaltung und Verbesserung von Ökosystemen (Priorität 4) im Rahmen der zweiten Säule der GAP.

Er steht mit Maßnahmen im Zusammenhang, die sowohl im Rahmen der ersten Säule (Direktzahlungen und Märkte) als auch im Rahmen der zweiten Säule der GAP unterstützt werden.

ABM/ABB-Tätigkeit: 05 04 Entwicklung des ländlichen Raums (und 05 02 marktbezogene Maßnahmen und 05 03 Direktbeihilfen).

1.4.2. Erwartete Ergebnisse und Auswirkungen

Bitte geben Sie an, wie sich der Vorschlag/die Initiative auf die Begünstigten/Zielgruppe auswirken dürfte.

Günstige Marktperspektiven aufgrund eines gestärkten Verbrauchervertrauens stützen die Preise für ökologische/biologische Erzeugnisse und sind ein Anreiz für Neueinsteiger.

Die Abschaffung der Ausnahmeregelungen begünstigt die Entwicklung ökologischer/biologischer Produktionsmittel, vor allem von Saatgut.

Klarere und einfachere Produktionsvorschriften steigern die Anziehungskraft des Sektors.

Der Wettbewerb wird insbesondere durch stärkere Harmonisierung, einfachere und klarere Vorschriften sowie die Tatsache gefördert, dass die Anerkennung von Kontrollstellen in Drittländern künftig von Konformität und nicht von Gleichwertigkeit abhängig gemacht wird.

Das Verbrauchervertrauen wird durch harmonisierte Produktionsvorschriften gestärkt, die den sich wandelnden gesellschaftlichen Anliegen (Tierschutz, Umweltmanagementsystem für verarbeitendes Gewerbe und Handel) Rechnung tragen.

Ein risikobasierter Ansatz stärkt die Wirksamkeit und Effizienz von Kontrollen und erleichtert zusammen mit einer zuverlässigeren Einfuhrregelung die Betrugsprävention.

Bitte geben Sie an, anhand welcher Indikatoren sich die Realisierung des Vorschlags/der Initiative verfolgen lässt.

Die zentralen Ergebnisindikatoren des gemeinsamen Überwachungs- und Bewertungsrahmens sind:

- Anteil der ökologisch/biologisch bewirtschafteten Fläche an der landwirtschaftlich genutzten Gesamtfläche;
- Anteil des ökologischen/biologischen Tierbestands am Gesamttierbestand.

Die zentralen Leistungsindikatoren sind:

- Ökologisch/biologisch bewirtschaftete Fläche (in Umstellung und vollständig umgestellt);
- Zahl der zertifizierten Unternehmer im Bereich ökologische/biologische Produktion.

Folgende Zusatzindikatoren werden ebenfalls im Rahmen dieser Verordnung überwacht:

- Tierbestand (Zahl der ökologisch/biologisch produzierten Tiere und der ökologischen/biologischen Erzeugnisse tierischen Ursprungs);
- Pflanzenbau und -verarbeitung (Zahl der Unternehmer und Wert/Umfang der Erzeugung, aufgeschlüsselt nach wirtschaftlichen Tätigkeiten);
- Zahl der geltenden Ausnahmen und Zahl der abgeschafften Ausnahmen;
- Kenntnis des Öko-/Bio-Logos der EU und Vertrauen darin (Eurobarometer-Umfrage).

1.5. Begründung des Vorschlags/der Initiative

1.5.1. Kurz- oder langfristig zu deckender Bedarf

Das übergeordnete Ziel des Rechtsrahmens – das Ziel der nachhaltigen Entwicklung der ökologischen/biologischen Produktion – ist derzeit nicht vollständig erfüllt. Dies bedeutet einerseits verlorene Gelegenheiten für Landwirte und Unternehmer in der EU (die in der EU ökologisch/biologisch bewirtschaftete Fläche hat sich in den letzten zehn Jahren nur verdoppelt, der Umfang des Marktes hingegen vervierfacht) und birgt andererseits die doppelte Gefahr einer Beschränkung sowohl des Wachstums des Marktes für ökologische/biologische Erzeugnisse als auch des Umweltnutzens der ökologischen/biologischen Produktion.

Die wichtigen Faktoren sind: regulatorische und nichtregulatorische Hemmnisse für die Entwicklung der ökologischen/biologischen Produktion in der EU; das Risiko einer Erosion des Verbrauchervertrauens, vor allem aufgrund der zahlreichen Ausnahmen, die die Vorschriften für die ökologische/biologische Produktion verwässern, und der Betrugsfälle aufgrund der Mängel des Kontrollsystems und der Einfuhrregelung; unfairer Wettbewerb zwischen den Unternehmern in der EU und in Drittländern; sowie Probleme in Gestaltung und Durchsetzung der Rechtsvorschriften, vor allem Probleme im Hinblick auf das Funktionieren des Binnenmarkts, die auf Lücken in den Rechtsvorschriften und Diskrepanzen bei ihrer Anwendung zurückgehen.

1.5.2. Mehrwert durch die Intervention der EU

Der gegenwärtige Vorschlag stellt die Aktualisierung einer bestehenden Qualitätsregelung der Gemeinsamen Agrarpolitik dar.

Die Produktion landwirtschaftlicher Erzeugnisse und Lebensmittel und der Handel mit ihnen im Binnenmarkt einerseits und die Gewährleistung des Funktionierens des Binnenmarkts andererseits fallen in die Zuständigkeit der Union. In beiden Fällen handelt es sich um mit den Mitgliedstaaten geteilte Zuständigkeiten.

Eine EU-weite Regelung ist effizienter als 28 unterschiedliche Regelungen und ermöglicht eine energischere und konsequentere Handelspolitik gegenüber den Handelspartnern weltweit, vor allem weil sie die Verhandlungsmacht der EU stärkt.

Das Bio-/Öko-Logo der Europäischen Union sollte Erzeugnissen vorbehalten sein, für die ein unionsweit angewendetes gemeinsames Regelwerk gilt.

Zu den Bereichen, in denen weitere Harmonisierung erforderlich ist, zählen: Ausnahmen von den Vorschriften sowie Maßnahmen zur Sicherung der Integrität der ökologischen/biologischen Produktion, einschließlich eines gemeinsamen Ansatzes zur Regelung der Frage der Rückstände unerlaubter Substanzen in ökologischen/biologischen Erzeugnissen.

1.5.3. Aus früheren ähnlichen Maßnahmen gewonnene wesentliche Erkenntnisse

Eine externe Evaluation der EU-Rechtsvorschriften für den ökologischen Landbau/die biologische Landwirtschaft wurde 2013 vorgelegt.⁵⁶ Analysiert wurde insbesondere, inwieweit die Produktionsvorschriften und die Vorschriften für die Kontrolle, Einfuhr und Kennzeichnung von ökologischen/biologischen Erzeugnissen angemessen sind. Der Studie zufolge sind die meisten Vorschriften des Rechtsrahmens für die ökologische/biologische Produktion zur Verwirklichung seiner übergeordneten Ziele allgemein angemessen. Allerdings wurden auch einige Mängel festgestellt und Empfehlungen für Verbesserungen ausgesprochen. Diesen Empfehlungen wird im vorliegenden Vorschlag gebührende Beachtung geschenkt.

Der Europäische Rechnungshof hat geprüft, inwieweit das Kontrollsystem gemäß Verordnung (EG) Nr. 834/2007 des Rates für die Produktion, die Verarbeitung, den Vertrieb und die Einfuhr ökologischer/biologischer Erzeugnisse wirksam ist. Der Sonderbericht des Europäischen Rechnungshofes Nr. 9/2012, in dem die Ergebnisse der Prüfung veröffentlicht sind, zeigt einige Mängel auf und enthält Empfehlungen für Verbesserungen. Diesen Empfehlungen wird im vorliegenden Vorschlag gebührende Beachtung geschenkt.

1.5.4. Vereinbarkeit mit anderen Finanzierungsinstrumenten sowie mögliche Synergieeffekte

Der Vorschlag ist mit der neuen GAP vereinbar, etwa mit der neuen Verordnung über Direktzahlungen⁵⁷, der zufolge ökologisch/biologisch wirtschaftende Betriebe als solche Nutznießer der neuen Ökologisierungskomponente sind, und mit der neuen Verordnung über die Förderung der ländlichen Entwicklung⁵⁸, die besondere Maßnahmen zugunsten des ökologischen Landbaus/der biologischen Landwirtschaft vorsieht, sowie mit der neuen Gemeinsamen Fischereipolitik.

Der Vorschlag ist zudem mit dem Vorschlag für eine neue Verordnung für amtliche Lebens- und Futtermittelkontrollen sowie den Grundsätzen der intelligenten Regulierung vereinbar.

1.6. Laufzeit der Maßnahme und Dauer ihrer finanziellen Auswirkungen

☐ Vorschlag/Initiative mit **befristeter Laufzeit**

– ☐ Laufzeit: [TT/MM]JJJJ bis [TT/MM]JJJJ

– ☐ Finanzielle Auswirkungen: [JJJJ] bis [JJJJ]

☒ Vorschlag/Initiative mit **unbefristeter Laufzeit**

– Anlaufphase von [JJJJ] bis [JJJJ],

– anschließend reguläre Umsetzung.

⁵⁶ Sanders, J. (Hg.) 2013: Evaluation of the EU legislation on organic farming, Thünen Institute of Farm Economics http://ec.europa.eu/agriculture/evaluation/market-and-income-reports/organic-farming-2013_en.htm

⁵⁷ Verordnung (EU) Nr. 1307/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 mit Vorschriften über Direktzahlungen an Inhaber landwirtschaftlicher Betriebe im Rahmen von Stützungsregelungen der Gemeinsamen Agrarpolitik und zur Aufhebung der Verordnung (EG) Nr. 637/2008 des Rates und der Verordnung (EG) Nr. 73/2009 des Rates.

⁵⁸ Verordnung (EU) Nr. 1305/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 über die Förderung der ländlichen Entwicklung durch den Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (ELER) und zur Aufhebung der Verordnung (EG) Nr. 1698/2005.

1.7. Vorgeschlagene Methode(n) der Mittelverwaltung⁵⁹

Direkte Verwaltung durch die Kommission

- ☒ X durch ihre Dienststellen, einschließlich ihres Personals in den Delegationen der Union
- ☐ durch die Exekutivagenturen;

X geteilte Verwaltung mit Mitgliedstaaten

☐ indirekte Verwaltung durch Übertragung von Aufgaben des Haushaltsvollzugs an:

- ☐ Drittländer oder die von ihnen benannten Einrichtungen
- ☐ internationale Organisationen und deren Agenturen (bitte auflisten)
- ☐ die EIB und den Europäischen Investitionsfonds
- ☐ Einrichtungen im Sinne der Artikel 208 und 209 der Haushaltsordnung
- ☐ öffentlich-rechtliche Körperschaften
- ☐ privatrechtliche Einrichtungen, die im öffentlichen Auftrag tätig werden, sofern sie ausreichende Finanzsicherheiten bieten
- ☐ privatrechtliche Einrichtungen eines Mitgliedstaats, die mit der Umsetzung einer öffentlich-privaten Partnerschaft betraut werden und die ausreichende Finanzsicherheiten bieten
- ☐ Personen, die mit der Durchführung bestimmter Maßnahmen im Bereich der GASP im Rahmen des Titels V EUV betraut und in dem maßgeblichen Basisrechtsakt benannt sind.
- Falls mehrere Methoden der Mittelverwaltung zum Einsatz kommen, ist dies unter „Bemerkungen“ näher zu erläutern.

Bemerkungen

2. VERWALTUNGSMASSNAHMEN

2.1. Monitoring und Berichterstattung

Bitte geben Sie an, wie oft und unter welchen Bedingungen diese Tätigkeiten erfolgen.

Die Mitgliedstaaten übermitteln der Kommission jährlich die Informationen, die für die Durchführung dieser Verordnung und die Überwachung ihrer Anwendung erforderlich sind. Ebenso übermitteln die Mitgliedstaaten im Rahmen ihrer mehrjährigen nationalen Kontrollplanungen und der in der Verordnung über amtliche Kontrollen genannten Jahresberichte der Kommission jährlich Angaben über die Kontrollen, die durchgeführt werden, um die Einhaltung der Vorschriften für die ökologische/biologische Produktion zu gewährleisten.

Als gleichwertig anerkannte Drittländer und Kontrollstellen oder Kontrollbehörden, die in Bezug auf die Einfuhr ökologischer/biologischer Erzeugnisse in die Union als konform anerkannt sind, übermitteln der Kommission Jahresberichte mit den Informationen, die für die Umsetzung der Anforderungen dieser Verordnung erforderlich sind.

⁵⁹ Erläuterungen zu den Methoden der Mittelverwaltung und Verweise auf die Haushaltsordnung enthält die Website BudgWeb (in französischer und englischer Sprache): http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

2.2. Verwaltungs- und Kontrollsystem

2.2.1. *Ermittelte Risiken*

Die allgemeinen Risiken im Zusammenhang mit den im Vorschlag genannten Vorschriften betreffen die Wirksamkeit des Vorschlags, nicht die Ausgaben der EU, da es sich nur um vergleichsweise geringe Beträge handelt:

Harmonisierte Produktionsvorschriften, mit denen Ausnahmen abgeschafft werden, stellen möglicherweise anfänglich einige Unternehmer vor Schwierigkeiten und könnten von einer Umstellung auf die ökologische/biologische Produktion abhalten.

Die Übergangszeit für die Umstellung von Gleichwertigkeit zu Konformität bei Einführen ökologischer/biologischer Erzeugnisse in die Union bietet möglicherweise keine uneingeschränkte Gewähr für ausgewogene Wettbewerbsbedingungen.

Die Tatsache, dass die jährliche Vor-Ort-Kontrolle bei allen Unternehmen unabhängig von ihrem Risikoprofil durch einen vollständig risikobasierten Kontrollansatz ersetzt wird, wird möglicherweise von einigen Beteiligten und/oder Stellen oder Behörden der Mitgliedstaaten als ungeeignet angesehen.

Sonstige Risiken hängen möglicherweise mit Mängeln beim Vollzug der Vorschriften zusammen, namentlich bei der Umsetzung durch die zuständigen Behörden oder die Kontrollstellen oder Kontrollbehörden in Mitgliedstaaten und Drittländern sowie bei der Überwachung durch die Kommission.

Die mit der Durchführung der Verordnung (EG) Nr. 834/2007 gewonnenen Erfahrungen einschließlich der Ergebnisse von Prüfungen, der Beiträge von Beteiligten im Rahmen der Folgenabschätzung sowie die in externen Studien und der externen Evaluation ausgesprochenen Empfehlungen wurden bei der Ausarbeitung des Vorschlags gebührend berücksichtigt, um die oben genannten Risiken zu mindern. Besondere Aufmerksamkeit wurde dabei der Minderung von Risiken im Zusammenhang mit möglichen Mängeln beim Vollzug der Vorschriften geschenkt, und zwar durch Anstrengungen um klarere Vorschriften, die leichter anzuwenden sind und deren Einhaltung leichter zu kontrollieren ist.

2.2.2. *Angaben zum Aufbau des Systems der internen Kontrolle*

Aufgrund dieses Vorschlags aufgewendete Mittel werden gemäß den Grundsätzen in Artikel 32 der Verordnung (EU, Euratom) Nr. 966/2012 über die Haushaltsordnung für den Gesamthaushaltsplan der Union (Haushaltsordnung) von der Kommission direkt verwaltet.

Wie in der Haushaltsordnung vorgeschrieben, hat der Generaldirektor für Landwirtschaft und ländliche Entwicklung im Einklang mit den von der Kommission angenommenen Normen der internen Kontrolle und unter Berücksichtigung der mit dem betreffenden Politikbereich verbundenen Risiken Organisationsstrukturen und interne Kontrollverfahren eingeführt, die zur Verwirklichung der Politik- und Kontrollziele geeignet sind.

2.2.3. *Abschätzung der Kosten und des Nutzens der Kontrollen sowie Bewertung des voraussichtlichen Fehlerrisikos*

Aufgrund dieses Vorschlags aufgewendete Mittel werden nicht zu einer Erhöhung der Fehlerquote für den Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (ELER) führen, da die betreffenden Beträge vergleichsweise gering sind.

2.3. Prävention von Betrug und Unregelmäßigkeiten

Bitte geben Sie an, welche Präventions- und Schutzmaßnahmen vorhanden oder vorgesehen sind.

Die Kommission gewährleistet bei der Durchführung der nach dieser Verordnung finanzierten Maßnahmen den Schutz der finanziellen Interessen der Union durch Präventivmaßnahmen gegen Betrug, Korruption und sonstige rechtswidrige Handlungen, durch wirksame Kontrollen und – bei Feststellung von Unregelmäßigkeiten – Wiedereinzahlung zu Unrecht gezahlter Beträge sowie gegebenenfalls durch wirksame, angemessene und abschreckende Sanktionen gemäß Artikel 325 des Vertrags über die Arbeitsweise der Europäischen Union, der Verordnung (EG, Euratom) Nr. 2988/95 des Rates über den Schutz der finanziellen Interessen der Europäischen Gemeinschaften und Titel IV der Haushaltsordnung.

Die Kommission oder ihre Vertreter und der Rechnungshof sind befugt, bei allen Auftragnehmern und Unterauftragnehmern, die Unionsmittel erhalten haben, Rechnungsprüfungen anhand von Unterlagen und vor Ort durchzuführen. OLAF ist befugt, bei Unternehmen, denen eine solche Finanzierung unmittelbar oder mittelbar zugutegekommen ist, gemäß den Verfahren der Verordnung (EG) Nr. 2185/96 des Rates vom 11. November 1996 Kontrollen und Überprüfungen vor Ort durchzuführen, um festzustellen, ob ein Betrugsdelikt vorliegt. Die Kommission (einschließlich OLAF) und der Rechnungshof werden in Beschlüssen, Vereinbarungen und Verträgen, die sich aus der Durchführung der Verordnung ergeben, ausdrücklich ermächtigt, Rechnungsprüfungen, Kontrollen und Überprüfungen vor Ort durchzuführen.

3. GESCHÄTZTE FINANZIELLE AUSWIRKUNGEN DES VORSCHLAGS/DER INITIATIVE

3.1. Betroffene Rubrik(en) des mehrjährigen Finanzrahmens und Ausgabenlinie(n)

- Bestehende Haushaltslinien

In der Reihenfolge der Rubriken des mehrjährigen Finanzrahmens und der Haushaltslinien.

Rubrik des mehrjährigen Finanzrahmens	Haushaltslinie	Art der Ausgaben	Finanzierungsbeiträge			
	Nummer [...] [Bezeichnung]]	GM/NGM ⁽⁶⁰⁾	von EFTA-Ländern ⁶¹	von Bewerberländern ⁶²	von Drittländern	nach Artikel 21 Absatz 2 Buchstabe b der Haushaltsordnung
2	05 04 60 02 Operative technische Unterstützung	GM	/NEIN	/NEIN	NEIN	NEIN

3.2. Geschätzte Auswirkungen auf die Ausgaben

3.2.1. Übersicht

⁶⁰ GM = Getrennte Mittel / NGM = Nicht getrennte Mittel.

⁶¹ EFTA: Europäische Freihandelsassoziation.

⁶² Bewerberländer und gegebenenfalls potenzielle Bewerberländer des Westbalkans.

in Mio. EUR

Rubrik des mehrjährigen Finanzrahmens	2	Nachhaltiges Wachstum: natürliche Ressourcen
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GD: AGRI			2015	2016	2017	2018	2019	2020	INS- GESAMT
• Operative Mittel									
05 04 60 02 Operative technische Unterstützung *	Verpflichtungen	(1)	0,800	0,230	0,170	0,170	0,170	0,170	1,710
	Zahlungen	(2)	0,800	0,230	0,170	0,170	0,170	0,170	1,710
Aus der Dotation bestimmter operativer Programme finanzierte Verwaltungsausgaben ⁶³									
		(3)							
Mittel INSGESAMT ** für die GD AGRI	Verpflichtungen	=1+1a +3	0,800	0,230	0,170	0,170	0,170	0,170	1,710
	Zahlungen	=2+2a +3	0,800	0,230	0,170	0,170	0,170	0,170	1,710

* Derzeit erfolgt die Kontrolle der Einfuhren ökologischer/biologischer Erzeugnisse über TRACES, das teilweise aus dieser Haushaltslinie finanziert wird, und mit dem Vorschlag wird sich der Bedarf für diese Maßnahme voraussichtlich nicht erhöhen. Zusätzlich zu dem bereits existierenden Instrument für die Einfuhren sieht die Verordnung eine E-Bescheinigung für alle in der EU in Verkehr gebrachten ökologischen/biologischen Erzeugnisse vor. Daher muss die E-Bescheinigung für die Einfuhr auf Erzeugnisse innerhalb der EU ausgedehnt werden. Für die E-Bescheinigung für die EU-interne ökologische/biologische Produktion gemäß Artikel 23 des Kommissionsvorschlags muss innerhalb der TRACAS-Architektur ein IT-Instrument, für das 500 000 EUR veranschlagt sind, entwickelt werden, damit sichergestellt ist, dass dieses ab dem 1.1.2016 betriebsbereit ist. Für die Pflege des Instruments sind 110 000 EUR jährlich veranschlagt.

⁶³

Ausgaben für technische und administrative Unterstützung und Ausgaben zur Unterstützung der Umsetzung von Programmen bzw. Maßnahmen der EU (vormalige BA-Linien), indirekte Forschung, direkte Forschung.

* In Artikel 10 des Vorschlags ist zudem eine Harmonisierung der Datenbank für ökologisches/biologisches Saatgut vorgesehen: Um die Entwicklung dieser gesonderten Saatgutdatenbank sicherzustellen, muss die EU aus dieser Haushaltslinie außerhalb von TRACES technische Unterstützung finanzieren, für die 300 000 EUR veranschlagt sind. Für die Pflege dieses Instruments sind im ersten Jahr nach der Entwicklung 120 000 EUR und in den folgenden Jahren 60 000 EUR veranschlagt.

			2015	2016	2017	2018	2019	2020	Insgesamt
•Operative Mittel INSGESAMT	Verpflichtungen	(4)	0,800	0,230	0,170	0,170	0,170	0,170	1,710
	Zahlungen	(5)	0,800	0,230	0,170	0,170	0,170	0,170	1,710
•Aus der Dotation bestimmter operativer Programme finanzierte Verwaltungsausgaben INSGESAMT		(6)							
Mittel INSGESAMT unter RUBRIK 2 des mehrjährigen Finanzrahmens	Verpflichtungen	=4+6	0,800	0,230	0,170	0,170	0,170	0,170	1,710
	Zahlungen	=5+6	0,800	0,230	0,170	0,170	0,170	0,170	1,710

** Die IT-Instrumente werden für die Kommission gemäß Artikel 58 Absatz 2 der Verordnung (EU) Nr. XXX/2013 des Europäischen Parlaments und des Rates über die Förderung der Entwicklung des ländlichen Raums durch den Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (ELER) und zur Aufhebung der Verordnung (EG) Nr. 1698/2005 des Rates durch die technische Unterstützung finanziert. Die betreffenden Beträge sind im mehrjährigen Finanzrahmen 2014-2020 bereits vorgesehen.

Rubrik des mehrjährigen Finanzrahmens	5	Verwaltungsausgaben
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in Mio. EUR

		2015	2016	2017	2018	2019	2020	INS- GESAMT
GD: AGRI								
• Personalausgaben		-	-	-	-	-	-	-
• Sonstige Verwaltungsausgaben		0,127	0,127	0,055	0,055	0,055	0,055	0,474
GD AGRI INSGESAMT	Mittel	0,127	0,127	0,055	0,055	0,055	0,055	0,474

Mittel INSGESAMT unter RUBRIK 5 des mehrjährigen Finanzrahmens	(Verpflichtungen insges. = Zahlungen insges.)	0,127	0,127	0,055	0,055	0,055	0,055	0,474
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Mittel INSGESAMT unter RUBRIK 5 des mehrjährigen Finanzrahmens	(Verpflichtungen insges. = Zahlungen insges.)	0,127	0,127	0,055	0,055	0,055	0,055	0,474
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in Mio. EUR

		2015	2016	2017	2018	2019	2020	INS- GESAMT
Mittel INSGESAMT unter den RUBRIKEN 1 bis 5	Verpflichtungen	0,927	0,357	0,225	0,225	0,225	0,225	2,184
	Zahlungen	0,927	0,357	0,225	0,225	0,225	0,225	2,184

3.2.2. Geschätzte Auswirkungen auf die operativen Mittel

- ☐ Für den Vorschlag/die Initiative werden keine operativen Mittel benötigt.
- ☐ Für den Vorschlag/die Initiative werden die folgenden operativen Mittel benötigt:

Mittel für Verpflichtungen (in Mio. EUR)

Ziele und Ergebnisse			2016		2017		2018		2019		2020		INSGESAMT		
	ART DER ERGEBNISSE														
	Art ⁶⁴	Durchschnittskosten	Anzahl	Kosten	Anzahl	Kosten	Anzahl	Kosten	Anzahl	Kosten	Anzahl	Kosten	Gesamtzahl	Gesamtkosten	
EINZELZIEL ⁶⁵			Schaffung der Voraussetzungen für eine nachhaltige Bewirtschaftung der natürlichen Ressourcen und Unterstützung des Übergangs zu einer ressourceneffizienten und emissionsarmen Wirtschaft												
Ergebnis	Ökologisch/biologisch bewirtschaftete Fläche (in ha)														
Ergebnis	In Umstellung befindliche Fläche (in ha)														
Ergebnis	Zahl der zertifizierten ökologisch/biologisch wirtschaftenden Unternehmer														
Ergebnis	Zahl der zertifizierten ökologisch/biologisch wirtschaftenden Erzeuger														
GESAMTKOSTEN															

⁶⁴

Ergebnisse sind Waren und Dienstleistungen, die geliefert bzw. erbracht werden (z. B.: Austausch von Studenten, gebaute Straßenkilometer, usw.)

⁶⁵

Gemäß dem gemeinsamen Überwachungs- und Bewertungsrahmen der GAP 2014-2020 wird ab 2014 ein gemeinsamer Überwachungs- und Bewertungsrahmen geschaffen; Indikatortabellen werden daher zu einem späteren Zeitpunkt erstellt.

3.2.3. Geschätzte Auswirkungen auf die Verwaltungsmittel

3.2.3.1. Übersicht

- ☐ Für den Vorschlag/die Initiative werden keine Verwaltungsmittel benötigt.
- x Für den Vorschlag/die Initiative werden die folgenden Verwaltungsmittel benötigt:

in Mio. EUR (3 Dezimalstellen)

	2015	2016	2017	2018	2019	2020	INS- GESAMT
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RUBRIK 5 des mehrjährigen Finanzrahmens							
Personalausgaben	-	-	-	-	-	-	-
Sonstige Verwaltungsausgaben	0,127	0,127	0,055	0,055	0,055	0,055	0,474
Zwischensumme RUBRIK 5 des mehrjährigen Finanzrahmens	0,127	0,127	0,055	0,055	0,055	0,055	0,474

Außerhalb der RUBRIK 5⁶⁶ des mehrjährigen Finanzrahmens							
Personalausgaben							
Sonstige Verwaltungsausgaben							
Zwischensumme der Mittel außerhalb der RUBRIK 5 des mehrjährigen Finanzrahmens	0,127	0,127	0,055	0,055	0,055	0,055	0,474

INSGESAMT	0,127	0,127	0,055	0,055	0,055	0,055	0,474
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Der Mittelbedarf für Personal wird durch der Verwaltung der Maßnahme zugeordnete Mittel der GD oder GD-interne Personalumsetzung gedeckt. Hinzu kommen bei Bedarf etwaige zusätzliche Mittel für Personal, die der für die Verwaltung der Maßnahme zuständigen GD nach Maßgabe der verfügbaren Mittel im Rahmen der jährlichen Mittelzuweisung zugeteilt werden.

⁶⁶ Ausgaben für technische und administrative Unterstützung und Ausgaben zur Unterstützung der Umsetzung von Programmen bzw. Maßnahmen der EU (vormalige BA-Linien), indirekte Forschung, direkte Forschung.

3.2.3.2. Geschätzte Auswirkungen auf die Humanressourcen

- ☐ Für den Vorschlag/die Initiative wird kein Personal benötigt.
- ☒ Für den Vorschlag/die Initiative wird das folgende Personal benötigt:

Schätzung in Vollzeitäquivalenten

	2015	2016	2017	2018	2019	2020
XX 01 01 01 (am Sitz und in den Vertretungen der Kommission)	18	18	18	18	18	18
XX 01 01 02 (in den Delegationen)						
XX 01 05 01 (indirekte Forschung)						
10 01 05 01 (direkte Forschung)						
XX 01 02 01 (VB, ANS, LAK der Globaldotation)	3	3	3	3	3	3
XX 01 02 02 (VB, ÖB, ANS, LAK und JSD in den Delegationen)						
XX 01 04 yy	- am Sitz					
	- in den Delegationen					
XX 01 05 02 (VB, ANS und LAK der indirekten Forschung)						
10 01 05 02 (VB, ANS und LAK der direkten Forschung)						
Sonstige Haushaltslinien (bitte angeben)						
INSGESAMT (*)	21	21	21	21	21	21

XX steht für den jeweiligen Haushaltstitel bzw. Politikbereich.

Der Personalbedarf wird durch der Verwaltung der Maßnahme zugeordnetes Personal der GD oder GD-interne Personalumsetzung gedeckt. Hinzu kommen etwaige zusätzliche Mittel, die der für die Verwaltung der Maßnahme zuständigen GD nach Maßgabe der verfügbaren Mittel im Rahmen der jährlichen Mittelzuweisung zugeteilt werden.

Beschreibung der auszuführenden Aufgaben:

Beamte und Zeitbedienstete	Entwicklung der Politik Umsetzung der Maßnahmen Planung und Überwachung Beziehungen zu den Mitgliedstaaten und Interessenträgern Vertretung der Kommission gegenüber Drittländern und Verhandlungen mit diesen Beziehungen zu anderen europäischen Organen und Einrichtungen
Externes Personal	Unterstützung bei der Umsetzung und Überwachung der Maßnahmen und bei der Pflege der Kontakte zu den Mitgliedstaaten und Interessenträgern

3.2.4. *Vereinbarkeit mit dem mehrjährigen Finanzrahmen*

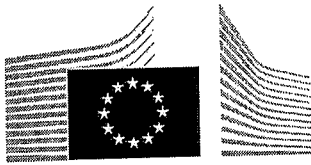
- ☒ Der Vorschlag/Die Initiative ist mit dem derzeitigen mehrjährigen Finanzrahmen vereinbar.
- ☐ Der Vorschlag/Die Initiative erfordert eine Anpassung der betreffenden Rubrik des mehrjährigen Finanzrahmens.
- ☐ Der Vorschlag/Die Initiative erfordert eine Inanspruchnahme des Flexibilitätsinstruments oder eine Änderung des mehrjährigen Finanzrahmens.

3.2.5. *Finanzierungsbeteiligung Dritter*

- ☒ Der Vorschlag/Die Initiative sieht keine Kofinanzierung durch Dritte vor.
- Der Vorschlag/Die Initiative sieht folgende Kofinanzierung vor:

3.3. Geschätzte Auswirkungen auf die Einnahmen

- ☒ Der Vorschlag/Die Initiative wirkt sich nicht auf die Einnahmen aus.
- ☐ Der Vorschlag/Die Initiative wirkt sich auf die Einnahmen aus, und zwar
 - ☐ auf die Eigenmittel
 - ☐ auf die sonstigen Einnahmen



EUROPÄISCHE
KOMMISSION

Brüssel, den 24.3.2014
COM(2014) 180 final

ANNEXES 1 to 5

ANHÄNGE

zum

Vorschlag für eine

VERORDNUNG DES EUROPÄISCHEN PARLAMENTS UND DES RATES

**über die ökologische/biologische Produktion und die Kennzeichnung von
ökologischen/biologischen Erzeugnissen sowie zur Änderung der Verordnung (EU)
Nr. XXX/XXX des Europäischen Parlaments und des Rates [Verordnung über amtliche
Kontrollen] und zur Aufhebung der Verordnung (EG) Nr. 834/2007 des Rates**

{SWD(2014) 65 final}
{SWD(2014) 66 final}

ANHANG I

ANDERE ERZEUGNISSE NACH ARTIKEL 2 ABSATZ 1

- Hefen, die als Lebens- oder Futtermittel verwendet werden,
- Bier,
- Mate,
- Auszüge, Essenzen und Konzentrate aus Kaffee, Tee und Mate sowie Zubereitungen auf der Grundlage dieser Erzeugnisse oder auf der Grundlage von Kaffee, Tee und Mate, geröstete Zichorien und andere geröstete Kaffeemittel sowie Auszüge, Essenzen und Konzentrate hieraus,
- Fruchtnektar,
- Kakaopaste, -butter, -fett, -öl und -pulver, Schokolade und andere kakaohaltige Lebensmittelzubereitungen,
- Süßwaren,
- Zubereitungen aus Getreide, Mehl, Stärke oder Milch, Backwaren,
- Suppen,
- Soßen,
- Fertiggerichte,
- Speiseeis,
- aromatisierter Joghurt, Joghurt mit Zusatz von Früchten, Nüssen oder Kakao,
- Meersalz,
- natürliche Gummis und Harze,
- Blütenpollen,
- Bienenwachs,
- ätherische Öle,
- Spirituosen, sofern der zur Herstellung der Spirituosen verwendete Ethylalkohol ausschließlich landwirtschaftlichen Ursprungs ist.

ANHANG II
SPEZIFISCHE PRODUKTIONSVORSCHRIFTEN GEMÄSS KAPITEL III

Teil I: Vorschriften für die Pflanzenproduktion

Zusätzlich zu den Produktionsvorschriften in den Artikeln 7 bis 10 enthält dieser Teil Vorschriften für die ökologische/biologische Pflanzenproduktion.

1. Allgemeine Anforderungen

- 1.1. Hydrokultur, d. h. eine Anbaumethode, bei der die Pflanzen ausschließlich in einer Nährstofflösung oder in einem inerten Medium wurzeln, dem eine Nährstofflösung zugegeben wird, ist verboten.
- 1.2. Alle angewandten Anbauverfahren müssen dazu beitragen, Belastungen der Umwelt zu vermeiden oder so gering wie möglich zu halten.

1.3. Umstellung

- 1.3.1. Damit Pflanzen und pflanzliche Erzeugnisse als ökologisch/biologisch gelten können, müssen auf den Anbauflächen während eines Umstellungszeitraums von mindestens zwei Jahren vor der Aussaat oder — im Falle von Grünland oder mehrjährigen Futterkulturen — von mindestens zwei Jahren vor der Verwendung als ökologisches/biologisches Futtermittel oder — im Falle von anderen mehrjährigen Kulturen als Futterkulturen — von mindestens drei Jahren vor der ersten Ernte ökologischer/biologischer Erzeugnisse die Produktionsvorschriften gemäß dieser Verordnung angewendet worden sein.

- 1.3.2. In Fällen, in denen die Fläche mit Mitteln kontaminiert wurde, die für die ökologische/biologische Produktion nicht zugelassen sind, kann die zuständige Behörde beschließen, den Umstellungszeitraum über den Zeitraum gemäß Nummer 1.3.1 hinaus zu verlängern.

- 1.3.3. Wurde mit einem Mittel behandelt, das nicht für die ökologische/biologische Produktion zugelassen ist, so schreibt die zuständige Behörde einen neuen Umstellungszeitraum gemäß Nummer 1.3.1 vor.

Dieser Zeitraum kann in den beiden folgenden Fällen verkürzt werden:

- (a) Im Rahmen einer von der zuständigen Behörde des Mitgliedstaats vorgeschriebenen Schädlings- oder Unkrautbekämpfungsmaßnahme, einschließlich gegen Quarantäneschädlinge oder invasive Arten, wurde mit einem Mittel behandelt, das nicht für die ökologische/biologische Produktion zugelassen ist;
- (b) im Rahmen wissenschaftlicher Versuche, die die zuständige Behörde des Mitgliedstaats genehmigt hat, wurde mit einem Mittel behandelt, das für die ökologische/biologische Produktion nicht zugelassen ist.
- 1.3.4. In den Fällen gemäß den Nummern 1.3.2 und 1.3.3 wird die Dauer des Umstellungszeitraums unter Berücksichtigung der folgenden Faktoren festgesetzt:
- (a) Aufgrund der Abbaurate des verwendeten Mittels muss sichergestellt sein, dass der Gehalt an Rückständen im Boden oder — bei Dauerkulturen — in der Pflanze am Ende des Umstellungszeitraums unbedeutend ist;
- (b) die auf die Behandlung folgende Ernte darf nicht als ökologische/biologische Produktion vermarktet werden.

- 1.3.5. Für die Umstellung von Flächen, die im Zusammenhang mit der ökologischen/biologischen Tierproduktion genutzt werden, gelten folgende spezifische Vorschriften:
 - 1.3.5.1. Die Umstellungsvorschriften gelten für die gesamte Fläche der Produktionseinheit, auf der Futtermittel erzeugt werden.
 - 1.3.5.2. Unbeschadet der Nummer 1.3.5.1 kann der Umstellungszeitraum bei Weideland und Auslaufflächen für andere Tierarten als Pflanzenfresser auf ein Jahr gekürzt werden.
- 1.4. Herkunft der Pflanzen, einschließlich des Pflanzenvermehrungsmaterials
 - 1.4.1. Für die Produktion von Pflanzen und pflanzlichen Erzeugnissen darf nur ökologisch/biologisch erzeugtes Pflanzenvermehrungsmaterial verwendet werden. Zu diesem Zweck muss die zur Erzeugung von Pflanzenvermehrungsmaterial bestimmte Pflanze und gegebenenfalls die Mutterpflanze während mindestens einer Generation oder bei mehrjährigen Kulturen während mindestens einer Generation im Laufe von zwei Wachstumsperioden nach den Vorschriften dieser Verordnung erzeugt worden sein.
 - 1.4.2. Die Verwendung von nicht ökologisch/nicht biologisch erzeugtem Pflanzenvermehrungsmaterial ist verboten.

Nicht ökologisch/nicht biologisch erzeugtes Pflanzenvermehrungsmaterial darf nur verwendet werden, wenn es aus einer Produktionseinheit stammt, die sich in Umstellung auf die ökologische/biologische Produktion befindet, oder wenn dies für von der zuständigen Behörde des Mitgliedstaats gebilligte Zwecke der Forschung, der Untersuchung im Rahmen klein angelegter Feldversuche oder der Sortenerhaltung gerechtfertigt ist.
- 1.5. Bodenbewirtschaftung und Düngung
 - 1.5.1. Bei der ökologischen/biologischen Pflanzenproduktion müssen Bodenbearbeitungs- und Anbauverfahren angewendet werden, die die organische Bodensubstanz erhalten oder vermehren, die Bodenstabilität und die biologische Vielfalt im Boden verbessern und Bodenverdichtung und Bodenerosion verhindern.
 - 1.5.2. Fruchtbarkeit und biologische Aktivität des Bodens müssen durch mehrjährige Fruchtfolge, die Leguminosen und andere Gründüngungspflanzen einschließt, und durch Einsatz von aus ökologischer/biologischer Produktion stammenden Wirtschaftsdüngern tierischer Herkunft oder organischen Substanzen, die vorzugsweise kompostiert sind, erhalten und gesteigert werden.
 - 1.5.3. Soweit der Nährstoffbedarf der Pflanzen durch die unter den Nummern 1.5.1 und 1.5.2 vorgesehenen Maßnahmen nicht gedeckt werden kann, dürfen lediglich Düngemittel und Bodenverbesserer, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind, und nur in dem unbedingt erforderlichen Maße verwendet werden.
 - 1.5.4. Die Gesamtmenge des im Betrieb ausgebrachten Wirtschaftsdüngers tierischer Herkunft im Sinne der Richtlinie 91/676/EWG des Rates¹ darf 170 kg Stickstoff je Jahr und Hektar landwirtschaftlicher Nutzfläche nicht überschreiten. Dieser Grenzwert gilt nur für Stallmist, getrockneten Stallmist und getrockneten

¹ Richtlinie 91/676/EWG des Rates vom 12. Dezember 1991 zum Schutz der Gewässer vor Verunreinigung durch Nitrat aus landwirtschaftlichen Quellen (ABl. L 375 vom 31.12.1991, S. 1).

Geflügelmist, Kompost aus tierischen Exkrementen, einschließlich Geflügelmist, kompostiertem Stallmist und flüssigen tierischen Exkrementen.

- 1.5.5. Zur Ausbringung von überschüssigem Wirtschaftsdünger aus der ökologischen/biologischen Produktion können ökologisch/biologisch wirtschaftende landwirtschaftliche Betriebe schriftliche Vereinbarungen mit anderen landwirtschaftlichen Betrieben und Unternehmen treffen, jedoch ausschließlich mit solchen, die den ökologischen/biologischen Produktionsvorschriften genügen. Die Obergrenze gemäß Nummer 1.5.4 wird auf Basis aller ökologisch/biologisch wirtschaftenden Produktionseinheiten berechnet, die an dieser Vereinbarung beteiligt sind.
- 1.5.6. Zur Verbesserung des Gesamtzustands des Bodens oder der Nährstoffverfügbarkeit im Boden oder in den Kulturen können Zubereitungen aus Mikroorganismen verwendet werden.
- 1.5.7. Für die Aktivierung von Kompost können geeignete Zubereitungen auf pflanzlicher Basis oder Zubereitungen aus Mikroorganismen verwendet werden.
- 1.5.8. Mineralische Stickstoffdünger dürfen nicht verwendet werden.
- 1.6. Schädlings- und Unkrautbekämpfung
 - 1.6.1. Die Vermeidung von Verlusten durch Schädlinge und Unkräuter stützt sich hauptsächlich auf
 - natürliche Feinde,
 - geeignete Arten- und Sortenwahl und heterogenes Material,
 - Fruchtfolge,
 - Anbauverfahren wie Biofumigation und
 - thermische Prozesse wie Solarisation und oberflächliche Dampfbehandlung des Bodens (bis in maximal 10 cm Tiefe).
 - 1.6.2. Für den Fall, dass mit den Maßnahmen gemäß Nummer 1.6.1 kein angemessener Schutz der Pflanzen vor Schädlingen möglich ist, oder bei nachweislicher Bedrohung der Kultur dürfen lediglich Mittel, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind, und nur in dem unbedingt erforderlichen Maße eingesetzt werden.
 - 1.6.3. Die für die Mittel verwendeten Fallen oder Spender, ausgenommen Pheromonspender, müssen gewährleisten, dass die Stoffe nicht in die Umwelt freigesetzt werden und nicht mit den Kulturpflanzen in Berührung kommen. Die Fallen sind nach ihrer Verwendung einzusammeln und sicher zu entsorgen.
- 1.7. Reinigungs- und Desinfektionsmittel

In der Pflanzenproduktion dürfen nur solche Reinigungs- und Desinfektionsmittel eingesetzt werden, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind.
- 2. Vorschriften für bestimmte Pflanzen oder pflanzliche Erzeugnisse**
 - 2.1. Vorschriften für die Pilzproduktion

Für die Produktion von Pilzen können Substrate verwendet werden, soweit sie sich ausschließlich aus den folgenden Bestandteilen zusammensetzen:

- (a) Stallmist und tierische Exkremente
 - i) aus ökologisch/biologisch wirtschaftenden landwirtschaftlichen Betrieben oder
 - ii) gemäß Nummer 1.5.3, jedoch nur, wenn die Erzeugnisse gemäß Ziffer i nicht verfügbar sind und wenn dieser Stallmist und diese tierischen Exkremente vor der Kompostierung 25 % des Gewichts aller Substratbestandteile ohne Deckmaterial und etwa zugesetztes Wasser nicht überschreiten;
- (b) nicht unter Buchstabe a fallende Erzeugnisse landwirtschaftlichen Ursprungs aus Betrieben, die gemäß den Vorschriften für die ökologische/biologische Produktion wirtschaften werden;
- (c) nicht chemisch behandelter Torf;
- (d) Holz, das nach dem Einschlag nicht chemisch behandelt wurde;
- (e) mineralische Erzeugnisse gemäß Nummer 1.5.3, Wasser und Erde.

2.2. Vorschriften für das Sammeln von Wildpflanzen

Das Sammeln von Wildpflanzen und ihrer Teile, die in der freien Natur, in Wäldern und auf landwirtschaftlichen Flächen natürlich vorkommen, gilt als ökologische/biologische Produktion, sofern

- (a) diese Flächen vor dem Sammeln der Pflanzen mindestens drei Jahre nicht mit anderen als den nach Artikel 19 für die ökologische/biologische Produktion zugelassenen Mitteln behandelt worden sind;
- (b) das Sammeln die Stabilität des natürlichen Lebensraums und die Erhaltung der Arten in dem Sammelgebiet nicht beeinträchtigt.

Teil II: Vorschriften für die Tierproduktion

Zusätzlich zu den Produktionsvorschriften in den Artikeln 7, 8, 9 und 11 enthält dieser Teil Vorschriften für die Tierproduktion.

1. Allgemeine Anforderungen

- 1.1. Eine flächenunabhängige Tierproduktion, bei der der Tierhalter keine landwirtschaftlichen Nutzflächen bewirtschaftet und keine schriftliche Vereinbarung mit einem anderen Landwirt getroffen hat, ist verboten.
- 1.2. Umstellung
 - 1.2.1. Der Umstellungszeitraum beginnt frühestens, wenn der Tierhalter den zuständigen Behörden seine Tätigkeit gemeldet und seinen Betrieb dem Kontrollsystem gemäß dieser Verordnung unterstellt hat.
 - 1.2.2. Unter Nummer 2 sind je nach Art der Tierproduktion spezifische Umstellungszeiträume festgelegt.
 - 1.2.3. Während des Umstellungszeitraums produzierte Tiere und tierische Erzeugnisse dürfen nicht als ökologisch/biologisch vermarktet werden.
 - 1.2.4. Tiere und tierische Erzeugnisse können am Ende des Umstellungszeitraums als ökologisch/biologisch gewertet werden, wenn die gesamte Produktionseinheit, einschließlich Tiere, Weideland oder Futteranbaufläche, gleichzeitig umgestellt wird.

1.3. Herkunft der Tiere

1.3.1. Tiere aus ökologischer/biologischer Produktion müssen in ökologisch/biologisch wirtschaftenden Betrieben geboren und aufgezogen worden sein.

1.3.2. Tiere, die sich zu Beginn des Umstellungszeitraums in dem landwirtschaftlichen Betrieb befinden, und Erzeugnisse dieser Tiere können nach Einhaltung des jeweiligen Umstellungszeitraums gemäß Nummer 2 als ökologisch/biologisch gelten.

1.3.3. Ökologische/biologische Tierzucht:

(a) Die Fortpflanzung hat auf natürlichem Wege zu erfolgen. Künstliche Befruchtung ist jedoch zulässig;

(b) die Fortpflanzung darf außer im Rahmen einer therapeutischen tierärztlichen Behandlung eines einzelnen Tieres nicht durch die Behandlung mit Hormonen oder ähnlichen Stoffen induziert werden;

(c) andere Formen der künstlichen Fortpflanzung, wie zum Beispiel Klonen und Embryonentransfer, sind untersagt;

(d) es sind geeignete Rassen auszuwählen, um zu vermeiden, dass Tiere leiden und verstümmelt werden müssen.

1.3.4. Bei der Wahl der Rassen oder Linien ist der Fähigkeit der Tiere zur Anpassung an die Umweltbedingungen Rechnung zu tragen, ohne dass dadurch ihr Wohlbefinden, ihre Vitalität und ihre Widerstandsfähigkeit gegen Krankheiten beeinträchtigt werden. Darüber hinaus müssen die Rassen oder Linien so ausgewählt werden, dass bestimmte Krankheiten oder Gesundheitsprobleme, die für einige intensiv gehaltene Rassen oder Linien typisch sind, wie Stress-Syndrom der Schweine, PSE-Syndrom (PSE = pale, soft, exudative bzw. blass, weich, wässrig), plötzlicher Tod, spontaner Abort, schwierige Geburten, die einen Kaiserschnitt erforderlich machen, usw., vermieden werden. Einheimischen Rassen und Linien ist der Vorzug zu geben.

1.3.5. Nicht ökologisch/nicht biologisch aufgezogene Tiere können zu Zuchtzwecken in einen ökologisch/biologisch wirtschaftenden Betrieb eingestellt werden, wenn Rassen im Sinne von Anhang IV der Verordnung (EG) Nr. 1974/2006 der Kommission² gefährdet sind, der landwirtschaftlichen Nutzung verloren zu gehen; dabei muss es sich bei den Tieren der betreffenden Rassen nicht unbedingt um Tiere handeln, die noch nicht geworfen haben.

1.4. Ernährung

1.4.1. Allgemeiner Nährstoffbedarf

Für die Ernährung gilt Folgendes:

(a) Futtermittel sind hauptsächlich in dem landwirtschaftlichen Betrieb, in dem die Tiere, für die sie bestimmt sind, gehalten werden, oder in anderen ökologisch/biologisch wirtschaftenden Betrieben im gleichen Gebiet zu erzeugen;

² Verordnung (EG) Nr. 1974/2006 der Kommission vom 15. Dezember 2006 mit Durchführungsbestimmungen zur Verordnung (EG) Nr. 1698/2005 des Rates über die Förderung der Entwicklung des ländlichen Raums durch den Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (ELER) (ABl. L 368 vom 23.12.2006, S. 15).

- (b) die Tiere sind mit ökologischen/biologischen Futtermitteln zu füttern, die dem ernährungsphysiologischen Bedarf der Tiere in ihren verschiedenen Entwicklungsstadien entsprechen. Restriktive Fütterung ist in der Tierproduktion verboten;
- (c) das Halten von Tieren unter Bedingungen oder bei einer Ernährung, die zu Anämie führen könnten, ist verboten;
- (d) Mastpraktiken müssen in jeder Phase des Aufzuchtprozesses umkehrbar sein. Die Zwangsfütterung ist verboten;
- (e) mit der Ausnahme von Bienen müssen die Tiere ständigen Zugang zu Weideland oder Raufutter haben;
- (f) die Verwendung von Wachstumsförderern und synthetischen Aminosäuren ist untersagt;
- (g) während der Säugeperiode werden die Tiere für eine Mindestdauer vorzugsweise mit Muttermilch gefüttert;
- (h) Futtermittel-Ausgangserzeugnisse mineralischen Ursprungs, Futtermittelzusatzstoffe, bestimmte Erzeugnisse für die Tierernährung und Verarbeitungshilfsstoffe dürfen nur dann verwendet werden, wenn sie nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind.

1.4.2. Weiden auf Gemeinschaftsflächen und Wandertierhaltung

1.4.2.1. Ökologisch/biologisch produzierte Tiere können auf Gemeinschaftsflächen weiden, sofern

- (a) die Gemeinschaftsflächen vollständig gemäß dieser Verordnung bewirtschaftet werden;
- (b) nicht ökologisch/nicht biologisch produzierte Tiere, die auf den Flächen weiden, aus einem Produktionssystem stammen, das einem der in den Artikeln 28 und 30 der Verordnung (EU) Nr. 1305/2013³ vorgesehenen Systeme gleichwertig ist;
- (c) die von ökologisch/biologisch produzierten Tieren stammenden Erzeugnisse nicht als ökologische/biologische Erzeugnisse angesehen werden, solange die betreffenden Tiere auf diesen Flächen gehalten werden, es sei denn, es kann eine adäquate Trennung dieser Tiere von den nicht ökologisch/nicht biologisch produzierten Tieren nachgewiesen werden.

1.4.2.2. Während der Wander- bzw. Hüteperiode dürfen Tiere, wenn sie von einer Weidefläche auf eine andere getrieben werden, auf nichtökologischen/nichtbiologischen Flächen grasen. Die Aufnahme nichtökologischer/nichtbiologischer Futtermittel beim Grasens während dieses Zeitraums in Form von Gras und anderem Bewuchs ist während eines Zeitraums von höchstens 35 Tagen gestattet, der den Auftrieb auf und den Abtrieb von den Weideplätzen einschließt.

1.4.3. Umstellungsfuttermittel

³ Verordnung (EU) Nr. 1305/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013 über die Förderung der ländlichen Entwicklung durch den Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (ELER) und zur Aufhebung der Verordnung (EG) Nr. 1698/2005 (ABl. L 347 vom 20.12.2013, S. 487).

- 1.4.3.1. Bei landwirtschaftlichen Betrieben, die sich in der Umstellung befinden, können im Durchschnitt bis zu 15 % der Gesamtmenge der an die Tiere verfütterten Futtermittel aus der Beweidung bzw. der Beerntung von Dauergrünland, mehrjährigen Futterkulturen oder von Eiweißpflanzen, die im ersten Jahr der Umstellung auf ökologisch/biologisch bewirtschafteten Parzellen angebaut wurden, stammen, sofern diese Flächen Teil des Betriebs sind. Futter, das im ersten Jahr der Umstellung erzeugt wurde, darf nicht für die Herstellung verarbeiteter ökologischer/biologischer Futtermittel verwendet werden. Wenn sowohl Umstellungsfuttermittel als auch Futtermittel von Parzellen im ersten Jahr der Umstellung verwendet werden, darf der Gesamtprozentsatz dieser Futtermittel zusammengerechnet den Höchstsatz gemäß Nummer 1.4.3.2 nicht überschreiten.
- 1.4.3.2. Bei ökologisch/biologisch wirtschaftenden Betrieben dürfen durchschnittlich bis zu 20 % der Futterration aus Umstellungsfuttermitteln bestehen, und zwar aus Futtermitteln, die im zweiten Jahr der Umstellung erzeugt wurden. Bei landwirtschaftlichen Betrieben, die sich in der Umstellung befinden, kann dieser Prozentanteil auf 100 % erhöht werden, wenn die Umstellungsfuttermittel aus dem Betrieb selbst stammen.
- 1.4.3.3. Die Prozentwerte gemäß den Nummern 1.4.3.1 und 1.4.3.2 werden jährlich als ein Prozentsatz der Trockenmasse der Futtermittel pflanzlichen Ursprungs berechnet.
- 1.4.4. Verwendung bestimmter Futtermittel-Ausgangserzeugnisse und Stoffe in Futtermitteln
- Bei der Verarbeitung ökologischer/biologischer Futtermittel und zur Fütterung ökologisch/biologisch produzierter Tiere dürfen nur ökologische/biologische Futtermittel-Ausgangserzeugnisse tierischen Ursprungs sowie Futtermittel-Ausgangserzeugnisse und Futtermittelzusatzstoffe verwendet werden, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind.
- 1.5. Tiergesundheit
- 1.5.1. Krankheitsvorsorge
- 1.5.1.1. Die Krankheitsvorsorge beruht auf Rassen- und Linienselektion, angemessenen Tierhaltungspraktiken, hochwertigen Futtermitteln und Auslauf, angemessener Besatzdichte und einer geeigneten und angemessenen Unterbringung unter hygienischen Bedingungen.
- 1.5.1.2. Die Verwendung immunologisch wirksamer Tierarzneimittel ist gestattet.
- 1.5.1.3. Die präventive Verabreichung chemisch-synthetischer allopathischer Tierarzneimittel oder von Antibiotika ist verboten.
- 1.5.1.4. Die Verwendung von wachstums- oder leistungsfördernden Stoffen (einschließlich Antibiotika, Kokzidiostatika und anderen künstlichen Wachstumsförderern) sowie von Hormonen oder ähnlichen Stoffen zur Kontrolle der Fortpflanzung (z. B. Einleitung oder Synchronisierung der Brunst) oder zu anderen Zwecken ist verboten.
- 1.5.1.5. Werden Tiere aus nicht ökologisch/nicht biologisch wirtschaftenden Einheiten beschafft, können je nach örtlichen Bedingungen besondere Maßnahmen wie Screeningtests oder Quarantänezeiträume vorgesehen werden.

- 1.5.1.6. Für die Reinigung und Desinfektion von Stallgebäuden und Anlagen dürfen nur solche Reinigungs- und Desinfektionsmittel eingesetzt werden, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind.
- 1.5.1.7. Stallungen, Buchten, Ausrüstungen und Geräte sind sachgemäß zu reinigen und zu desinfizieren, um Kreuzinfektionen und der Vermehrung von Krankheitsüberträgern vorzubeugen. Kot, Urin und nicht gefressenes oder verschüttetes Futter sind so oft wie nötig zu beseitigen, um die Geruchsbildung einzugrenzen und keine Insekten oder Nager anzulocken. Zur Beseitigung von Insekten und anderen Schädlingen in Gebäuden und sonstigen Anlagen, in denen Tiere gehalten werden, können Rodentizide (nur in Fallen) sowie die nach Artikel 19 für die ökologische/biologische Produktion zugelassenen Mittel verwendet werden.
- 1.5.2. Tierärztliche Behandlung
- 1.5.2.1. Sollten Tiere trotz der Vorsorgemaßnahmen krank werden oder sich verletzen, so sind sie unverzüglich zu behandeln.
- 1.5.2.2. Krankheiten sind unverzüglich zu behandeln, um ein Leiden der Tiere zu vermeiden; chemisch-synthetische allopathische Tierarzneimittel einschließlich Antibiotika dürfen erforderlichenfalls unter strengen Bedingungen und unter der Verantwortung eines Tierarztes verabreicht werden, wenn die Behandlung mit phytotherapeutischen, homöopathischen und anderen Erzeugnissen ungeeignet ist. Insbesondere sind Beschränkungen in Bezug auf die Zahl der Behandlungen und Bestimmungen über die Wartezeiten festzulegen.
- 1.5.2.3. Futtermittel-Ausgangserzeugnisse mineralischen Ursprungs und ernährungsphysiologische Zusatzstoffe, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind, sowie phytotherapeutische und homöopathische Präparate sind chemisch-synthetischen allopathischen Tierarzneimitteln, einschließlich Antibiotika, vorzuziehen, sofern ihre therapeutische Wirkung bei der betreffenden Tierart und der zu behandelnden Krankheit gewährleistet ist.
- 1.5.2.4. Erhält ein Tier oder eine Tiergruppe innerhalb von zwölf Monaten mehr als drei Mal oder — falls der produktive Lebenszyklus des Tieres oder der Gruppe weniger als ein Jahr beträgt — mehr als ein Mal eine tierärztliche Behandlung mit chemisch-synthetischen allopathischen Tierarzneimitteln, einschließlich Antibiotika, wobei Impfungen, Parasitenbehandlungen und obligatorische Seuchentilgungsmaßnahmen ausgenommen sind, so dürfen die betreffenden Tiere und die von ihnen stammenden Erzeugnisse nicht als ökologische/biologische Erzeugnisse verkauft werden, und diese Tiere unterliegen den Umstellungsfristen gemäß den Nummern 1.2 und 2.
- 1.5.2.5. Die Wartezeit zwischen der letzten Verabreichung eines allopathischen Tierarzneimittels an ein Tier unter normalen Anwendungsbedingungen und der Gewinnung ökologischer/biologischer Nahrungsmittel von diesem Tier muss doppelt so lang sein wie die gesetzlich vorgeschriebene Wartezeit im Sinne von Artikel 11 der Richtlinie 2001/82/EG oder — falls keine Wartezeit vorgegeben ist — 48 Stunden betragen.
- 1.5.2.6. Nach dem Unionsrecht zum Schutz der Gesundheit von Mensch und Tier vorgeschriebene Behandlungen sind zulässig.
- 1.6. Unterbringungsbedingungen und Haltungspraktiken

- 1.6.1. Durch Isolierung, Beheizung und Belüftung des Gebäudes ist sicherzustellen, dass Luftzirkulation, Staubkonzentration, Temperatur, relative Luftfeuchtigkeit und Gaskonzentration innerhalb von Grenzen bleiben, die das Wohlbefinden der Tiere gewährleisten. Das Gebäude muss reichlich natürliche Belüftung und ausreichenden Tageslichteinfall gewährleisten.
- 1.6.2. In Gebieten mit Klimaverhältnissen, die es gestatten, dass die Tiere im Freien leben, sind Stallungen nicht vorgeschrieben. Die Tiere müssen ständigen Zugang zu Freigelände, vorzugsweise zu Weideland, haben, wann immer die Witterungsbedingungen und der Zustand des Bodens dies erlauben, es sei denn, es gelten mit dem Unionsrecht im Einklang stehende Einschränkungen und Pflichten zum Schutz der Gesundheit von Mensch und Tier. Die Tiere müssen Zugang zu Unterständen oder schattigen Plätzen zum Schutz vor Wetterunbilden haben.
- 1.6.3. Die Besatzdichte in Stallgebäuden muss den Tieren Komfort und Wohlbefinden gewährleisten und gestatten, dass die Tiere ihre artspezifischen Bedürfnisse ausleben können, die je nach Art, Rasse und Alter der Tiere unterschiedlich sind. Sie muss ferner den Verhaltensbedürfnissen der Tiere Rechnung tragen, die insbesondere von der Gruppengröße und dem Geschlecht der Tiere abhängen. Die Besatzdichte muss das Wohlbefinden der Tiere gewährleisten, d. h. sie müssen über ein ausreichendes Platzangebot verfügen, das natürliches Stehen, bequemes Abliegen, Umdrehen, Putzen, das Einnehmen aller natürlichen Stellungen und die Ausführung aller natürlichen Bewegungen wie Strecken und Flügelschlagen gestattet.
- 1.6.4. Unter den Nummern 2.1.4., 2.2.4., 2.3.4. und 2.4.5. sind Mindeststallflächen und Mindestaußenflächen sowie andere Bedingungen für die Unterbringung verschiedener Arten und Kategorien von Tieren festgelegt.
- 1.6.5. Freigelände kann teilweise überdacht sein. Veranden gelten nicht als Freigelände.
- 1.6.6. Die Gesamtbesatzdichte darf den Grenzwert von 170 kg organischer Stickstoff pro Jahr und Hektar landwirtschaftliche Nutzfläche nicht überschreiten.
- 1.6.7. Zur Bestimmung der angemessenen Besatzdichte gemäß Nummer 1.6.6. legt die zuständige Behörde die dem unter Nummer 1.6.6. genannten Grenzwert entsprechenden Vieheinheiten fest, wobei sie die in den spezifischen Produktionsvorschriften für die jeweilige Tierart festgelegten Werte berücksichtigt.
- 1.7. Tierschutz
 - 1.7.1. Tierhalter müssen die nötigen Grundkenntnisse und -fähigkeiten in Bezug auf Tiergesundheit und Tierschutz besitzen.
 - 1.7.2. Die Haltungspraktiken, einschließlich Besatzdichte und Unterbringung, müssen den entwicklungsbedingten, physiologischen und ethologischen Bedürfnissen der Tiere entsprechen.
 - 1.7.3. Die Tiere müssen ständigen Zugang zu Freigelände, vorzugsweise zu Weideland, haben, wann immer die Witterungsbedingungen und der Zustand des Bodens dies erlauben, es sei denn, es gelten mit dem Unionsrecht im Einklang stehende Einschränkungen und Pflichten zum Schutz der Gesundheit von Mensch und Tier.
 - 1.7.4. Die Besatzzahlen müssen so niedrig sein, dass Überweidung, Zertrampeln des Bodens, Erosion oder Umweltbelastung verursacht durch die Tiere oder die Ausbringung des von ihnen stammenden Wirtschaftsdüngers möglichst gering gehalten werden.

- 1.7.5. Bei Anwendung von Artikel 8 Absatz 5 und Nummer 1.4.2.2. dieses Teils sind ökologisch/biologisch produzierte Tiere von anderen Tieren getrennt zu halten.
- 1.7.6. Anbindung oder Isolierung der Tiere ist untersagt, außer wenn dies bei einzelnen Tieren aus tierärztlichen Gründen gerechtfertigt und zeitlich begrenzt ist. Die zuständigen Behörden können genehmigen, dass Rinder in Kleinstbetrieben angebunden werden, wenn es nicht möglich ist, die Rinder in Gruppen zu halten, deren Größe ihren Verhaltensbedürfnissen gerecht wird, sofern die Tiere während der Weidezeit Zugang zu Weideland und mindestens zweimal in der Woche Zugang zu Freigelände haben, wenn das Weiden nicht möglich ist.
- 1.7.7. Die Dauer von Tiertransporten muss möglichst kurz gehalten werden.
- 1.7.8. Ein Leiden der Tiere ist während ihrer gesamten Lebensdauer sowie bei der Schlachtung so gering wie möglich zu halten.
- 1.7.9. Verstümmelungen der Tiere sind verboten.
- 1.7.10. Jegliches Leid der Tiere ist auf ein Minimum zu begrenzen, indem angemessene Betäubungs- und/oder Schmerzmittel verabreicht werden und ein Eingriff nur im geeigneten Alter und von qualifiziertem Personal vorgenommen wird.
- 1.7.11. Die operative Kastration ist zulässig, um die Qualität der Erzeugnisse zu gewährleisten und traditionellen Produktionspraktiken Rechnung zu tragen, allerdings nur, wenn angemessene Betäubungs- und/oder Schmerzmittel verabreicht werden und der Eingriff nur im geeigneten Alter und von qualifiziertem Personal vorgenommen wird.
- 1.7.12. Beim Ver- und Entladen von Tieren dürfen keine elektrischen Treibhilfen verwendet werden. Die Verabreichung allopathischer Beruhigungsmittel vor und während der Beförderung ist verboten.

2. Vorschriften für spezifische Tierarten

2.1. Rinder-, Schaf- und Ziegenproduktion

2.1.1. Umstellung

Damit Rinder, Schafe und Ziegen und Erzeugnisse aus diesen Tieren als ökologisch/biologisch gelten können, müssen die Produktionsvorschriften dieser Verordnung angewendet worden sein während mindestens

- (a) zwölf Monaten im Falle von Fleischrindern, in jedem Fall jedoch für mindestens drei Viertel der Lebensdauer dieser Tiere;
- (b) sechs Monaten im Falle von Schafen und Ziegen sowie Milch produzierenden Tieren.

2.1.2. Ernährung

Für die Ernährung gilt Folgendes:

- (a) Rinder, Schafe und Ziegen müssen Zugang zu Weideland haben, wann immer die Umstände dies gestatten;
- (b) unbeschadet der Bestimmung gemäß Buchstabe a müssen über ein Jahr alte männliche Rinder Zugang zu Weideland oder Freigelände haben;
- (c) soweit Rinder, Schafe und Ziegen während der Weidezeit Zugang zu Weideland haben und die Winterstallung den Tieren Bewegungsfreiheit

gewährleistet, muss der Verpflichtung zur Bereitstellung von Freigelände in den Wintermonaten nicht nachgekommen werden;

- (d) außer während der jährlichen Wander- und Hüteperiode gemäß Nummer 1.4.2.2. müssen mindestens 90 % der Futtermittel aus dem Betrieb selbst stammen oder — falls dies nicht möglich ist — in Zusammenarbeit mit anderen ökologisch/biologisch wirtschaftenden Betrieben in derselben Region erzeugt werden;
- (e) Aufzuchtssysteme für Rinder, Schafe und Ziegen sollten je nach Verfügbarkeit von Weiden zu verschiedenen Zeiten des Jahres ein Maximum an Weidegang gewährleisten. Mindestens 60 % der Trockenmasse in der Tagesration von Rindern, Schafen und Ziegen müssen aus frischem, getrocknetem oder siliertem Raufutter bestehen. Bei Milchvieh ist für eine Höchstdauer von drei Monaten in der frühen Laktationsphase eine Verringerung dieses Prozentsatzes auf 50 % zulässig;
- (f) Saugkälber, -lämmer und -zickel werden vorzugsweise mit Muttermilch gefüttert, und dies während einer Mindestdauer von drei Monaten im Falle von Rindern und von 45 Tagen bei Schafen und Ziegen.

2.1.3. Spezifische Unterbringungsbedingungen

Für die Unterbringung gilt Folgendes:

- (a) Die Böden der Ställe für Rinder, Schafe und Ziegen müssen glatt, aber rutschfest sein. Mindestens die Hälfte der Stallfläche im Sinne der unter Nummer 2.1.4. aufgeführten Tabelle zu den Mindeststallflächen für Rinder, Schafe und Ziegen muss von fester Beschaffenheit sein, d. h. es darf sich nicht um Spaltböden oder Gitterroste handeln.
- (b) Die Ställe müssen ausreichend große, bequeme, saubere und trockene Liege-/Ruheflächen aufweisen, die in fester, nicht perforierter Bauweise ausgeführt sind. Im Ruhebereich muss ausreichend trockene Einstreu vorhanden sein. Die Einstreu muss aus Stroh oder anderem geeigneten Naturmaterial bestehen. Die Einstreu kann mit Mineralstoffen, die nach Artikel 19 als Düngemittel oder Bodenverbesserer für die ökologische/biologische Produktion zugelassen sind, verbessert und angereichert werden.
- (c) Unbeschadet von Artikel 3 Absatz 1 Unterabsatz 1 Buchstabe a und Unterabsatz 2 der Richtlinie 2008/119/EG des Rates⁴ ist die Unterbringung von Kälbern in Einzelboxen nach der ersten Lebenswoche verboten, außer wenn dies bei einzelnen Tieren aus tierärztlichen Gründen gerechtfertigt und zeitlich begrenzt ist.

2.1.4. Besatzdichte

Die Besatzzahlen für Rinder, Schafe und Ziegen dürfen je Hektar folgende Grenzwerte nicht überschreiten:

Klasse oder Art	Höchstzulässige Anzahl Tiere je Hektar Äquivalent von 170 kg N/ha/Jahr
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⁴ Richtlinie 2008/119/EG des Rates vom 18. Dezember 2008 über Mindestanforderungen für den Schutz von Kälbern (ABl. L 10 vom 15.1.2009, S. 7).

Mastkälber	5
Andere Rinder unter einem Jahr	5
Männliche Rinder zwischen 1 und 2 Jahren	3,3
Weibliche Rinder zwischen 1 und 2 Jahren	3,3
Männliche Rinder ab 2 Jahren	2
Zuchtfärsen	2,5
Mastfärsen	2,5
Milchkühe	2
Merzkühe	2
Andere Kühe	2,5
Ziegen	13,3
Mutterschafe	13,3

Die Mindeststallflächen und -außenflächen sowie die anderen Bedingungen für die Unterbringung von Rindern, Schafen und Ziegen sind wie folgt festgelegt:

	Stallfläche (den Tieren zur Verfügung stehende Nettofläche)		Außenfläche (Auslaufflächen, ausgenommen Weideflächen)
	Mindestlebens- gewicht (kg)	m ² /Tier	m ² /Tier
Zucht- und Mastrinder	bis zu 100	1,5	1,1
	bis zu 200	2,5	1,9
	bis zu 350	4,0	3
	über 350	5, mindestens jedoch 1 m ² /100 kg	3,7, mindestens jedoch 0,75 m ² /100 kg
Milchkühe		6	4,5
Zuchtbullen		10	30
Schafe und Ziegen		1,5 Schaf/Ziege	2,5
		0,35 Lamm/Zickel	2,5; 0,5 je Lamm/Zickel

2.2. Equidenproduktion

2.2.1. Umstellung

Damit Equiden und Equidenerzeugnisse als ökologisch/biologisch gelten können, müssen die Produktionsvorschriften dieser Verordnung angewendet worden sein während mindestens

- (a) zwölf Monaten bei Tieren für die Fleischerzeugung, in jedem Fall jedoch für mindestens drei Viertel der Lebensdauer dieser Tiere;
- (b) sechs Monaten im Falle von Milch produzierenden Tieren.

2.2.2. Ernährung

Für die Ernährung gilt Folgendes:

- (a) Equiden müssen Zugang zu Weideland haben, wann immer die Umstände dies gestatten;
- (b) soweit Equiden während der Weidezeit Zugang zu Weideland haben und die Winterstallung den Tieren Bewegungsfreiheit gewährleistet, muss der Verpflichtung zur Bereitstellung von Freigelände in den Wintermonaten nicht nachgekommen werden;
- (c) außer während der jährlichen Wander- und Hüteperiode gemäß Nummer 1.4.2.2. müssen mindestens 90 % der Futtermittel aus dem Betrieb selbst stammen oder — falls dies nicht möglich ist — in Zusammenarbeit mit anderen ökologisch/biologisch wirtschaftenden Betrieben in derselben Region erzeugt werden;
- (d) Aufzuchtssysteme für Equiden sollten je nach Verfügbarkeit von Weiden zu verschiedenen Zeiten des Jahres ein Maximum an Weidegang gewährleisten. Mindestens 60 % der Trockenmasse in der Tagesration von Equiden muss aus frischem, getrocknetem oder siliertem Raufutter bestehen;
- (e) Saugfohlen werden vorzugsweise mit Muttermilch gefüttert, und dies während einer Mindestdauer von drei Monaten.

2.2.3. Spezifische Unterbringungsbedingungen

Für die Unterbringung gilt Folgendes:

- (a) Die Böden der Ställe für Equiden müssen glatt, aber rutschfest sein. Mindestens die Hälfte der Stallfläche im Sinne der unter Nummer 2.2.4. aufgeführten Tabelle zu den Mindeststallflächen für Equiden muss von fester Beschaffenheit sein, d. h. es darf sich nicht um Spaltböden oder Gitterroste handeln.
- (b) Die Ställe müssen ausreichend große, bequeme, saubere und trockene Liege-/Ruheflächen aufweisen, die in fester, nicht perforierter Bauweise ausgeführt sind. Im Ruhebereich muss ausreichend trockene Einstreu vorhanden sein. Die Einstreu muss aus Stroh oder anderem geeigneten Naturmaterial bestehen. Die Einstreu kann mit Mineralstoffen, die nach Artikel 19 als Düngemittel oder Bodenverbesserer für die ökologische/biologische Produktion zugelassen sind, verbessert und angereichert werden.

2.2.4. Besatzdichte

Die Besatzzahlen für Equiden dürfen je Hektar folgenden Grenzwert nicht überschreiten:

Klasse oder Art	Höchstzulässige Anzahl Tiere je Hektar Äquivalent von 170 kg N/ha/Jahr
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Equiden ab 6 Monaten	2
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Die Mindeststallflächen und -außenflächen sowie die anderen Bedingungen für die Unterbringung von Equiden sind wie folgt festgelegt:

	Stallfläche (den Tieren zur Verfügung stehende Nettofläche)		Außenfläche (Auslaufflächen, ausgenommen Weideflächen)
	Mindestlebens- gewicht (kg)	m ² /Tier	m ² /Tier
Zucht- und Mastequiden	bis zu 100	1,5	1,1
	bis zu 200	2,5	1,9
	bis zu 350	4,0	3
	über 350	5, mindestens jedoch 1 m ² /100 kg	3,7, mindestens jedoch 0,75 m ² /100 kg

2.3. Schweineproduktion

2.3.1. Umstellung

Damit Schweine und Schweineerzeugnisse als ökologisch/biologisch gelten können, müssen die Produktionsvorschriften dieser Verordnung während mindestens sechs Monaten angewendet worden sein.

2.3.2. Ernährung

Für die Ernährung gilt Folgendes:

- (a) Mindestens 60 % der Futtermittel müssen aus dem Betrieb selbst stammen oder — falls dies nicht möglich ist — in derselben Region in Zusammenarbeit mit anderen ökologisch/biologisch wirtschaftenden Betrieben oder Futtermittelunternehmern erzeugt werden;
- (b) Saugferkel werden vorzugsweise mit Muttermilch gefüttert, und dies während einer Mindestdauer von 40 Tagen;
- (c) der Tagesration von Schweinen ist frisches, getrocknetes oder siliertes Raufutter beizugeben.

2.3.3. Spezifische Unterbringungsbedingungen

Für die Unterbringung gilt Folgendes:

- (a) Die Böden der Schweineställe müssen glatt, aber rutschfest sein. Mindestens die Hälfte der Stallfläche im Sinne der unter Nummer 2.3.4. aufgeführten Tabelle zu den Mindeststallflächen für Schweine muss von fester Beschaffenheit sein, d. h. es darf sich nicht um Spaltböden oder Gitterroste handeln;
- (b) die Schweineställe müssen ausreichend große, bequeme, saubere und trockene Liege-/Ruheflächen aufweisen, die in fester, nicht perforierter Bauweise ausgeführt sind. Im Ruhebereich muss ausreichend trockene Einstreu vorhanden sein. Die Einstreu muss aus Stroh oder anderem geeigneten

Naturmaterial bestehen. Die Einstreu kann mit Mineralstoffen, die nach Artikel 19 als Düngemittel oder Bodenverbesserer für die ökologische/biologische Produktion zugelassen sind, verbessert und angereichert werden;

- (c) Sauen sind außer in den letzten Trächtigkeitsphasen und während der Sägezeit in Gruppen zu halten;
- (d) Ferkel dürfen nicht in Flat-Deck-Anlagen oder Ferkelkäfigen gehalten werden;
- (e) Schweinen müssen Bewegungsflächen zum Misten und zum Wühlen zur Verfügung stehen. Zum Wühlen können verschiedene Substrate verwendet werden.

2.3.4. Besatzdichte

Die Besatzzahlen für Schweine dürfen je Hektar folgende Grenzwerte nicht überschreiten:

Klasse oder Art	Höchstzulässige Anzahl Tiere je Hektar Äquivalent von 170 kg N/ha/Jahr
Ferkel	74
Zuchtsauen	6,5
Mastschweine	14
Andere Schweine	14

Die Mindeststallflächen und -außenflächen sowie die anderen Bedingungen für die Unterbringung von Schweinen sind wie folgt festgelegt:

	Stallfläche (den Tieren zur Verfügung stehende Nettofläche)		Außenfläche (Auslaufflächen, ausgenommen Weideflächen)
	Mindestlebens- gewicht (kg)	m ² /Tier	m ² /Tier
Führende Sauen mit bis zu 40 Tage alten Ferkeln		7,5 Sauen	2,5
Mastschweine	bis zu 50	0,8	0,6
	bis zu 85	1,1	0,8
	bis zu 110	1,3	1
Ferkel	über 40 Tage alt und bis 30 kg	0,6	0,4
Zuchtschweine		2,5 weibliche Tiere	1,9
		6 männliche Tiere Wenn die natürliche	8,0

		Paarung in Buchten erfolgt: 10 m ² /Eber	
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2.4. Geflügelproduktion

2.4.1. Umstellung

Damit Geflügel und Geflügelerzeugnisse als ökologisch/biologisch gelten können, müssen die Produktionsvorschriften dieser Verordnung angewendet worden sein während mindestens

- (a) zehn Wochen im Falle von Geflügel für die Fleischerzeugung, das eingestallt wurde, bevor die Tiere drei Tage alt waren;
- (b) sechs Wochen bei Geflügel für die Eierzeugung.

2.4.2. Herkunft des Geflügels

Geflügel wird entweder bis zum Erreichen eines Mindestalters aufgezogen oder es muss von langsam wachsenden Rassen/Linien stammen, die von der zuständigen Behörde festgelegt wurden. Werden keine langsam wachsenden Rassen/Linien verwendet, so beträgt das Mindestalter bei der Schlachtung

- (a) 81 Tage bei Hühnern,
- (b) 150 Tage bei Kapaunen,
- (c) 49 Tage bei Pekingenten,
- (d) 70 Tage bei weiblichen Barbarie-Enten,
- (e) 84 Tage bei männlichen Barbarie-Enten,
- (f) 92 Tage bei Mulard-Enten,
- (g) 94 Tage bei Perlhühnern,
- (h) 140 Tage bei Truthähnen und Bratgänsen und
- (i) 100 Tage bei Truthennen.

2.4.3. Ernährung

Für die Ernährung gilt Folgendes:

- (a) Mindestens 60 % der Futtermittel müssen aus dem Betrieb selbst stammen oder — falls dies nicht möglich ist — in derselben Region und in Zusammenarbeit mit anderen ökologisch/biologisch wirtschaftenden Betrieben oder Futtermittelunternehmern erzeugt werden;
- (b) der Tagesration ist frisches, getrocknetes oder siliertes Raufutter beizugeben.

2.4.4. Spezifische Unterbringungsbedingungen

Für die Unterbringung gilt Folgendes:

- (a) Geflügel darf nicht in Käfigen gehalten werden;
- (b) soweit Witterung und Hygienebedingungen dies gestatten, muss Wassergeflügel Zugang zu einem Bach, Teich, See oder Wasserbecken haben, damit sie ihre artspezifischen Bedürfnisse ausleben können und die Tierschutzanforderungen erfüllt sind. Falls die Witterung dies nicht gestattet,

- müssen die Tiere Zugang zu Wasser haben, in das sie ihren Kopf eintauchen und so ihr Gefieder reinigen können;
- (c) Geflügel muss während mindestens eines Drittels seiner Lebensdauer Zugang zu Freigelände haben. Freigelände für Geflügel muss überwiegend aus einer Vegetationsdecke bestehen und Unterschlupf bieten; die Tiere müssen ungehinderten Zugang zu einer angemessenen Anzahl Tränken haben;
 - (d) soweit Geflügel gemäß unionsrechtlicher Beschränkungen oder Verpflichtungen im Stall gehalten wird, müssen die Tiere ständigen Zugang zu ausreichend Raufutter und geeignetem Material haben, um ihren ethologischen Bedürfnissen nachkommen zu können;
 - (e) Geflügelstallungen müssen folgende Mindestanforderungen erfüllen:
 - i) Mindestens ein Drittel der Bodenfläche muss von fester Beschaffenheit sein, d. h. es darf sich nicht um Spaltenböden oder Gitterroste handeln, und muss mit Streumaterial in Form von Stroh, Holzspänen, Sand oder Torf bedeckt sein;
 - ii) in Ställen für Legehennen ist ein ausreichend großer Teil der den Hennen zur Verfügung stehenden Bodenfläche als Kotgrube vorzusehen;
 - iii) die Tiere müssen über Sitzstangen einer Größe und Anzahl verfügen, die der Gruppen- oder der Tiergröße im Sinne der unter Nummer 2.4.5. aufgeführten Tabelle zu den Mindeststallflächen und –außenflächen sowie den anderen Unterbringungsbedingungen für die Geflügelproduktion entsprechen;
 - iv) an der Außenseite des Stalls, einschließlich eines gegebenenfalls vorhandenen Kaltscharrraums (Veranda), müssen Ein- und Ausflugklappen einer den Tieren angemessenen Größe vorhanden sein, deren Länge zusammengerechnet mindestens 4 m je 100m² der den Tieren zur Verfügung stehenden Stallfläche entspricht. Ist ein Kaltscharrraum vorhanden, so muss die Länge der Luken zwischen Stall und Kaltscharrraum insgesamt 2 m je 100 m² Stallfläche entsprechen. Die Tiere müssen ganztägig Zugang zum Kaltscharrraum haben;
 - v) die Geflügelställe müssen so gebaut sein, dass alle Tiere leichten Zugang zu einem Auslaufbereich haben, d. h. von keiner Stelle im Stall darf die Entfernung bis zur nächstgelegenen Ausflugklappe mehr als 15 m betragen;
 - vi) Etagenställe umfassen maximal drei Ebenen einschließlich Boden. Der Abstand zwischen den Ebenen oder Zwischenflächen (z. B. Nestflächen) darf nicht mehr als 1 m betragen. Für die oberen Ebenen ist eine automatische Kotentfernung vorzusehen;
 - (f) das natürliche Licht kann durch eine künstliche Beleuchtung ergänzt werden, damit ein Maximum von 16 Lichtstunden täglich und eine ununterbrochene Nachtruhe ohne künstliche Beleuchtung von mindestens acht Stunden gewährleistet ist;
 - (g) Geflügelställe müssen vor Belegung mit einer neuen Partie geräumt werden. Die Ställe und Einrichtungen sind während dieser Zeit zu reinigen und zu desinfizieren. Ferner muss für die Ausläufe nach jeder Belegung eine von den

Mitgliedstaaten festzulegende Ruhezeit eingelegt werden, damit die Vegetation nachwachsen kann. Diese Vorschriften gelten nicht in Fällen, in denen Geflügel nicht in Partien aufgezogen wird, nicht in Ausläufen gehalten wird und den ganzen Tag freien Auslauf hat.

2.4.5. Besatzdichte

Die Anzahl Tiere je Hektar darf folgende Grenzwerte nicht überschreiten:

Klasse oder Art	Höchstzulässige Anzahl Tiere je Hektar Äquivalent von 170 kg N/ha/Jahr
Masthühner	580
Legehennen	230

Die Mindeststallflächen und -außenflächen sowie die anderen Bedingungen für die Unterbringung von Tieren der Art *Gallus gallus* sind wie folgt festgelegt:

	Zuchttiere/ Elterntiere	Jungbestand		Mastgeflügel		Kapaune
Art	Zuchttiere	Junghennen 0-8 Wochen	Junghennen 9-18 Wochen	Starter 0-21 Tage	Finisher 22-81 Tage	22-150 Tage
Besatzdichte im Stall (Tiere pro m ² nutzbare Fläche) für stationäre und Mobilställe	6 Tiere	24 Tiere, höchstzulässiges Lebendgewicht 21 kg je m ²	15 Tiere, höchstzulässiges Lebendgewicht 21 kg je m ²	20 Tiere, höchstzulässiges Lebendgewicht 21 kg je m ²	10 Tiere, höchstzulässiges Lebendgewicht 21 kg je m ²	10 Tiere, höchstzulässiges Lebendgewicht 21 kg je m ²
Sitzstangenplatz (in cm)						
Zusätzliche Besatzdichtebegrenzung bei Etagenställen /m ² Bodenfläche (einschließlich Kaltscharraum bei 24- stündigem Zugang)	9 Tiere	36 Tiere ohne Kaltscharraum- fläche	22 Tiere	trifft in der Regel nicht zu		
Maximale Bestands- größe	3000, einschließlich männliche Tiere	10 000*	3300**	10 000*	4800	2500
Besatzdichte auf Außenflächen (Tiere/m ²), sofern die Obergrenze von 170 kg N/ha/Jahr nicht überschritten wird	4	1	4	1	4	4

* unterteilbar in Partien von 3x3000 oder 2x4800

Die Mindeststallflächen und -außenflächen sowie die anderen Bedingungen für die Unterbringung von anderen Tieren als Tieren der Art *Gallus gallus* sind wie folgt festgelegt:

	<i>Truthühner</i>		<i>Gänse</i>	<i>Enten</i>				<i>Perlhühner</i>
Art	Männlich	Weiblich	Alle	Peking-Enten	Männliche Barbarie-Enten	Weibliche Barbarie-Enten	Mulard-Enten	Alle
Besatzdichte im Stall (Tiere pro m ² nutzbare Fläche) für stationäre und Mobilställe	10, höchstzulässiges Lebendgewicht 21 kg je m ²	10, höchstzulässiges Lebendgewicht 21 kg je m ²	10, höchstzulässiges Lebendgewicht 21 kg je m ²	10, höchstzulässiges Lebendgewicht 21 kg je m ²	10, höchstzulässiges Lebendgewicht 21 kg je m ²	10, höchstzulässiges Lebendgewicht 21 kg je m ²	10, höchstzulässiges Lebendgewicht 21 kg je m ²	10, höchstzulässiges Lebendgewicht 21 kg je m ²
Sitzstangenplatz (in cm)	40	40	trifft in der Regel nicht zu	trifft in der Regel nicht zu	40	40	trifft in der Regel nicht zu	20
Maximale Bestandsgröße	2500	2500	2500	4000 weibliche Tiere 3200 männliche Tiere	3200	4000	3200	5200
Besatzdichte auf Außenflächen (Tiere/m ²), sofern die Obergrenze von 170 kg N/ha/Jahr nicht überschritten wird	10	10	15	4,5	4,5	4,5	4,5	4

2.4.6. Zugang zu Freigelände

Für den Zugang zu Freigelände gilt Folgendes:

- (a) Geflügel muss während mindestens eines Drittels seiner Lebensdauer Zugang zu Freigelände haben. Insbesondere müssen die Tiere vom frühestmöglichen Alter an tagsüber uneingeschränkten Zugang zu einem Freigelände haben, wann immer die physiologischen und physischen Bedingungen dies gestatten, ausgenommen bei unionsrechtlich vorgesehenen vorübergehenden Beschränkungen;

- (b) Freigelände für Geflügel muss überwiegend mit verschiedenen Pflanzen bewachsen sein und Unterschlupf bieten; die Tiere müssen ungehinderten Zugang zu einer angemessenen Anzahl Tränken haben. Der Bewuchs des Freigeländes ist regelmäßig zu ernten und zu entfernen, um zu verhindern, dass ein Überschuss an Nährstoffen vorhanden ist. Das Freigelände darf einen Radius von 150 m ab der nächstgelegenen Ausflugklappe des Geflügelstalls nicht überschreiten. Ein Radius bis zu 350 m ist jedoch zulässig, wenn über das gesamte Freigelände Unterstände und Tränken in ausreichender Zahl und gleichmäßig verteilt, d. h. mindestens vier Unterstände je Hektar, vorhanden sind;
- (c) ist das Futterangebot im Freigelände begrenzt (z. B. bei lang anhaltender Schneedecke oder längeren Trockenzeiten), so ist dem Geflügelfutter Raufutter beizugeben;
- (d) soweit Geflügel gemäß unionsrechtlicher Beschränkungen oder Verpflichtungen im Stall gehalten wird, müssen die Tiere ständigen Zugang zu ausreichend Raufutter und geeignetem Material haben, um ihren ethologischen Bedürfnissen nachkommen zu können.

2.4.7. Tierschutz

Das Rupfen von lebendem Geflügel ist verboten.

2.5. Bienenhaltung

2.5.1. Umstellung

Imkereierzeugnisse dürfen nur dann mit einem Verweis auf die ökologische/biologische Produktion vermarktet werden, wenn die Vorschriften dieser Verordnung über die ökologische/biologische Produktion seit mindestens einem Jahr befolgt worden sind.

Während des Umstellungszeitraums wird das Wachs durch Wachs aus der ökologischen/biologischen Bienenhaltung ersetzt.

2.5.2. Herkunft der Bienen

Bei Bienen ist *Apis mellifera* und ihren lokalen Ökotypen der Vorzug zu geben.

2.5.3. Ernährung

Für die Ernährung gilt Folgendes:

- (a) Am Ende der Produktionssaison muss für die Überwinterung genügend Honig und Pollen in den Bienenstöcken verbleiben;
- (b) das Füttern von Bienenvölkern ist nur zulässig, wenn das Überleben des Volks klimabedingt gefährdet ist. In diesem Falle dürfen ökologischer/biologischer Honig, ökologischer/biologischer Zuckersirupe oder ökologischer/biologischer Zucker zugefüttert werden.

2.5.4. Spezifische Vorschriften für die Krankheitsvorsorge und die tierärztliche Behandlung in der Bienenhaltung

Für die Krankheitsvorsorge und die tierärztliche Behandlung gilt Folgendes:

- (a) Um Rahmen, Bienenstöcke und Waben insbesondere vor Schädlingen zu schützen, dürfen nur Rodentizide (die nur in Fallen verwendet werden dürfen)

und geeignete Mittel verwendet werden, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind.

- (b) physikalische Behandlungen zur Desinfektion von Beuten (wie Dampf oder Abflammen) sind gestattet;
- (c) männliche Brut darf nur vernichtet werden, um den Befall mit *Varroa destructor* einzudämmen;
- (d) wenn die Bienenvölker trotz aller Vorsorgemaßnahmen erkranken oder befallen sind, sind sie unverzüglich zu behandeln, und die Bienenstöcke können erforderlichenfalls isoliert aufgestellt werden;
- (e) bei Befall mit *Varroa destructor* dürfen Ameisensäure, Milchsäure, Essigsäure und Oxalsäure sowie Menthol, Thymol, Eukalyptol oder Kampfer verwendet werden;
- (f) werden chemisch-synthetische allopathische Mittel verabreicht, so sind die behandelten Bienenvölker während dieser Zeit isoliert aufzustellen und das gesamte Wachs ist durch Wachs aus ökologischer/biologischer Bienenhaltung zu ersetzen. Diese Bienenvölker unterliegen anschließend der einjährigen Umstellungsfrist gemäß Nummer 2.5.1.;
- (g) Buchstabe f gilt nicht für Mittel, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind.

2.5.5. Spezifische Unterbringungsbedingungen für Bienen

Für die Unterbringung gilt Folgendes:

- (a) Der Standort von Bienenstöcken muss so gewählt werden, dass Nektar- und Pollenquellen vorhanden sind, die im Wesentlichen aus ökologisch/biologisch erzeugten Pflanzen oder gegebenenfalls aus Wildpflanzen oder nicht ökologisch/nicht biologisch bewirtschafteten Wäldern oder Kulturpflanzen bestehen, die nur nach Methoden mit geringer Umweltauswirkung bewirtschaftet werden;
- (b) der Standort von Bienenstöcken muss sich in ausreichender Entfernung von Verschmutzungsquellen befinden, die die Imkereierzeugnisse kontaminieren oder die Gesundheit der Bienen beeinträchtigen können;
- (c) die Bienenstöcke sind so aufzustellen, dass im Umkreis von drei Kilometern um den Standort Nektar- und Pollentrachten im Wesentlichen aus ökologischen/biologischen Kulturen oder Wildpflanzen oder Kulturen bestehen, die nach Methoden mit geringer Umweltauswirkung behandelt werden, die denen gemäß den Artikeln 28 und 30 der Verordnung (EU) Nr. 1305/2013 gleichwertig sind und die die ökologische/biologische Qualität der Imkereierzeugnisse nicht beeinträchtigen können. Diese Bestimmungen gelten nicht, wenn keine Pflanzenblüte stattfindet, und nicht während der Ruhezeit der Bienenstöcke;
- (d) die Beuten und das Imkereizubehör müssen grundsätzlich aus natürlichen Materialien bestehen, bei denen keine Gefahr besteht, dass Umwelt oder Imkereierzeugnisse kontaminiert werden.

2.5.6. Spezifische Vorschriften für die Bienenhaltungspraxis

Für die Bienenhaltungspraxis gilt Folgendes:

- (a) Bienenwachs für neue Mittelwände muss aus ökologisch/biologisch wirtschaftenden Produktionseinheiten stammen;
- (b) in den Bienenstöcken dürfen nur natürliche Produkte wie Propolis, Wachs und Pflanzenöle verwendet werden;
- (c) während der Honiggewinnung ist die Verwendung chemisch-synthetischer Repellents untersagt;
- (d) Waben, die Brut enthalten, dürfen nicht zur Honiggewinnung verwendet werden;
- (e) die Bienenhaltung gilt nicht als ökologisch/biologisch, wenn sie in Regionen oder Gebieten stattfindet, die von den Mitgliedstaaten als Regionen oder Gebiete ausgewiesen wurden, in denen die Bienenhaltung nach den Vorschriften für die ökologische/biologische Produktion nicht praktikabel ist.

2.5.7. Tierschutz

Für den Tierschutz gilt Folgendes:

- (a) Die Vernichtung von Bienen in den Waben als Methode zur Ernte der Imkereierzeugnisse ist untersagt;
- (b) Verstümmelungen wie das Beschneiden der Flügel von Weiseln sind verboten.

Teil III: Produktionsvorschriften für Meeresalgen und Aquakulturtiere

1. Begriffsbestimmungen

Für die Zwecke dieses Teils gelten folgende Begriffsbestimmungen:

- (1) „Geschlossene Kreislaufanlage“: Anlage zur Produktion von Aquakulturtieren in geschlossenen Gehegen an Land oder auf einem Schiff mit Rezirkulation des Wassers und erforderlicher permanenter Zufuhr von Energie zur Stabilisierung der Lebensbedingungen der Aquakulturtiere;
- (2) „erneuerbare Energien“: erneuerbare, nicht fossile Energiequellen wie Wind, Sonne, Erdwärme, Wellen, Gezeiten, Wasserkraft, Deponiegas, Klärgas und Biogas;
- (3) „Brutgehege“: Becken für die Vermehrung, Erbrütung und Aufzucht während der ersten Lebensstadien von Tieren in Aquakultur, insbesondere Fischen, Weich- und Krebstieren;
- (4) „Jungtiergehege“: Zwischenstation für die Zeit zwischen Brut- und Abwachsstadium. Das Jungtierstadium ist mit Ausnahme der Arten, die eine Smoltifikation durchlaufen, im ersten Drittel des Produktionszyklus abgeschlossen;
- (5) „Verschmutzung“: das direkte oder indirekte Einbringen von Stoffen oder Energie in die aquatische Umwelt der betreffenden Gewässer im Sinne der

Richtlinien 2000/60/EG des Europäischen Parlaments und des Rates⁵ und 2008/56/EG des Europäischen Parlaments und des Rates⁶;

- (6) „Polykultur“: die Aufzucht von zwei oder mehr Arten in der Regel unterschiedlicher trophischer Ebenen in einer Haltungseinheit;
- (7) „Produktionszyklus“: die Lebensspanne eines Aquakulturtieres oder einer Meeresalge vom frühesten Lebensstadium (befruchtete Brut im Falle von Aquakulturtieren) bis zur Ernte;
- (8) „heimische Zuchtarten“: weder nichtheimische noch gebietsfremde Arten im Sinne der Verordnung (EG) Nr. 708/2007 des Rates⁷ sowie die in Anhang IV der genannten Verordnung aufgeführten Arten;
- (9) „Besatzdichte“: das Lebendgewicht von Aquakulturtieren pro Kubikmeter Wasser zu jedem Zeitpunkt der Abwachsphase bzw. im Falle von Plattfischen und Garnelen das Gewicht pro Quadratmeter Fläche.

2. Allgemeine Anforderungen

- 2.1. Es werden Standorte gewählt, die nicht durch Erzeugnisse oder Stoffe, die für eine ökologische/biologische Produktion nicht zugelassen sind, oder durch Schadstoffe kontaminiert sind, die den ökologischen/biologischen Charakter der Erzeugnisse beeinträchtigen würden.
- 2.2. Ökologisch/biologisch und nicht ökologisch/nicht biologisch wirtschaftende Produktionseinheiten werden angemessen in der von den Mitgliedstaaten vorgeschriebenen Mindestdistanz voneinander getrennt. Bei diesen Maßnahmen sind die natürliche Lage, getrennte Wasserführung, Entfernungen, Gezeitenströmungen und der flussaufwärts oder flussabwärts gelegene Standort der ökologisch/biologisch wirtschaftenden Produktionseinheit zu beachten. Die Produktion von Meeresalgen gilt nicht als ökologisch/biologisch, wenn sie an Standorten oder in Gebieten erfolgt, die von den Behörden der Mitgliedstaaten als ungeeignet für die ökologische/biologische Aquakultur oder Meeresalgenernte ausgewiesen wurden.
- 2.3. Für alle neuen Anlagen, die zur ökologischen/biologischen Produktion angemeldet werden und jährlich mehr als 20 Tonnen Aquakulturerzeugnisse produzieren, muss eine der Größe der Produktionseinheit angemessene Umweltprüfung durchgeführt werden, um den Zustand der Produktionseinheit und ihres unmittelbaren Umfeldes sowie die wahrscheinlichen Auswirkungen ihrer Inbetriebnahme zu beurteilen. Der Unternehmer legt die Ergebnisse der Umweltprüfung der Kontrollbehörde oder Kontrollstelle vor. Die Umweltprüfung basiert auf den Angaben in Anhang IV der Richtlinie 2011/92/EU des Europäischen Parlaments und des Rates⁸. Wurde für die

⁵ Richtlinie 2000/60/EG des Europäischen Parlaments und des Rates vom 23. Oktober 2000 zur Schaffung eines Ordnungsrahmens für Maßnahmen der Gemeinschaft im Bereich der Wasserpolitik (ABl. L 327 vom 22.12.2000, S. 1).

⁶ Richtlinie 2008/56/EG des Europäischen Parlaments und des Rates vom 17. Juni 2008 zur Schaffung eines Ordnungsrahmens für Maßnahmen der Gemeinschaft im Bereich der Meeresumwelt (Meeresstrategie-Rahmenrichtlinie) (ABl. L 164 vom 25.6.2008, S. 19).

⁷ Verordnung (EG) Nr. 708/2007 des Rates vom 11. Juni 2007 über die Verwendung nicht heimischer und gebietsfremder Arten in der Aquakultur (ABl. L 168 vom 28.6.2007, S. 1).

⁸ Richtlinie 2011/92/EU des Europäischen Parlaments und des Rates vom 13. Dezember 2011 über die Umweltverträglichkeitsprüfung bei bestimmten öffentlichen und privaten Projekten (ABl. L 26 vom 28.1.2012, S. 1).

betreffende Einheit bereits eine gleichwertige Prüfung durchgeführt, kann diese verwendet werden.

- 2.4. Der Unternehmer erstellt einen der Größe der Produktionseinheit angemessenen Nachhaltigkeitsplan für die Aquakultur- und Meeresalgenproduktion.
- 2.5. Der Plan wird jährlich aktualisiert und enthält Angaben zu den Auswirkungen der Produktion auf die Umwelt, zur vorgesehenen Umweltüberwachung und zu den Maßnahmen, die ergriffen werden sollen, um die Umweltbelastung der angrenzenden Gewässer und Landflächen, etwa den Nährstoffeintrag pro Produktionszyklus oder pro Jahr, auf ein Mindestmaß zu reduzieren. Ebenfalls im Plan vermerkt werden die Wartung und Reparaturen der technischen Anlagen.
- 2.6. Unternehmer, die Aquakulturtiere und Meeresalgen produzieren, stellen im Rahmen des Nachhaltigkeitsplans ein Abfallsreduzierungskonzept auf, das bei Aufnahme des Betriebs umgesetzt wird. Die Nutzung von Restwärme ist, soweit möglich, auf erneuerbare Energien zu beschränken. Für die Meeresalgenernte wird bei Aufnahme der Tätigkeit eine einmalige Schätzung der Biomasse vorgenommen.

3. Vorschriften für Meeresalgen

Zusätzlich zu den allgemeinen Produktionsvorschriften in den Artikeln 7, 8, 9 und 12 und gegebenenfalls Abschnitt 2 enthält dieser Abschnitt 3 Vorschriften für das Sammeln und die Produktion von Meeresalgen. Er gilt sinngemäß auch für die Produktion von vielzelligen Meeresalgen oder Phytoplankton und Mikroalgen zur Weiterverwendung als Futtermittel für Aquakulturtiere.

3.1. Umstellung

- 3.1.1. Für eine Meeresalgensammelfläche beträgt der Umstellungszeitraum sechs Monate.
- 3.1.2. Für eine Meeresalgenkultureinheit beträgt der Umstellungszeitraum sechs Monate oder einen vollen Produktionszyklus, wenn dieser länger als sechs Monate ist.
- 3.1.3. Während des Umstellungszeitraums kann ein Aquakulturbetrieb in deutlich getrennte Produktionseinheiten aufgeteilt werden, die nicht alle nach den Vorschriften für die ökologische/biologische Produktion wirtschaften. Bei der Meeresalgenproduktion kann dies die gleiche Art betreffen, sofern eine angemessene Trennung zwischen den Produktionseinheiten gewährleistet ist.

3.2. Produktionsvorschriften für Meeresalgen

- 3.2.1. Das Sammeln von im Meer natürlich vorkommenden wild wachsenden Algen und ihrer Teile gilt als ökologische/biologische Produktion, sofern
 - (a) die betreffenden Gewässer von hoher ökologischer Qualität im Sinne der Richtlinie 2000/60/EG⁹ und in gesundheitlicher Hinsicht nicht ungeeignet sind;
 - (b) das Sammeln die Stabilität des natürlichen Ökosystems und die Erhaltung der Arten in dem Sammelgebiet nicht beeinträchtigt.
- 3.2.2. Die Algenzucht erfolgt in Küstengebieten, deren ökologischen und gesundheitlichen Voraussetzungen mindestens den unter Nummer 3.2.1 Buchstabe a beschriebenen Voraussetzungen entsprechen müssen, damit die Algenproduktion als

⁹ Richtlinie 2006/113/EG des Europäischen Parlaments und des Rates vom 12. Dezember 2006 über die Qualitätsanforderungen an Muschelgewässer (ABl. L 376 vom 27.12.2006, S. 14).

ökologisch/biologisch gelten kann. Zusätzlich gelten die folgenden Produktionsvorschriften:

- (a) Auf allen Produktionsstufen von der Sammlung der Jungalgen bis zur Ernte sind nachhaltige Praktiken anzuwenden;
- (b) um den Zuchtbestand in Innenanlagen zu ergänzen und sicherzustellen, dass ein großer Genpool erhalten bleibt, sind regelmäßig Jungalgen in freien Gewässern zu sammeln;
- (c) außer in Innenanlagen dürfen keine Düngemittel verwendet werden; es dürfen nur solche Düngemittel eingesetzt werden, die für die ökologische/biologische Produktion zu diesem Zweck zugelassen sind.

3.3. Meeresalgenkulturen

3.3.1. Bei Algenkulturen im Meer werden nur Nährstoffe verwendet, die in den Gewässern natürlich vorkommen oder aus der ökologischen/biologischen Produktion von Aquakulturtieren stammen, die vorzugsweise nahegelegen als Teil eines Polykultursystems stattfindet.

3.3.2. Bei Anlagen an Land, bei denen Nährstoffe von außen zugeführt werden, ist der Nährstoffgehalt des Abwassers nachweislich nicht höher sein als der Nährstoffgehalt des zufließenden Wassers. Verwendet werden dürfen nur die nach Artikel 19 für die ökologische/biologische Produktion zugelassenen pflanzlichen oder mineralischen Nährstoffe.

3.3.3. Die Kulturdichte oder Bewirtschaftungsintensität wird aufgezeichnet und gewährleistet die Unversehrtheit der aquatischen Umwelt, indem sichergestellt wird, dass die Höchstmenge an Meeresalgen, die ohne Schaden für die Umwelt entnommen werden kann, nicht überschritten wird.

3.3.4. Seile und andere Vorrichtungen für die Meeresalgenproduktion werden, soweit möglich, wiederverwendet oder wiederverwertet.

3.4. Nachhaltige Nutzung wilder Meeresalgenbestände

3.4.1. Für die Meeresalgenernte wird bei Aufnahme der Tätigkeit eine einmalige Schätzung der Biomasse vorgenommen.

3.4.2. In der Einheit oder in den Betriebsstätten wird Buch geführt, so dass der Unternehmer feststellen und die Kontrollbehörde oder Kontrollstelle überprüfen kann, dass ausschließlich wilde, im Einklang mit den Bestimmungen dieser Verordnung erzeugte Meeresalgen gesammelt und geliefert wurden.

3.4.3. Die Meeresalgenernte darf mengenmäßig keinen gravierenden Eingriff in den Zustand der aquatischen Umwelt darstellen. Es wird durch geeignete Maßnahmen wie Erntetechniken, Mindestgrößen, Alter, Reproduktionszyklen oder Größe des verbleibenden Algenbestands sichergestellt, dass sich die Meeresalgenbestände erneuern können und Beifänge vermieden werden.

3.4.4. Werden Meeresalgen in einem miteinander geteilt oder gemeinsam bewirtschafteten Gebiet geerntet, so ist zu belegen, dass die gesamte Erntemenge mit den Vorschriften dieser Verordnung im Einklang steht.

4. Vorschriften für Aquakulturtiere

Zusätzlich zu den allgemeinen Produktionsvorschriften in den Artikeln 7, 8, 9 und 12 enthält dieser Abschnitt 4 Vorschriften für die unter Nummer 4.1.5.10 genannten Arten von Fischen, Krebstieren, Stachelhäutern und Weichtieren. Diese Vorschriften gelten sinngemäß auch für Zooplankton, Kleinkrebse, Rädertierchen, Würmer und andere aquatische Futtertiere.

4.1. Allgemeine Anforderungen

4.1.1. Umstellung

4.1.1.1. Für Aquakulturproduktionseinheiten einschließlich der vorhandenen Aquakulturtiere gelten je nach Art der Anlage folgende Umstellungszeiträume:

- (a) Für Anlagen, die nicht entleert, gereinigt und desinfiziert werden können, ein Umstellungszeitraum von 24 Monaten;
- (b) für Anlagen, die entleert wurden oder in denen eine Ruhezeit eingehalten wurde, ein Umstellungszeitraum von 12 Monaten;
- (c) für Anlagen, die entleert, gereinigt und desinfiziert wurden, ein Umstellungszeitraum von sechs Monaten;
- (d) für Anlagen im offenen Gewässer, einschließlich Muschelkulturen, ein Umstellungszeitraum von drei Monaten.

4.1.1.2. Während des Umstellungszeitraums kann ein Aquakulturbetrieb in deutlich getrennte Produktionseinheiten aufgeteilt werden, die nicht alle nach den Vorschriften für die ökologische/biologische Produktion bewirtschaftet werden. Bei der Produktion von Aquakulturtieren kann dies die gleiche Art betreffen, sofern eine angemessene Trennung zwischen den Produktionseinheiten besteht.

4.1.2. Herkunft der Aquakulturtiere

4.1.2.1. Für die Herkunft der Aquakulturtiere gilt Folgendes:

- (a) Die ökologische/biologische Aquakultur beruht auf der Aufzucht eines Jungtierbestands, der aus ökologischen/biologischen Brutbeständen und ökologisch/biologisch wirtschaftenden Betrieben stammt;
- (b) verwendet werden heimische Arten, und Ziel der Zucht sind besser an die Produktionsbedingungen angepasste, gesunde und das Futter gut verwertende Stämme. Der Kontrollbehörde oder Kontrollstelle werden Aufzeichnungen über Herkunft und Behandlung der Tiere vorgelegt;
- (c) es werden Arten gewählt, die robust sind und deren Produktion für Wildbestände weitgehend gefahrlos ist;
- (d) zur Verbesserung des Genbestands dürfen wild gefangene oder nicht ökologisch/nicht biologisch erzeugte Aquakulturtiere in einen Betrieb eingebracht werden. Sie müssen mindestens drei Monate ökologisch/biologisch bewirtschaftet werden, bevor sie zu Zuchtzwecken eingesetzt werden dürfen.

4.1.2.2. Für die Züchtung gilt Folgendes:

- (a) Der Einsatz von Hormonen und Hormonderivaten ist verboten;
- (b) die künstliche Erzeugung von gleichgeschlechtlichen Stämmen (mit Ausnahme einer manuellen Sortierung), Polyploidie-Induktion, künstliche Hybridisierung und das Klonen sind untersagt;

- (c) es sind geeignete Stämme auszuwählen;
- (d) gegebenenfalls sind artenspezifische Bedingungen für die Bewirtschaftung der Brutbestände sowie für die Aufzucht und die Erzeugung von Jungfischen festzulegen.

4.1.3. Ernährung

4.1.3.1. Für die Fütterung von Fischen, Krebstieren und Stachelhäutern gilt Folgendes:

- (a) Die Tiere sind mit Futtermitteln zu füttern, die dem Ernährungsbedarf der Tiere in ihren verschiedenen Entwicklungsstadien entsprechen;
- (b) die maßgeblichen Anforderungen an ein Fütterungsregime sind:
 - i) Tiergesundheit und Tierschutz;
 - ii) hohe Produktqualität, einschließlich einer Nährwertzusammensetzung, die eine hohe Qualität des verzehrbaren Endproduktes gewährleistet;
 - iii) geringe Umweltbelastung;
- (c) der pflanzliche Anteil der Futtermittel muss aus ökologischer/biologischer Produktion stammen; der aus Wassertieren bestehende Anteil der Futtermittel muss aus nachhaltiger Fischerei stammen.
- (d) nichtökologische/nichtbiologische Futtermittel-Ausgangserzeugnisse pflanzlichen Ursprungs, Futtermittel-Ausgangserzeugnisse tierischen und mineralischen Ursprungs, Futtermittelzusatzstoffe, bestimmte Erzeugnisse für die Tierernährung und Verarbeitungshilfsstoffe dürfen nur dann verwendet werden, wenn sie gemäß dieser Verordnung für die ökologische/biologische Produktion zugelassen sind;
- (e) die Verwendung von Wachstumsförderern und synthetischen Aminosäuren ist untersagt;
- (f) für die ökologische/biologische Aquakultur dürfen nur Futtermittel-Ausgangserzeugnisse tierischen Ursprungs verwendet werden, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind;
- (g) für die ökologische/biologische Aquakultur dürfen nur die in Teil II Nummer 1.4.4. genannten Futtermittelzusatzstoffe, bestimmte Erzeugnisse für die Tierernährung und Verarbeitungshilfsstoffe verwendet werden.

4.1.3.2. Für Muscheln und andere Arten, die nicht gefüttert werden, sondern sich von natürlichem Plankton ernähren, gelten folgende Vorschriften:

- (a) Diese Tiere, die sich durch Ausfiltern von Kleinlebewesen aus dem Wasser ernähren, müssen ihren Ernährungsbedarf aus der Natur decken; dies gilt nicht für Jungtiere, die in Brutanlagen und Aufzuchtbecken gehalten werden;
- (b) die Aufwuchsgewässer müssen von hoher ökologischer Qualität im Sinne der Richtlinie 2000/60/EG sein.

4.1.3.3. Spezifische Vorschriften für die Fütterung karnivorer Aquakulturtiere

Karnivore Aquakulturtiere werden in folgender Rangfolge gefüttert:

- (a) mit Futtermitteln aus ökologischer/biologischer Aquakulturproduktion;

- (b) mit Fischmehl und Fischöl aus Überresten der Verarbeitung von Fischen, Krebstieren oder Weichtieren aus ökologischer/biologischer Aquakultur;
- (c) mit Fischmehl und Fischöl und anderen Fischzutaten aus Überresten der Verarbeitung von Fischen, Krebstieren oder Weichtieren, die aus Wildfängen für den menschlichen Verzehr und aus nachhaltiger Fischerei stammen;
- (d) mit Fischmehl und Fischöl und anderen Fischzutaten aus ganzen Fischen, Krebstieren, oder Weichtieren, die aus nachhaltiger Fischerei stammen und nicht für den menschlichen Verzehr bestimmt sind;
- (e) mit ökologischen/biologischen Futtermitteln pflanzlichen oder tierischen Ursprungs, wobei der pflanzliche Anteil höchstens 60 % der Gesamtzutaten ausmachen darf.

4.1.3.4. Spezifische Vorschriften für die Fütterung bestimmter Aquakulturtiere

Fische in Binnengewässern, Geißelgarnelen, Süßwassergarnelen und tropische Süßwasserfische werden wie folgt gefüttert:

- (a) Sie ernähren sich über das natürliche Nahrungsangebot in Teichen und Seen;
- (b) steht eine natürliche Nahrung gemäß Buchstabe a nicht in ausreichender Menge zur Verfügung, dürfen ökologische/biologische Futtermittel pflanzlichen Ursprungs, die vorzugsweise aus dem Betrieb selbst stammen, oder Algen zugefüttert werden. Die Notwendigkeit zuzufüttern ist von den Unternehmern zu dokumentieren;
- (c) bei Zufütterung gemäß Buchstabe b darf die Futterration für die unter Nummer 4.1.5.10 Buchstabe g genannten Arten und für Haiwelse (*Pangasius* spp.) maximal 10 % Fischmehl oder Fischöl aus nachhaltiger Fischerei enthalten.

4.1.4. Tiergesundheit

4.1.4.1. Krankheitsvorsorge

Für die Krankheitsvorsorge gilt Folgendes:

- (a) Die Krankheitsvorsorge beruht auf der Haltung der Tiere unter optimalen Bedingungen, d. h. angemessene Standortwahl (wobei u.a. den Bedürfnissen der Art unter dem Aspekt der Wasserqualität, der Wasserdurchfluss- und Wasseraustauschrate Rechnung getragen wird), optimale Gestaltung des Betriebs, Anwendung guter Haltungs- und Bewirtschaftungspraktiken, einschließlich regelmäßiger Reinigung und Desinfektion der Anlagen, hochwertige Futtermittel, angemessene Besatzdichte und Wahl geeigneter Rassen und Linien;
- (b) die Verwendung immunologisch wirksamer Tierarzneimittel ist gestattet;
- (c) der Tiergesundheitsplan sieht Maßnahmen zur biologischen Sicherheit und Krankheitsvorsorge vor und schließt eine schriftliche Vereinbarung über eine der Produktionseinheit angemessene Gesundheitsberatung mit qualifizierten Gesundheitsdiensten für Aquakulturtiere ein, die den Betrieb mindestens einmal im Jahr (bei Muschelzucht mindestens einmal alle zwei Jahre) besichtigen;

- (d) Haltungssysteme, Ausrüstungen und Geräte werden ordentlich gereinigt und desinfiziert;
- (e) biologischer Bewuchs wird nur mechanisch oder von Hand entfernt und gegebenenfalls in einiger Entfernung von der Anlage ins Meer zurückgeworfen;
- (f) für die Reinigung und Desinfektion der Ausrüstung und Anlagen dürfen nur Mittel verwendet werden, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind;
- (g) für die Ruhezeiten gilt Folgendes:
 - i) Die zuständige Behörde entscheidet, ob eine Ruhezeit erforderlich ist, und legt gegebenenfalls einen angemessenen Zeitraum fest; diese Ruhezeit wird daraufhin nach jedem Produktionszyklus in Haltungseinrichtungen im offenen Meer eingehalten und dokumentiert;
 - ii) für die Muschelzucht sind solche Zeiten nicht vorgeschrieben;
 - iii) in der Ruhezeit werden die Netzkäfige oder sonstigen Haltungseinrichtungen geleert und desinfiziert und bleiben bis zur Wiederverwendung unbesetzt;
- (h) soweit sachgerecht werden vorhandene Fischfutterreste, Ausscheidungen und tote Tiere sofort entfernt, um keine deutliche Verschlechterung der Wasserqualität zu riskieren, Krankheitsrisiken einzuschränken und keine Insekten oder Nager anzulocken;
- (i) der Einsatz von ultravioletttem Licht und Ozon ist nur in Brut- und Jungtiergehegen erlaubt;
- (j) für die biologische Bekämpfung von Ektoparasiten werden vorzugsweise Putzerfische eingesetzt.

4.1.4.2. Tierärztliche Behandlung

Für die tierärztliche Behandlung gilt Folgendes:

- (a) Krankheiten sind unverzüglich zu behandeln, um ein Leiden der Tiere zu vermeiden; chemisch-synthetische allopathische Tierarzneimittel einschließlich Antibiotika dürfen erforderlichenfalls unter strengen Bedingungen und unter der Verantwortung eines Tierarztes verwendet werden, wenn die Behandlung mit phytotherapeutischen, homöopathischen und anderen Erzeugnissen ungeeignet ist. Gegebenenfalls sind Beschränkungen in Bezug auf die Zahl der Behandlungen und Bestimmungen über die Wartezeiten festzulegen;
- (b) nach dem Unionsrecht zum Schutz der Gesundheit von Mensch und Tier vorgeschriebene Behandlungen sind zulässig;
- (c) tritt trotz der Krankheitsvorsorge gemäß Nummer 4.1.4.1. ein Gesundheitsproblem auf, können Tierarzneimittel in nachstehender Rangfolge verabreicht werden:
 - i) pflanzliche, tierische oder mineralische Stoffe in homöopathischer Verdünnung;
 - ii) Pflanzen und Pflanzenextrakte, die keine betäubende Wirkung haben, und

- iii) Substanzen wie Spurenelemente, Metalle, natürliche Immunostimulanzien oder zugelassene Probiotika;
 - (d) allopathische Behandlungen sind auf zwei Behandlungen jährlich beschränkt, ausgenommen Impfungen und Maßnahmen im Rahmen obligatorischer Tilgungspläne. Bei einem Produktionszyklus von weniger als einem Jahr darf jedoch nur einmal allopathisch behandelt werden. Wird häufiger allopathisch behandelt, dürfen die betreffenden Tiere nicht als ökologisches/biologisches Erzeugnis verkauft werden;
 - (e) Parasitenbehandlungen, obligatorische Seuchenbekämpfungsprogramme der Mitgliedstaaten ausgenommen, dürfen zweimal jährlich bzw. bei einem Produktionszyklus von weniger als 18 Monaten einmal jährlich vorgenommen werden;
 - (f) die Wartezeit nach Verabreichung allopathischer Tierarzneimittel und nach Parasitenbehandlungen gemäß Buchstabe d, auch im Rahmen obligatorischer Seuchenbekämpfungs- und -tilgungsprogramme, ist doppelt so lang wie die vorgeschriebene Wartezeit gemäß Artikel 11 der Richtlinie 2001/82/EG oder beträgt, wenn keine Wartezeit festgelegt ist, 48 Stunden;
 - (g) der Einsatz von Tierarzneimitteln ist der Kontrollbehörde oder Kontrollstelle zu melden, bevor die Tiere als ökologische/biologische Erzeugnisse vermarktet werden. Behandelte Tiere müssen eindeutig gekennzeichnet sein.
- 4.1.5. Unterbringungsbedingungen und Haltungspraktiken
- 4.1.5.1. Geschlossene Kreislaufanlagen für die Tierproduktion in Aquakultur sind verboten, ausgenommen Brut- und Jungtiergehege oder Anlagen für die Erzeugung von ökologischen/biologischen Futterorganismen.
- 4.1.5.2. Das Wasser darf nur in Brut- und Jungtiergehegen künstlich erwärmt oder gekühlt werden. Natürliches Brunnenwasser kann auf allen Produktionsstufen zum Erwärmen oder Kühlen des Wassers verwendet werden.
- 4.1.5.3. Die Gehege müssen so gestaltet sein, dass die Aquakulturtiere artgerecht gehalten werden können; dies erfordert:
- (a) ausreichenden Bewegungsraum für ihr Wohlbefinden und gegebenenfalls eine Mindestbesatzdichte;
 - (b) Wasser guter Qualität u.a. mit einer angemessenen Durchfluss- und Wasseraustauschrate, ausreichendem Sauerstoffgehalt und niedriger Metabolitenkonzentration;
 - (c) artgerechte und den geografischen Standort berücksichtigende Temperaturen und Lichtverhältnisse;
- Für Süßwasserfische sind möglichst naturnahe Bodenverhältnisse vorzusehen.
- Für Karpfen ist natürlicher Erdboden vorzusehen.
- 4.1.5.4. Design und Konstruktion der Wassergehege bewirken Wasseraustauschraten und physikalisch-chemische Parameter, die Gesundheit und Wohlbefinden der Tiere gewährleisten und ihnen artgerechtes Verhalten ermöglichen.
- 4.1.5.5. Aufzuchtanlagen an Land müssen folgende Voraussetzungen erfüllen:

- (a) bei Durchflussanlagen besteht die Möglichkeit, die Wasseraustauschrate und die Wasserqualität des zufließenden und des abfließenden Wassers zu überwachen und zu kontrollieren;
- (b) mindestens 5 % der Fläche am Rand der Anlage („Teichrand“) bestehen aus natürlicher Vegetation.

4.1.5.6. Gehege im Meer müssen folgende Voraussetzungen erfüllen:

- (a) Wasserströmung, Wassertiefe und Wasseraustausch am gewählten Standort gewährleisten, dass Auswirkungen auf den Meeresboden und den umliegenden Wasserkörper auf ein Mindestmaß reduziert werden;
- (b) Design, Konstruktion und Wartung der Netzkäfige sind an die am Standort herrschenden Umweltbedingungen angepasst.

4.1.5.7. Konstruktion, Standort und Betrieb der Gehege sind so konzipiert, dass das Risiko eines Entweichens der Tiere minimiert wird.

4.1.5.8. Sollten Fische oder Krebstiere entweichen, sind angemessene Maßnahmen zu ergreifen, gegebenenfalls einschließlich Wiedereinfang, um nachteilige Auswirkungen auf das lokale Ökosystem zu vermindern. Über derartige Maßnahmen ist Buch zu führen.

4.1.5.9. Bei Aquakultur in Teichen, Becken oder Fließkanälen verfügen die Anlagen entweder über natürliche Filterbetten, Absetzbecken, biologische oder mechanische Filter für den Rückhalt von Abfallnährstoffen oder verwenden Meeresalgen oder Tiere (Muscheln und Algen), die zur Verbesserung der Abwasserqualität beitragen. Das Ablaufwasser wird gegebenenfalls regelmäßig kontrolliert.

4.1.5.10. Besatzdichte

Da sich die Besatzdichte auf das Wohlbefinden der Aquakulturfische auswirkt, werden der Zustand der Fische (Flossen- oder andere Verletzungen, Wachstumsraten, Verhalten und allgemeiner Gesundheitszustand) sowie die Wasserqualität regelmäßig überwacht.

Die Besatzdichte ist je Art oder Artengruppe wie folgt festgesetzt:

- (a) Ökologische/biologische Produktion von Salmoniden in Süßwasser:

Betroffene Arten: Forelle (*Salmo trutta*) – Regenbogenforelle (*Oncorhynchus mykiss*) – Bachsaibling (*Salvelinus fontinalis*) – Lachs (*Salmo salar*) – Seesaibling (*Salvelinus alpinus*) – Äsche (*Thymallus thymallus*) – Amerikanischer Seesaibling (*Salvelinus namaycush*) – Huchen (*Hucho hucho*)

Produktionssystem	Die Produktion heranwachsender Fische muss in offenen Systemen erfolgen. Die Wasseraustauschrate muss eine Sauerstoffsättigung von mindestens 60 % bewirken, auf die Bedürfnisse der Tiere abgestimmt sein und einen ausreichenden Abfluss des Haltungswassers sicherstellen.
Maximale Besatzdichte	andere als die nachstehend genannten Salmoniden: unter 15 kg/m ³ Lachs: 20 kg/m ³ Bachforelle und Regenbogenforelle: 25 kg/m ³ Seesaibling: 20 kg/m ³

- (b) Ökologische/biologische Produktion von Salmoniden in Meerwasser:
Lachs (*Salmo salar*), Forelle (*Salmo trutta*) – Regenbogenforelle (*Oncorhynchus mykiss*)

Maximale Besatzdichte	10 kg/m ³ in Netzgehegen
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- (c) Ökologische/biologische Produktion von Kabeljau (*Gadus morhua*) und anderen Dorschfischen (*Gadidae*), Seebarsch (*Dicentrarchus labrax*), Goldbrassen (*Sparus aurata*), Adlerfisch (*Argyrosomus regius*), Steinbutt (*Psetta maxima* [= *Scophthalmus maximus*]), Gemeinen Meerbrassen (*Pagrus pagrus* [= *Sparus pagrus*]), Rotem Trommler (*Sciaenops ocellatus*) und anderen Meerbrassen (*Sparidae*) sowie Kaninchenfischen (*Siganus* spp.)

Produktionssystem	Haltungssysteme im offenen Meer (Netzgehege/Netzkäfige), mit geringer Meeresströmung für ein optimales Wohlbefinden der Fische, oder in offenen Haltungssystemen an Land
Maximale Besatzdichte	andere Arten als Steinbutt: 15 kg/m ³ Steinbutt: 25 kg/m ²

- (d) Ökologische/biologische Produktion von Seebarschen, Goldbrassen, Adlerfischen, Meeräschen (*Liza*, *Mugil*) und Aal (*Anguilla* spp.) in Erdteichen in Gezeitenbereichen und Küstenlagunen

Haltungssystem	Ehemalige Salzbecken, die in Produktionseinheiten für Aquakultur umgewandelt wurden, und ähnliche Erdteiche in Gezeitenbereichen
Produktionssystem	Es muss ein ausreichender Wasseraustausch stattfinden, um das Wohlergehen der betreffenden Art(en) zu gewährleisten. Mindestens 50 % der Dämme müssen mit Pflanzen bewachsen sein. Absetzteiche mit Feuchtbiothop sind vorgeschrieben.
Maximale Besatzdichte	4 kg/m ³

- (e) Ökologische/biologische Produktion von Stören in Süßwasser:
Betroffene Art(en): Störe (*Acipenseridae*)

Produktionssystem	Die Wasserströmung in jeder Haltungseinheit muss tierschutzgerecht sein. Das ablaufende Wasser muss eine äquivalente Qualität aufweisen wie das zulaufende Wasser.
Maximale Besatzdichte	30 kg/m ³

- (f) Ökologische/biologische Fischproduktion in Binnengewässern:

Betroffene Art(en): Karpfenfische (*Cyprinidae*) und andere vergesellschaftete Arten in Polykultur, einschließlich Barsch, Hecht, Wels, Fellchen, Stör

Produktionssystem	In Fischteichen, die in regelmäßigen Abständen vollständig abgelassen werden, und in Seen. Seen müssen ausschließlich der ökologischen/biologischen Erzeugung dienen, einschließlich Ackerbau in ihren trocken liegenden Bereichen. Der Abfischbereich muss einen Frischwasserzufluss haben und so groß sein, dass die Tiere in ihrem Wohlbefinden nicht beeinträchtigt sind. Die Fische werden nach der Ernte in frischem Wasser gehältert. Für eine organische und mineralische Düngung der Teiche und Seen dürfen nur Düngemittel und Bodenverbesserer, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind, mit einer Höchstgabe von 20 kg Stickstoff/ha verwendet werden. Der Einsatz chemisch-synthetischer Mittel zur Kontrolle des Pflanzenwachses in den Produktionsgewässern ist verboten. Streifen mit natürlicher Vegetation um die Binnengewässeranlagen herum dienen als Pufferzonen zu angrenzenden Landflächen, die nicht nach den Vorgaben ökologischer/biologischer Produktion bewirtschaftet werden. Bei Polykultur in Abwachsteichen muss den Bedürfnissen aller Besatzarten gleichermaßen Rechnung getragen werden.
Ertrag	Die Gesamtproduktion ist auf 1500 kg Fisch (alle Arten) pro Hektar und Jahr begrenzt.

(g) Ökologische/biologische Produktion von Geißelgarnelen (*Penaeidae*) und Süßwassergarnelen (*Macrobrachium* spp)

Einrichtung von Produktionseinheiten	Ansiedlung in Gebieten mit unfruchtbaren Lehm Böden, um die Umweltbelastung durch den Teichbau auf ein Mindestmaß zu beschränken. Teichbau mit dem vorhandenen Lehm. Die Zerstörung von Mangrovenbeständen ist nicht erlaubt.
Umstellungszeit	Sechs Monate je Teich entsprechend der üblichen Lebensspanne von Garnelen in Aquakultur.
Herkunft der Elterntiere	Mindestens die Hälfte der Elterntiere muss nach drei Jahren Betrieb der Anlage aus Nachzucht stammen. Der restliche Elternbestand muss von pathogenfreien Wildbeständen aus nachhaltiger Fischerei stammen. Die erste und zweite Generation muss vor Einsetzen in die Anlagen einem

	Screening unterzogen werden.
Entfernen von Augenstielen	Ist verboten.
Maximale Besatzdichten und Produktionsmengen	Anzucht: höchstens 22 Postlarven/m ² Maximum Haltungsdichte: 240 g/m ²

(h) Weichtiere und Stachelhäuter:

Produktionssysteme	Leinen, Flöße, Kultivierung am Meeresboden, Netzsäcke, Käfige, Kästen, Laternennetze, Muschelpfähle und andere Haltungssysteme. Bei der Miesmuschelproduktion an Flößen wird maximal ein Seil pro Quadratmeter Oberfläche ins Wasser gehängt. Die Seile sind höchstens 20 m lang. Ein Ausdünnen der Seile im Laufe des Produktionszyklus ist nicht zulässig, aber die Seile dürfen - wenn die anfängliche Besatzdichte nicht erhöht wird – unterteilt werden.
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(i) Tropische Süßwasserfische: Milchfisch (*Chanos chanos*), Buntbarsche (*Oreochromis* spp.), Haiwelse (*Pangasius* spp.):

Produktionssysteme	Teiche und Netzkäfige
Maximale Besatzdichte	Pangasius: 10 kg/m ³ Oreochromis: 20 kg/m ³

4.1.6. Tierschutz

4.1.6.1. Die Halter von Aquakulturtieren müssen die nötigen Grundkenntnisse und -fähigkeiten in den Bereichen Tiergesundheit und Tierschutz besitzen.

4.1.6.2. Das Manipulieren von Aquakulturtieren werden auf ein Mindestmaß reduziert und unter Verwendung geeigneter Geräte und Verfahren mit äußerster Sorgfalt vorgenommen, um Stress und Verletzungen, die mit Manipulationen einhergehen, zu vermeiden. Beim Manipulieren von Elterntieren wird darauf geachtet, Verletzungen und Stress auf ein Mindestmaß zu beschränken; gegebenenfalls sind die Tiere zu betäuben. Sortiervorgänge werden unter Berücksichtigung des Tierschutzes auf ein Mindestmaß reduziert.

4.1.6.3. Folgende Einschränkungen gelten für die Verwendung von künstlichem Licht:

(a) Die Tageslichtdauer darf nicht künstlich über das Höchstmaß hinaus verlängert werden, das den ethologischen Bedürfnissen, den geografischen Gegebenheiten und dem allgemeinen Gesundheitszustand von Aquakulturtieren Rechnung trägt; Fortpflanzungszwecke ausgenommen beträgt dieses Höchstmaß 16 Stunden pro Tag;

(b) beim Übergang werden durch den Einsatz von Dimmern oder Hintergrundbeleuchtung abrupte Wechsel in der Lichtintensität vermieden.

4.1.6.4. Eine Belüftung der Anlagen ist im Interesse des Tierschutzes und der Tiergesundheit unter der Bedingung erlaubt, dass mechanische Belüftungsgeräte vorzugsweise mit erneuerbaren Energien betrieben werden.

4.1.6.5. Der Einsatz von Sauerstoff ist nur in den nachstehenden Fällen zulässig, wenn die Gesundheit und der Schutz der Tiere sowie kritische Phasen der Produktion oder des Transports dies erfordern:

- (a) bei außergewöhnlichem Temperaturanstieg, Druckabfall oder versehentlicher Verunreinigung;
- (b) bei vereinzelter Bewirtschaftungsverfahren wie Probenahmen und Sortieren;
- (c) um das Überleben des Bestands sicherzustellen.

4.1.6.6. Es sind geeignete Maßnahmen zu treffen, um die Dauer des Transports von Aquakulturtieren möglichst kurz zu halten.

4.1.6.7. Ein Leiden der Tiere ist während ihrer gesamten Lebensdauer, einschließlich bei der Schlachtung, so gering wie möglich zu halten.

4.1.6.8. Beim Schlachten wird darauf geachtet, dass die Fische sofort betäubt sind und keinen Schmerz empfinden. Beim Manipulieren der Tiere vor dem Schlachten wird darauf geachtet, Verletzungen und Stress auf ein Mindestmaß zu beschränken. Bei der Entscheidung über die beste Schlachtmethode muss den unterschiedlichen Fischgrößen, Arten und Produktionsstandorten Rechnung getragen werden.

4.2. Spezifische Vorschriften für Mollusken

4.2.1. Herkunft der Muschelsaat

Für die Herkunft der Muschelsaat gilt Folgendes:

- (a) Soweit die Umwelt hierdurch nicht spürbar geschädigt wird und die lokalen Vorschriften dies gestatten, darf Muschelsaat von wilden, außerhalb der Produktionseinheit gelegenen Muschelkolonien verwendet werden, wenn
 - i) sie von Muschelbänken stammt, die den Winter voraussichtlich nicht überleben, oder von Bänken, die für die Erhaltung der Wildbestände verzichtbar sind, oder
 - ii) es sich um natürliche Ansiedlungen von Muschelsaat auf Kollektoren handelt;
- (b) im Falle der Pazifischen Auster *Crassostrea gigas* wird vorzugsweise selektiv gezüchtetes Bestandsmaterial verwendet, das sich in freier Wildbahn seltener vermehrt;
- (c) es werden Aufzeichnungen darüber geführt, wie, wo und wann Muschelsaat aus Wildbeständen gesammelt wurde, um eine Rückverfolgung bis zum Sammelgebiet zu ermöglichen.

4.2.2. Unterbringungsbedingungen und Haltungspraktiken

Für die Unterbringung und Haltungspraxis gilt Folgendes:

- (a) Die Produktion kann in demselben Gewässer wie ökologische/biologische Fisch- und Meeresalgenproduktion in Polykultur erfolgen, die im Nachhaltigkeitsplan näher zu beschreiben ist. Muscheln können in Polykultur auch zusammen mit Schnecken wie der Gemeinen Strandschnecke kultiviert werden;

- (b) ökologische/biologische Muschelproduktion erfolgt in Gebieten, die durch Pfähle oder Schwimmkörper oder auf andere Art klar gekennzeichnet sind, und nutzt zur Eingrenzung Netze, Käfige oder andere künstliche Strukturen;
- (c) potenzielle Gefahren ökologischer/biologischer Schalentierkulturen für andere, unter Schutz gestellte Arten werden so weit wie möglich ausgeschlossen. Netze zum Schutz gegen Prädatoren sind so konstruiert, dass tauchende Vögel keinen Schaden nehmen können.

4.2.3. Kultivierung

Für die Kultivierung gilt Folgendes:

- (a) Die Muschelzucht an hängenden Leinen und die übrigen Methoden gemäß Nummer 4.1.5.10. Buchstabe h sind für die ökologische/biologische Produktion zulässig;
- (b) Weichtierkulturen am Meeresboden sind nur zulässig, wenn an den Aufzucht- und Sammelplätzen keine spürbar negativen Auswirkungen auf die Umwelt entstehen. Der Unternehmer erbringt den Nachweis geringer Umweltbelastungen durch eine Prüfung einschließlich Bericht über die Nutzung der betreffenden Flächen, der der Kontrollbehörde oder Kontrollstelle vorzulegen ist. Der Bericht wird als getrenntes Kapitel in den Nachhaltigkeitsplan aufgenommen.

4.2.4. Bewirtschaftung

Für die Bewirtschaftung gilt Folgendes:

- (a) Die Besatzdichte übersteigt nicht die Besatzdichte von nicht ökologisch/nicht biologisch bewirtschafteten Schalentierproduktionsanlagen am selben Standort. Sortieren, Ausdünnen und Anpassen der Besatzdichte erfolgen auf Basis der Biomasse, unter Beachtung des Tierschutzes und mit dem Ziel hoher Produktqualität;
- (b) biologischer Bewuchs wird mechanisch oder von Hand entfernt und gegebenenfalls in größerer Entfernung von den Zuchtanlagen ins Meer zurückgeworfen. Schalentiere dürfen zum Schutz gegen schädliche Bewuchsorganismen einmal im Laufe des Produktionszyklus mit einer Kalklösung behandelt werden.

4.2.5. Spezifische Kultivierungsvorschriften für Austern

Die Kultivierung in Säcken auf Tischen ist zulässig. Diese Tische und andere Vorrichtungen zur Austernzucht sind so aufzustellen, dass keine durchgehende Sperre entlang der Uferlinie entsteht. Für eine optimale Produktion werden die Austern sorgfältig unter Beachtung der Gezeitenströmung platziert. Die Produktion muss den Anforderungen gemäß Nummer 4.1.5.10 Buchstabe h genügen.

Teil IV: Produktionsvorschriften für verarbeitete Lebens- und Futtermittel

Zusätzlich zu den allgemeinen Produktionsvorschriften in den Artikeln 7, 9 und 13 enthält dieser Teil Vorschriften für verarbeitete Lebens- und Futtermittel.

1. Allgemeine Vorschriften für die Herstellung verarbeiteter Lebens- und Futtermittel

- 1.1. Bei der Verwendung von Zusatzstoffen, Verarbeitungshilfsstoffen und anderen Stoffen und Zutaten für die Verarbeitung von Lebens- oder Futtermitteln sowie bei der Anwendung jeglicher Verarbeitungspraktiken, wie z. B. des Räucherns, sind die Grundsätze der guten Herstellungspraxis¹⁰ zu beachten.
- 1.2. Verarbeitete Lebens- oder Futtermittel herstellende Unternehmer müssen geeignete Verfahren einrichten und aktualisieren, die auf einer systematischen Identifizierung der kritischen Stufen im Verarbeitungsprozess beruhen.
- 1.3. Die Anwendung der Verfahren gemäß Nummer 1.2 muss jederzeit gewährleisten, dass die hergestellten Verarbeitungserzeugnisse den Vorschriften dieser Verordnung genügen.
- 1.4. Die Unternehmer müssen die Verfahrensvorschriften gemäß Nummer 1.2 anwenden und einhalten. Sie müssen insbesondere
 - (a) Vorsorgemaßnahmen treffen, um das Risiko einer Kontamination durch unzulässige Stoffe oder Erzeugnisse zu vermeiden;
 - (b) geeignete Reinigungsmaßnahmen durchführen, deren Wirksamkeit überwacht wird und über die Aufzeichnungen geführt werden;
 - (c) sicherstellen, dass nichtökologische/nichtbiologische Erzeugnisse nicht mit Hinweis auf die ökologische/biologische Produktion in den Verkehr gebracht werden.
- 1.5. Die Aufbereitung ökologischer/biologischer Verarbeitungserzeugnisse muss räumlich oder zeitlich getrennt von jener nichtökologischer/nichtbiologischer Erzeugnisse erfolgen. Soweit in der betreffenden Aufbereitungseinheit auch nichtökologische/nichtbiologische Erzeugnisse aufbereitet oder gelagert werden, trägt der Unternehmer dafür Sorge, dass
 - (a) die Kontrollbehörde oder Kontrollstelle diesbezüglich informiert wird;
 - (b) die Arbeitsgänge räumlich oder zeitlich getrennt von ähnlichen Arbeitsgängen mit nichtökologischen/nichtbiologischen Erzeugnissen kontinuierlich in geschlossener Folge durchgeführt werden, bis die gesamte Partie durchgelaufen ist;
 - (c) ökologische/biologische Erzeugnisse vor und nach den Arbeitsgängen räumlich oder zeitlich von nichtökologischen/nichtbiologischen Erzeugnissen getrennt gelagert werden;
 - (d) ein aktualisiertes Verzeichnis über sämtliche Arbeitsgänge und verarbeiteten Mengen geführt wird;
 - (e) alle erforderlichen Vorkehrungen getroffen werden, um die Partien/Lose zu identifizieren und jedes Vermischen oder Vertauschen mit nichtökologischen/nichtbiologischen Erzeugnissen zu vermeiden;
 - (f) die Arbeitsgänge mit ökologischen/biologischen Erzeugnissen erst nach einer geeigneten Reinigung der Produktionsanlagen durchgeführt werden.

¹⁰ Gute Herstellungspraxis („good manufacturing practice, GMP“) im Sinne von Artikel 3 Buchstabe a der Verordnung (EG) Nr. 2023/2006 der Kommission vom 22. Dezember 2006 über gute Herstellungspraxis für Materialien und Gegenstände, die dazu bestimmt sind, mit Lebensmitteln in Berührung zu kommen (ABl. L 384 vom 29.12.2006, S. 75).

- 1.6. Erzeugnisse, Stoffe und Verfahren, die bei der Verarbeitung und Lagerung ökologischer/biologischer Lebensmittel verloren gegangene Eigenschaften wiederherstellen oder das Ergebnis nachlässiger Verarbeitung korrigieren oder anderweitig in Bezug auf die tatsächliche Beschaffenheit dieser Erzeugnisse irreführend sein könnten, dürfen nicht verwendet werden.
- 2. Vorschriften für die Herstellung verarbeiteter Lebensmittel**
- 2.1. Für die Zusammensetzung verarbeiteter ökologischer/biologischer Lebensmittel gilt Folgendes:
- (a) Das Erzeugnis wird überwiegend aus Zutaten landwirtschaftlichen Ursprungs hergestellt; bei der Bestimmung, ob ein Erzeugnis überwiegend aus Zutaten landwirtschaftlichen Ursprungs hergestellt ist, werden hinzugefügtes Wasser und Kochsalz nicht berücksichtigt;
 - (b) es dürfen nur Zusatzstoffe, Verarbeitungshilfsstoffe, Aromastoffe, Wasser, Salz, Zubereitungen aus Mikroorganismen und Lebensmittelenzymen, Mineralstoffe, Spurenelemente, Vitamine sowie Aminosäuren und andere Mikronährstoffe in Lebensmitteln, die für eine besondere Ernährung bestimmt sind, verwendet werden, sofern diese nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind;
 - (c) eine ökologische/biologische Zutat darf nicht zusammen mit der gleichen nichtökologischen/nichtbiologischen oder während der Umstellung erzeugten Zutat vorkommen;
 - (d) Lebensmittel aus während der Umstellung erzeugten Pflanzen dürfen nur eine pflanzliche Zutat landwirtschaftlichen Ursprungs enthalten.
- 2.2. Verwendung bestimmter Erzeugnisse und Stoffe bei der Verarbeitung von Lebensmitteln
- 2.2.1. Bei der Verarbeitung von Lebensmitteln, ausgenommen Erzeugnisse und Stoffe aus dem Weinsektor, für die die Bestimmungen von Teil V Nummer 2 gelten, und Hefe, für die die Bestimmungen von Teil VI Nummer 1.3 gelten, dürfen nur Erzeugnisse und Stoffe gemäß Nummer 2.1. Buchstabe b sowie die Erzeugnisse und Stoffe gemäß den Nummern 2.2.2, 2.2.4. und 2.2.5. verwendet werden.
- 2.2.2. Folgende Erzeugnisse und Stoffe dürfen für die Verarbeitung von Lebensmitteln verwendet werden:
- (a) Zubereitungen aus Mikroorganismen und Lebensmittelenzyme, die üblicherweise bei der Lebensmittelherstellung verwendet werden; Lebensmittelenzyme, die als Lebensmittelzusatzstoffe verwendet werden sollen, müssen jedoch nach Artikel 19 für die ökologische/biologische Produktion zugelassen sein;
 - (b) Stoffe und Erzeugnisse gemäß der Definition in Artikel 3 Absatz 2 Buchstaben b und d der Verordnung (EG) Nr. 1334/2008 des Europäischen Parlaments und des Rates¹¹, die gemäß Artikel 15 Absatz 1 Buchstabe e und

¹¹ Verordnung (EG) Nr. 1334/2008 des Europäischen Parlaments und des Rates vom 16. Dezember 2008 über Aromen und bestimmte Lebensmittelzutaten mit Aromaeigenschaften zur Verwendung in und auf Lebensmitteln sowie zur Änderung der Verordnung (EWG) Nr. 1601/91 des Rates, der Verordnungen (EG) Nr. 2232/96 und (EG) Nr. 110/2008 und der Richtlinie 2000/13/EG (ABl. L 354 vom 31.12.2008, S. 34).

Artikel 16 der genannten Verordnung als natürliche Aromastoffe oder natürliche Aromaextrakte gekennzeichnet sind;

- (c) Farbstoffe zum Stempeln von Fleisch und Eierschalen gemäß Artikel 17 der Verordnung (EG) Nr. 1333/2008 des Europäischen Parlaments und des Rates¹²;
- (d) Trinkwasser und Salze (hauptsächlich aus Natrium- oder Kaliumchlorid), die im Allgemeinen bei der Lebensmittelverarbeitung verwendet werden;
- (e) Mineralstoffe (einschließlich Spurenelemente), Vitamine, Aminosäuren und Mikronährstoffe, jedoch nur, soweit ihre Verwendung in den Lebensmitteln, denen sie zugefügt werden, gesetzlich vorgeschrieben ist.

2.2.3. Für die Zwecke der Berechnung gemäß Artikel 21 Absatz 3 gilt Folgendes:

- (a) Bestimmte Lebensmittelzusatzstoffe, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind, werden zu den Zutaten landwirtschaftlichen Ursprungs gerechnet;
- (b) Zubereitungen und Stoffe gemäß Nummer 2.2.2. werden nicht zu den Zutaten landwirtschaftlichen Ursprungs gerechnet;
- (c) Hefe und Hefeprodukte werden zu den Zutaten landwirtschaftlichen Ursprungs gerechnet.

2.2.4. Folgende nichtökologische/nichtbiologische Zutaten landwirtschaftlichen Ursprungs dürfen für die Verarbeitung von ökologischen/biologischen Lebensmitteln verwendet werden:

- (a) Tierische Erzeugnisse:
 - i) Wasserorganismen, nicht aus der Aquakultur, die bei der Herstellung nichtökologischer/nichtbiologischer Lebensmittel verwendet werden dürfen,
 - ii) Gelatine,
 - iii) Naturdärme;
- (b) unverarbeitete pflanzliche Erzeugnisse und daraus hergestellte Verarbeitungserzeugnisse:
 - i) essbare Früchte, Nüsse und Samen:
 - Colanüsse *Cola acuminata*
 - ii) essbare Gewürze und Kräuter:
 - Meerrettichsamensamen *Armoracia rusticana*
 - Saflorblüten *Carthamus tinctorius*
 - Brunnenkresse *Nasturtium officinale*
 - iii) Verschiedenes:
 - Algen, einschließlich Meeresalgen
- (c) verarbeitete pflanzliche Erzeugnisse:

¹² Verordnung (EG) Nr. 1333/2008 des Europäischen Parlaments und des Rates vom 16. Dezember 2008 über Lebensmittelzusatzstoffe (ABl. L 354 vom 31.12.2008, S. 16).

- i) folgende Zucker, Stärken und sonstige Erzeugnisse aus Getreide und Knollen:
 - Reispapier
 - Reis- und Wachsmaisstärke, nicht chemisch verändert
 - ii) Verschiedenes:
 - Rum: nur Rum aus Rohrzuckersaft.
- 2.2.5. Fette und Öle, auch raffiniert, jedoch nicht chemisch verändert, können in ihrer nichtökologischen/nichtbiologischen Form verwendet werden, wenn sie von anderen als den folgenden Pflanzen stammen:
- Kakao *Theobroma cacao*
 - Kokosnüssen *Cocos nucifera*
 - Oliven *Olea europaea*
 - Sonnenblumen *Helianthus annuus*
 - Palmen *Elaeis guineensis*
 - Raps *Brassica napus, rapa*
 - Saflor *Carthamus tinctorius*
 - Sesam *Sesamum indicum*
 - Soja *Glycine max*

3. Vorschriften für die Herstellung verarbeiteter Futtermittel

- 3.1. Ökologische/biologische Futtermittel-Ausgangserzeugnisse oder Umstellungsfuttermittel-Ausgangserzeugnisse dürfen nicht zusammen mit den gleichen Futtermittel-Ausgangserzeugnissen aus nichtökologischer/nichtbiologischer Produktion zur Herstellung eines ökologischen/biologischen Futtermittels verwendet werden.
- 3.2. Futtermittel-Ausgangserzeugnisse, die in der ökologischen/biologischen Produktion eingesetzt oder weiterverarbeitet werden, dürfen nicht unter Einsatz von chemisch-synthetischen Lösungsmitteln hergestellt worden sein.

Teil V: Wein

1. Geltungsbereich

- 1.1. Zusätzlich zu den allgemeinen Produktionsvorschriften in den Artikeln 7, 8, 9 und 14 enthält dieser Teil Vorschriften für die ökologische/biologische Produktion von Erzeugnissen des Weinsektors gemäß Artikel 1 Absatz 2 Buchstabe l der Verordnung (EU) Nr. 1308/2013.
- 1.2. Sofern in diesem Teil nicht ausdrücklich etwas anderes bestimmt ist, finden die Verordnungen (EG) Nr. 606/2009¹³ und (EG) Nr. 607/2009¹⁴ der Kommission Anwendung.

¹³ Verordnung (EG) Nr. 606/2009 der Kommission vom 10. Juli 2009 mit Durchführungsbestimmungen zur Verordnung (EG) Nr. 479/2008 des Rates hinsichtlich der Weinbauerzeugniskategorien, der ökologischen Verfahren und der diesbezüglichen Einschränkungen (ABl. L 193 vom 24.7.2009, S. 1).

2. Verwendung bestimmter Erzeugnisse und Stoffe

- 2.1. Erzeugnisse des Weinsektors werden aus ökologischen/biologischen Ausgangsstoffen hergestellt.
- 2.2. Bei der Herstellung von Erzeugnissen des Weinsektors, einschließlich der Prozesse und önologischen Verfahren nach Maßgabe der Bedingungen und Einschränkungen gemäß den Verordnungen (EU) Nr. 1308/2013 und (EG) Nr. 606/2009 und insbesondere Anhang IA der letztgenannten Verordnung, dürfen nur Erzeugnisse und Stoffe verwendet werden, die nach Artikel 19 für die ökologische/biologische Produktion zugelassen sind.

3. Önologische Verfahren und Einschränkungen

- 3.1. Unbeschadet der Abschnitte 1 und 2 und der unter den Nummern 3.2 bis 3.5 vorgesehenen besonderen Verbote und Einschränkungen sind nur solche önologischen Verfahren, Prozesse und Behandlungen, einschließlich der Einschränkungen gemäß Artikel 80 und Artikel 83 Absatz 2 der Verordnung (EU) Nr. 1308/2013 und gemäß den Artikeln 3, 5 bis 9 sowie 11 bis 14 der Verordnung (EG) Nr. 606/2009 sowie gemäß den Anhängen der beiden Verordnungen, zugelassen, die vor dem 1. August 2010 angewendet wurden.
- 3.2. Die Anwendung der folgenden önologischen Verfahren, Prozesse und Behandlungen ist verboten:
 - (a) teilweise Konzentrierung durch Kälte gemäß Anhang VIII Teil I Abschnitt B Nummer 1 Buchstabe c der Verordnung (EU) Nr. 1308/2013;
 - (b) Entschwefelung durch physikalische Verfahren gemäß Anhang I A Nummer 8 der Verordnung (EG) Nr. 606/2009;
 - (c) Behandlung durch Elektrodialyse zur Weinstabilisierung des Weins gemäß Anhang I A Nummer 36 der Verordnung (EG) Nr. 606/2009;
 - (d) teilweise Entalkoholisierung von Wein gemäß Anhang I A Nummer 40 der Verordnung (EG) Nr. 606/2009;
 - (e) Behandlung mit Kationenaustauschern zur Weinstabilisierung des Weins gemäß Anhang I A Nummer 43 der Verordnung (EG) Nr. 606/2009.
- 3.3. Die Anwendung der folgenden önologischen Verfahren, Prozesse und Behandlungen ist unter folgenden Bedingungen erlaubt:
 - (a) Bei thermischen Behandlungen gemäß Anhang I A Nummer 2 der Verordnung (EG) Nr. 606/2009 darf die Temperatur 70 °C nicht übersteigen;
 - (b) bei der Zentrifugierung und Filtrierung mit oder ohne inerte Filtrierhilfsstoffe gemäß Anhang I A Nummer 3 der Verordnung (EG) Nr. 606/2009 darf die Porengröße nicht unter 0,2 Mikrometer liegen.
- 3.4. Die Kommission überprüft die Anwendung der folgenden önologischen Verfahren, Prozesse und Behandlungen vor dem 1. August 2015 mit Blick auf eine schrittweise Abschaffung oder eine weitere Einschränkung dieser Verfahren:

¹⁴ Verordnung (EG) Nr. 607/2009 der Kommission vom 14. Juli 2009 mit Durchführungsbestimmungen zur Verordnung (EG) Nr. 479/2008 des Rates hinsichtlich der geschützten Ursprungsbezeichnungen und geografischen Angaben, der traditionellen Begriffe sowie der Kennzeichnung und Aufmachung bestimmter Weinbauerzeugnisse (ABl. L 193 vom 24.7.2009, S. 60).

- (a) thermische Behandlungen gemäß Anhang I A Nummer 2 der Verordnung (EG) Nr. 606/2009;
 - (b) Anwendung von Ionenaustauschharzen gemäß Anhang I A Nummer 20 der Verordnung (EG) Nr. 606/2009;
 - (c) Umkehrosmose gemäß Anhang VIII Teil I Abschnitt B Nummer 1 Buchstabe b der Verordnung (EU) Nr. 1308/2013.
- 3.5. Nach dem 1. August 2010 eingeführte Änderungen in Bezug auf die in der Verordnung (EG) Nr. 1234/2007 oder in der Verordnung (EG) Nr. 606/2009 vorgesehenen ökologischen Verfahren, Prozesse und Behandlungen dürfen bei der ökologischen/biologischen Herstellung von Wein erst nach Erlass der zur Durchführung der in diesem Abschnitt 3 vorgesehenen Produktionsvorschriften und, falls erforderlich, einem Bewertungsprozess gemäß Artikel 19 der vorliegenden Verordnung angewendet werden.

Teil VI: Hefe, die als Lebens- oder Futtermittel verwendet wird

Zusätzlich zu den allgemeinen Produktionsvorschriften in den Artikeln 7, 9 und 15 enthält dieser Teil Vorschriften für ökologische/biologische Hefe, die als Lebens- oder Futtermittel verwendet wird.

1. Allgemeine Anforderungen

- 1.1. Für die Herstellung ökologischer/biologischer Hefe dürfen nur ökologisch/biologisch erzeugte Substrate verwendet werden.
- 1.2. Ökologische/biologische Hefe darf in ökologischen/biologischen Lebens- oder Futtermitteln nicht zusammen mit nichtökologischer/nichtbiologischer Hefe vorkommen.
- 1.3. Folgende Stoffe dürfen bei der Herstellung, Zubereitung und Formulierung von ökologischer/biologischer Hefe verwendet werden:
 - (a) für die ökologische/biologische Produktion zugelassene Verarbeitungshilfsstoffe gemäß Artikel 19;
 - (b) Erzeugnisse und Stoffe gemäß Teil IV Nummer 2.2.2 Buchstaben a und d.

ANHANG III
ABHOLUNG, VERPACKUNG, BEFÖRDERUNG UND LAGERUNG VON
ERZEUGNISSEN

1. Abholung und Beförderung von Erzeugnissen zu Aufbereitungseinheiten

Unternehmer können ökologische/biologische und nichtökologische/nichtbiologische Erzeugnisse nur dann im Sammeltransportverfahren gleichzeitig abholen, wenn geeignete Vorkehrungen getroffen wurden, um jedes mögliche Vermischen oder Vertauschen mit nichtökologischen/nichtbiologischen Erzeugnissen zu vermeiden, und die Identifizierung der ökologischen/biologischen Erzeugnisse gewährleistet ist. Der Unternehmer hält der Kontrollbehörde oder Kontrollstelle Informationen über die Tage und Uhrzeiten der Abholung, die Abholrunde sowie das Datum und die Uhrzeit der Annahme der Erzeugnisse zur Verfügung.

2. Verpackung und Beförderung von Erzeugnissen zu anderen Unternehmern oder Einheiten

2.1. Die Unternehmer tragen dafür Sorge, dass ökologische/biologische Erzeugnisse zu anderen Unternehmern oder Einheiten, einschließlich Groß- und Einzelhändlern, nur in geeigneten Verpackungen, Behältnissen oder Transportmitteln befördert werden, die so verschlossen sind, dass der Inhalt ohne Manipulation oder Zerstörung der Plombe/des Siegels nicht ausgetauscht werden kann, und deren Etikett unbeschadet anderer nach Unionsrecht vorgeschriebener Angaben folgende Angaben enthält:

- (a) den Namen und die Anschrift des Unternehmers und, soweit es sich um eine andere Person handelt, des Eigentümers oder Verkäufers des Erzeugnisses,
- (b) die Bezeichnung des Erzeugnisses oder im Fall von Mischfuttermitteln ihre Beschreibung einschließlich Hinweis auf die ökologische/biologische Produktion,
- (c) den Namen und/oder die Codenummer der Kontrollbehörde oder Kontrollstelle, die für den Unternehmer zuständig ist, und
- (d) gegebenenfalls die Kennzeichnung der Partie/des Loses, die nach einem System vorgenommen wurde, das entweder auf nationaler Ebene zugelassen ist oder dem von der Kontrollbehörde oder Kontrollstelle zugestimmt wurde, und anhand der die Partie/das Los den Bucheintragungen gemäß Artikel 24 zugeordnet werden kann.

Die Angaben gemäß den Buchstaben a bis d können auch auf einem Begleitpapier vermerkt werden, wenn dieses Dokument eindeutig der Verpackung, dem Behältnis oder dem Transportmittel des Erzeugnisses zugeordnet werden kann. Dieses Begleitpapier muss Angaben über den Lieferanten oder das Transportunternehmen enthalten.

2.2. Die Verpackung, die Behältnisse oder die Transportmittel müssen nicht verschlossen werden, wenn

- (a) die Erzeugnisse auf direktem Wege von einem Unternehmer zu einem anderen Unternehmer befördert werden, die beide dem ökologischen/biologischen Kontrollsystem unterliegen,
- (b) die Erzeugnisse von einem Dokument begleitet werden, das die unter Nummer 2.1 genannten Angaben enthält, und

- (c) sowohl Versender als auch Empfänger über diese Transportvorgänge Buch führen und die Bücher der zuständigen Kontrollbehörde oder Kontrollstelle zur Verfügung halten.

3. Sondervorschriften für die Beförderung von Futtermitteln zu anderen Produktions- oder Aufbereitungseinheiten oder Lagerstätten

Unternehmer tragen bei der Beförderung von Futtermitteln zu anderen Produktions- oder Aufbereitungseinheiten oder Lagerstätten dafür Sorge, dass die folgenden Bedingungen erfüllt sind:

- (a) Ökologisch/biologisch erzeugte Futtermittel, Umstellungsfuttermittel und nichtökologische/nichtbiologische Futtermittel werden bei der Beförderung räumlich voneinander getrennt;
- (b) Transportmittel oder Behältnisse, in denen nichtökologische/nichtbiologische Erzeugnisse befördert wurden, dürfen zur Beförderung ökologischer/biologischer Erzeugnisse nur verwendet werden, sofern
 - i) vor der Beförderung von ökologischen/biologischen Erzeugnissen angemessene Reinigungsmaßnahmen durchgeführt wurden, deren Wirksamkeit kontrolliert wurde, und die Unternehmer über die Reinigungsvorgänge Buch führen;
 - ii) je nach den im Rahmen der Kontrollvorkehrungen bewerteten Risiken alle erforderlichen Maßnahmen getroffen wurden und der Unternehmer erforderlichenfalls garantiert, dass nichtökologische/nichtbiologische Erzeugnisse nicht mit Hinweis auf die ökologische/biologische Produktion in den Verkehr gebracht werden können;
 - iii) der Unternehmer über die Beförderungsvorgänge Buch führt und die Bücher der Kontrollbehörde oder Kontrollstelle zur Verfügung hält;
- (c) ökologische/biologische Futtermittel-Fertigerzeugnisse werden räumlich oder zeitlich von anderen Fertigerzeugnissen getrennt befördert;
- (d) bei der Beförderung werden die Erzeugnismenge zu Beginn der Auslieferungsrunde sowie alle während der Auslieferungsrunde einzeln ausgelieferten Erzeugnismengen aufgezeichnet.

4. Transport von lebenden Fischen

- 4.1. Lebende Fische werden in geeigneten Behältnissen mit sauberem Wasser, das die physiologischen Ansprüche der Fische hinsichtlich Temperatur und Sauerstoffgehalt erfüllt, transportiert.
- 4.2. Bevor ökologisch/biologisch erzeugte Fische und ökologische/biologische Fischerzeugnisse transportiert werden, werden die Behältnisse gründlich gereinigt, desinfiziert und ausgespült.
- 4.3. Es werden Vorkehrungen zur Stressvermeidung getroffen. Zum Schutz der Tiere wird eine artgerechte Transportdichte eingehalten.
- 4.4. Über die Vorgänge gemäß den Nummern 4.1, 4.2 und 4.3 wird Buch geführt.

5. Annahme von Erzeugnissen von anderen Unternehmern oder aus anderen Einheiten

Bei Annahme eines ökologischen/biologischen Erzeugnisses kontrolliert der Unternehmer den Verschluss der Verpackung oder des Behältnisses, soweit dieser vorgeschrieben ist, sowie das Vorhandensein der Angaben gemäß Abschnitt 2.

Der Unternehmer führt eine Gegenkontrolle der Angaben auf dem Etikett gemäß Abschnitt 2 mit den Angaben auf den Begleitpapieren durch. Das Ergebnis dieser Überprüfung wird in den Büchern gemäß Artikel 24 ausdrücklich vermerkt.

6. Sondervorschriften für die Annahme von Erzeugnissen aus Drittländern

Ökologische/biologische Erzeugnisse aus Drittländern sind in geeigneten Verpackungen oder Behältnissen einzuführen, die so verschlossen sind, dass ihr Inhalt nicht ausgetauscht werden kann, und die mit Angaben zur Identifizierung des Ausführers sowie anderen Zeichen und Nummern, mit denen die Partie/das Los identifiziert werden kann, und die gegebenenfalls mit der Kontrollbescheinigung für Einführen aus Drittländern versehen sind.

Bei Annahme eines aus einem Drittland eingeführten ökologischen/biologischen Erzeugnisses kontrolliert die natürliche oder juristische Person, an die die eingeführte Sendung zur weiteren Aufbereitung oder zur Vermarktung geliefert wird, den Verschluss der Verpackung oder des Behältnisses und, bei gemäß Artikel 28 Absatz 1 Buchstabe b Ziffer ii eingeführten Erzeugnissen, die Übereinstimmung der Angaben auf der Kontrollbescheinigung gemäß dem genannten Artikel mit der Art der Erzeugnisse in der Sendung. Das Ergebnis dieser Überprüfung wird in den Büchern gemäß Artikel 24 ausdrücklich vermerkt.

7. Lagerung von Erzeugnissen

- 7.1. Bereiche, in denen Erzeugnisse gelagert werden, sind so zu bewirtschaften, dass die gelagerten Partien/Lose identifiziert werden können und jede Vermischung mit oder Verunreinigung durch Erzeugnisse oder Stoffe, die den Vorschriften für die ökologische/biologische Produktion nicht genügen, vermieden wird. Ökologische/biologische Erzeugnisse müssen jederzeit eindeutig identifizierbar sein.
- 7.2. Im Falle von ökologischen/biologischen Pflanzen- und Tierproduktionseinheiten ist die Lagerung von anderen als den nach Artikel 19 für die ökologische/biologische Produktion zugelassenen Betriebsmitteln in der Produktionseinheit verboten.
- 7.3. Die Lagerung von allopathischen Tierarzneimitteln und Antibiotika in landwirtschaftlichen Betrieben und Aquakulturbetrieben ist zulässig, sofern sie von einem Tierarzt im Rahmen der Behandlung gemäß Anhang II Teil II Nummer 1.5.2.2 und Teil III Nummer 4.1.4.2 Buchstabe a verschrieben wurden sowie an einem überwachten Ort aufbewahrt und in das Bestandsbuch gemäß Artikel 24 eingetragen werden.
- 7.4. Soweit Unternehmer sowohl mit nichtökologischen/nichtbiologischen Erzeugnissen als auch ökologischen/biologischen Erzeugnissen umgehen und letztere an Lagerstätten gelagert werden, die auch zur Aufbewahrung anderer Agrarprodukte oder Lebensmittel dienen, so sind
 - (a) die ökologischen/biologischen Erzeugnisse von den anderen Agrarprodukten oder Lebensmitteln getrennt aufzubewahren;
 - (b) alle erforderlichen Maßnahmen zu treffen, um die Identifizierung der Warensendungen sicherzustellen und jedes Vermischen oder Vertauschen mit nichtökologischen/nichtbiologischen Erzeugnissen zu vermeiden;

- (c) vor der Einlagerung ökologischer/biologischer Erzeugnisse geeignete Reinigungsmaßnahmen durchzuführen, deren Wirksamkeit kontrolliert wurde; die Unternehmer führen Buch über diese Maßnahmen.

ANHANG IV
ANGABEN GEMÄSS ARTIKEL 21

BG: биологичен
ES: ecológico, biológico
CS: ekologické, biologické
DA: økologisk
DE: ökologisch, biologisch
ET: mahe, ökoloogiline
EL: βιολογικό
EN: organic
FR: biologique
GA: orgánach
HR: ekološki
IT: biologico
LV: bioloģisks, ekoloģisks
LT: ekologiškas
LU: biologesch
HU: ökológiai.
MT: organiku
NL: biologisch
PL: ekologiczne
PT: biológico
RO: ecologic
SK: ekologické, biologické
SL: ekološki
FI: luonnonmukainen
SV: ekologisk.

ANHANG V

LOGO DER EUROPÄISCHEN UNION FÜR ÖKOLOGISCHE/BIOLOGISCHE PRODUKTION UND CODENUMMERN

1. Logo

- 1.1. Das Logo der Europäischen Union für ökologische/biologische Produktion muss dem nachstehenden Muster entsprechen:

LOGO einfügen

- 1.2. Die Referenzfarbe in Pantone ist Green Pantone Nr. 376 und Green [50 % Cyan + 100 % Yellow], wenn ein Vierfarbendruck verwendet wird.
- 1.3. Das Logo der Europäischen Union für ökologische/biologische Produktion kann auch in Schwarz-Weiß ausgeführt werden, allerdings nur dann, wenn eine Umsetzung in Farbe nicht zweckmäßig wäre:

LOGO einfügen

- 1.4. Ist die Hintergrundfarbe der Verpackung oder des Etiketts dunkel, so können die Symbole unter Verwendung der Hintergrundfarbe der Verpackung oder des Etiketts im Negativformat ausgeführt werden.
- 1.5. Bei Verwendung eines farbigen Logos auf einem farbigen Hintergrund, der es schwer erkennbar macht, kann das Logo mit einer umlaufenden Konturlinie versehen werden, damit es sich von den Hintergrundfarben besser abhebt.
- 1.6. Wenn die Angaben auf einer Verpackung in besonderen Fällen in einer einzigen Farbe gehalten sind, kann das Logo der Europäischen Union für ökologische/biologische Produktion in derselben Farbe ausgeführt werden.
- 1.7. Das Logo der Europäischen Union für ökologische/biologische Produktion muss eine Mindesthöhe von 9 mm und eine Mindestbreite von 13,5 mm haben; das Verhältnis Höhe/Breite beträgt stets 1:1,5. Bei sehr kleinen Verpackungen kann die Mindestgröße ausnahmsweise auf eine Höhe von 6 mm verringert werden.
- 1.8. Das Logo der Europäischen Union für ökologische/biologische Produktion kann mit grafischen Elementen oder Textelementen, die auf die ökologische/biologische Produktion Bezug nehmen, kombiniert werden, sofern diese den Charakter des Logos oder die Angaben gemäß Artikel 22 nicht verändern. Bei einer Kombination mit nationalen oder privaten Logos, die in einem anderen Grün als der in Nummer 2 genannten Referenzfarbe ausgeführt sind, kann das Logo der Europäischen Union für ökologische/biologische Produktion in dieser Nicht-Referenzfarbe ausgeführt werden.

2. Codenummern

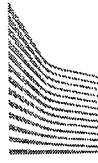
Die Codenummern weisen das nachstehende allgemeine Format auf:

AB-CDE-999

Dabei ist

- (a) „AB“ der ISO-Code des Landes, in dem die Kontrollen stattfinden,
- (b) „CDE“ eine von der Kommission oder jedem Mitgliedstaat festgelegte Bezeichnung in drei Buchstaben wie z. B. „bio“, „öko“, „org“ oder „eko“, die auf die ökologische/biologische Produktion hinweist, und

- (c) „999“ die höchstens dreistellige Referenznummer, die vergeben wird von
- i) der zuständigen Behörde jedes Mitgliedstaats an die Kontrollbehörden oder Kontrollstellen, denen sie Kontrollaufgaben übertragen hat;
 - ii) der Kommission an
 - die Kontrollbehörden und Kontrollstellen, die die Kommission gemäß Artikel 29 anerkannt hat,
 - die zuständigen Drittlandsbehörden, die die Kommission gemäß Artikel 31 anerkannt hat.



EUROPEAN
COMMISSION

Brussels, 24.3.2014
SWD(2014) 65 final

PART 1/3

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

**Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on organic production and labelling of organic products, amending Regulation (EU)
No XXX/XXX of the European Parliament and of the Council [Official controls
Regulation] and repealing Council Regulation (EC) No 834/2007**

{COM(2014) 180 final}
{SWD(2014) 66 final}

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Executive Summary Sheet

Impact assessment on Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products

A. Need for action

Why? What is the problem being addressed?

The overall objective of the EU political and legislative framework is the sustainable development of organic production. But, while organic farming in the EU is expected to develop in line with market developments, the EU organic land area has only doubled in the last 10 years, while the market has increased fourfold. There is a risk of limitation to the organic market expansion and a risk of limitation to the environmental benefits associated with organic farming. The main drivers are:

- regulatory and non-regulatory obstacles to the development of organic farming in the EU;
- a risk of erosion of consumer confidence, notably because organic production rules are watered down and fraud cases are developing, in connection with shortcomings in the control system and in the trade regime,
- unfair competition among producers and risks for the functioning of the internal market, because of gaps in the legislation and implementation and enforcement failures.

What is this initiative expected to achieve?

In the context of the 2020 CAP reform, the proposal aims at:

- removing obstacles to the development of organic production in the EU,
- improving the legislation in order to guarantee fair competition for farmers and producers and to improve the functioning of the internal market,
- maintaining or improving consumer confidence in organic products.

In addition, the initiative is part of the Commission's Regulatory Fitness and Performance Programme and aims at simplifying rules and their implementation and at reducing administrative costs for administrations and operators.

What is the value added of action at the EU level?

The current exercise is an updating of an existing scheme set within the CAP. Production and trade of agricultural products and foodstuffs on the internal market and ensuring the integrity of the internal market are matters of EU competence. Both are EU shared competences with MS. An EU-wide scheme is more efficient than 28 different schemes and allows for a stronger and more consistent trade policy vis-à-vis global trading partners, most notably by enhancing its bargaining power. Areas where further harmonisation is needed: exceptions to the rules, procedures in case of presence of non-authorised substance residues in organic products and cases of non-compliances where products lose their organic status are addressed.

B. Solutions

What legislative and non-legislative policy options have been considered? Is there a preferred choice or not? Why?

A wide range of options, including the 'no policy option', have been considered. Three policy options have been assessed in depth. The *improved status quo option* notably includes clarifications in the scope of the legislation, simplifications in the labelling rules and addresses some gaps in the legislation. The *market-driven option* aims at providing the conditions to respond dynamically to further market developments thanks to a more product-oriented scheme with flexible production rules. The *principle-driven option* aims at re-focussing organic farming on its principles. Production rules are strengthened; the control system is fully risk-based; import rules are overhauled. The preferred option is the *principle-driven option* including sub-options to introduce group certification for small farmers and the obligation for organic processors and traders to run an environmental management system (EMS). The three options include a legislative proposal. The *market-driven* and the *principle-driven* options include an EU Action Plan.

Who supports which option?

In May 2013 the Council called for a review of the EU organic farming legislation and of the 2004 Action Plan. The public consultation has shown that citizens would like to see organic production rules further harmonised and strengthened. The stakeholders of the organic sector, notably IFOAM EU (European branch of the International

Federation of Organic Agriculture Movements) and COPA COGECA consider that the EU organic legislation should remain close to the principles and values of the sector; both started by cautiously supporting the *improved status quo* but have made steps towards the *principle-driven option*. The principle-driven option is supported by other organisations (the European Coordination Via Campesina, animal welfare organisations, etc). The *market-driven option* is supported notably by Eurocommerce.

C. Impacts of the preferred option

What are the benefits of the preferred option (if any, otherwise main ones)?

The preferred option is expected to remove obstacles to the development of organic farming in the EU thanks to clearer and simpler production rules. The removal of exceptions will lead to the development of organic inputs, notably seeds. The implementation of the action plan will bring more synergies with other EU policies, help addressing specific needs of the organic sector and improve access to third country markets. Fair competition will be improved notably thanks to simpler and clearer rules and to the move from equivalence to compliance for CBs in third countries. Consumer confidence will be addressed with stricter production rules taking into account evolving societal concerns (animal welfare, EMS for processors and traders). Fraud prevention will be higher, thanks to a more efficient control system, based on risk-assessment, and a more reliable import regime. Because of incomplete data notably on the economics of organic farms and operators, on prices, on the market size and on trade flows, impacts mentioned in the report are only qualitative.

What are the costs of the preferred option (if any, otherwise main ones)?

Some producers will have to leave the sector because they want to keep a part of conventional production on their holding, or because their system depends on exceptions. Production costs could be higher because of stricter rules. Stricter rules can be seen as a barrier to conversion, notably because insufficient availability of inputs such as seeds in their organic form when stricter rules are implemented. Higher production costs could lead in the short term to a market contraction because of higher consumer prices, but this should not continue in the medium and long term, since the development of inputs in their organic form, more adapted to organic production, should boost organic yields. The introduction of an EMS entails additional costs for operators the first year it is implemented, but they should be compensated by energy savings afterwards. Because of incomplete data notably on the economics of organic farms and operators, on prices, on the market size and on trade flows, impacts mentioned in the report are only qualitative.

How will businesses, SMEs and micro-enterprises be affected?

Micro-enterprises will be exempted from the requirement to apply an EMS system.

Small farms are under-represented in the organic sector. While 69% of all agricultural holdings have less than 5 ha, only 18,7% of organic holdings have less than 5 ha. The requirements for small farms, including those with processing activities, will be simplified if they apply group certification which will be introduced in the preferred option. The option will bring more legal clarity. The preferred option also entails much simplification and a reduction in the administrative costs. The number of information obligations for operators will be reduced by 17 out of the existing 80.

Will there be significant impacts on national budgets and administrations?

The preferred option entails much simplification and a reduction in the administrative costs. The number of information obligations will be reduced by 20 out of the existing 41.

Will there be other significant impacts?

Third countries and international relations: stricter rules in the preferred option involve a review of existing equivalence arrangements. Issues for developing country producers are addressed through the introduction of group certification.
Social impacts: there are indications that organic agriculture is more labour intensive than conventional agriculture, therefore its development should facilitate new job creation.
Environmental impacts: positive on biodiversity, water quality, soil health and quality. Energy savings with EMS imposed for processors and traders. Animal welfare conditions improved.

D. Follow up

When will the policy be reviewed?

The policy review is included in the 2014 CWP. After that, the policy will be reviewed according to a regular cycle.

LIST OF ACRONYMS

AGOF	Advisory Group on organic Farming
CA	Competent Authority
CAP	Common Agricultural Policy
CB	Control body or control authority
CERTCOST Farming	Economic Analysis of Certification Systems in Organic Food and Farming
CFP	Common Fisheries Policy
COPA-COGECA	Committee of Professional Agricultural Organisations and General Confederation of Agricultural Cooperatives in the European Union
DG	Directorate-General
DG AGRI	Directorate-General for Agriculture and Rural Development
ECA	European Court of Auditors
EGTOP	Expert Group for Technical advice on Organic Production
EU	European Union
BEUC	European Consumer Organisation
EMAS	Eco-Management and Audit Scheme
EMS	Environmental management System
EOCC	European Organic Certifiers Council
EIP	European Innovation Partnership
FADN	Farm Accountancy Data Network
FVO	Food and Veterinary Office
GMO	Genetically Modified Organisms
IAB	Impact Assessment Board
IFOAM	International Federation of Organic Agriculture Movements
IO	Information Obligation
ISSG	Inter-Service Steering Group
JRC	Joint Research Centre
MRL	Maximum Residue Limit
MS	Member State
NGO	Non Governmental Organisation
OFFC	Official Food and Feed Controls
OFIS	Organic farming Information System
RD	Rural Development
UAA	Utilised Agricultural Area
WTO	World Trade Organisation

1. PROCEDURAL ISSUES AND RESULTS FROM CONSULTATION OF INTERESTED PARTIES

The impact assessment has focused on:

- **Legislative tools, in particular Council Regulation (EC) 834/2007¹ on organic production and labelling of organic products**, applicable since January 2009, which provides for the scope, principles, objectives and general rules for organic farming. Detailed rules for the production, labelling and controls of organic products are provided in Commission Regulation No 889/2008². Detailed rules on imports are provided in Commission Regulation No 1235/2008³. The report intends to analyse the impacts of a new basic legislative Act as well as the necessary implementation measures.
- The relevance of a new strategy for organic farming in the EU. The **European Action Plan for Organic Food and Farming**⁴ adopted by the Commission in 2004 provided a basis for the policy development over the past years. All the actions have by now been completed or have become obsolete.

The review of the Organic Farming legislation is part of the Commission's Regulatory Fitness and Performance Programme (REFIT)⁵ which aims at identifying inconsistencies, gaps and ineffective measures, in order to simplify rules and their implementation and/or reduce regulatory costs for businesses and citizens without compromising public policy objectives.

Work on the impact assessment for the review of the organic farming policy⁶ was carried out by a **European Commission ISSG** set up by DG AGRI in June 2012. The first meeting of the ISSG took place on 12 July 2012.

All Directorates General (DGs) of the European Commission were invited to participate in the work of the ISSG, and in addition to DG AGRI, the following DGs were actively

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 (OJ L 189, 20.7.2007, p. 1)

² Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.09.2008, p. 1)

³ 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 (OJ L 334, 12.12.2008, p. 25)

⁴ European Action Plan for Organic Food and Farming Com (2004) 415 final of 10.06.2004.

⁵ Commission Communication on EU Regulatory Fitness of 12 December 2012 – COM(2012)746

⁶ The **Roadmap** on "Regulation of the European Parliament and of the Council on organic production and labelling of organic products – Review of EU political and legal framework for organic production" was adopted in September 2012

http://ec.europa.eu/governance/impact/planned_ia/docs/2012_agri_014_organic_farming_en.pdf

involved in the exercise: the Secretariat-General, the Legal Service, SANCO, ENTR, ENV, DEVCO, ESTAT, TAXUD, RTD, JRC, MARE, TRADE and CLIMA⁷.

The work on the impact assessment was carried out between June 2012 and September 2013, during which the ISSG held monthly meetings. The situation was analysed in depth thanks to **stakeholder hearings**, in which the ISSG listened to **72 stakeholders**: experts, academics and representatives of consumers, producers, retailers, operators, processors, third countries and associations representing third countries, traders, laboratories and researchers, animal welfare organisation. The hearings took place in the fall of 2012. The agendas of the meetings with stakeholders and their presentations can be consulted on the Commission web-site⁸.

Two AGOF meetings enlarged to the participants in the hearings were dedicated to the review. A final consultation meeting with the AGOF took place on 26 June.

MS, as competent authorities in charge of implementing the legislation, were kept informed and were consulted on technical aspects of the review. In addition, replies to a questionnaire addressed by the Irish presidency to the MS on the EU organic farming policy have been used (MS who transmitted their reply to the Commission).

A wide public consultation

A **public consultation through an on-line questionnaire** was launched from 15 January 2013 to 10 April 2013. It attracted high interest and almost 45.000 replies were submitted to the on-line questionnaire. In addition, about 1.350 additional contributions were received by the Commission.

The majority (96%) of responses to the on-line questionnaire were submitted by EU citizens, while 4% were sent by stakeholders, the majority of which were companies (57%) and industry associations and NGOs (18%). The main interests represented by the 1 827 stakeholders who replied to the questionnaire were those of farmers (48%); consumers⁹ (10%); processors (9%); advisory services (5%); researchers (4%); national associations (3%); traders (3%); public competent authorities/public control authorities/accreditation bodies (3%); retailers (3%); private CBs (2%); public authorities in non-EU countries (0.3%).

Citizens who replied to the questionnaire can be characterised by a relative high awareness of organic production: 83% of them declared to be regular consumers and 15% occasional consumers. The knowledge of the EU organic logo appeared to be high, with 79% knowing the EU organic logo (compared to 24% following the 2012 Eurobarometer's survey).

⁷ DG SANCO (Health and Consumers), ENTR (Enterprise and Industry), ENV (Environment), DEVCO (EuropeAid Development and Cooperation), ESTAT (EUROSTAT), TAXUD (Taxation and Customs Union), RTD (Research and Innovation), JRC (Joint Research Center), MARE (Maritime Affairs and Fisheries), TRADE (Trade) and CLIMA (Climate Action)

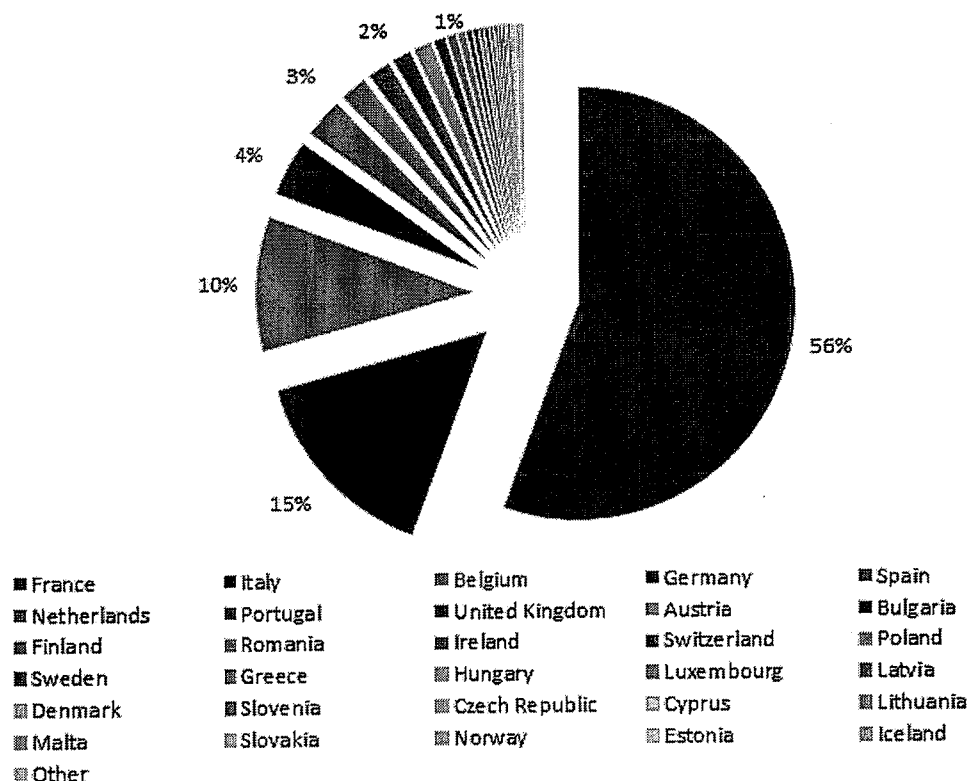
⁸ http://ec.europa.eu/agriculture/organic/eu-policy/legislation_en

⁹ The persons who replied on behalf of a consumer organisation are considered as consumers, while the ones who replied on personal behalf are considered as citizens.

The respondents were asked to indicate drives for purchasing and consuming organic products. Over 80% of all questioned citizens claimed that the most important rationales behind organic products consumption were concerns about the environment (83%) as well as purity of these products with regard to GMOs (81%) and pesticide and other chemical substances residues. A considerable number of citizens' respondents also emphasized that they purchased organic products because of belief in and support for seasonal and local products (78%) as well as strong conviction that organic farming system is more sustainable than conventional (74%). Approximately 63% of the respondents considered organic foodstuffs as healthier than their conventional counterparts. About half of them underlined that they are motivated to buy organic products because organic production respect animal welfare. Besides, important reasons that encouraged almost half of the questioned consumers to consume organic products are beliefs that these goods are of higher quality (47%) and better taste (43%). In addition, 10% of private consumers, who responded to the questionnaire, consume organic products for other beliefs than those stated above.

From a geographical point of view, France was overrepresented¹⁰, with 56% of the replies, followed by Italy (15%) and Belgium (10%) (see graph 1).

Figure 1: Percentage share of replies to the public consultations' questionnaire by country



A report presenting a detailed analysis of the results as well as an executive summary can be consulted on the Commission web-site¹¹.

¹⁰ To check whether some particular sub-classes (by country, capacity, attitude, orientation etc.) could introduce bias on average results from the sample, analyses based on groups were carried out: by selecting most relevant classes no distortive effect was proved

Annex 2 to this report presents a synthesis of the results of the consultations carried out for the review.

¹¹ http://ec.europa.eu/agriculture/consultations/organic/contributions_en.htm.

Scrutiny by the Commission IAB

The IAB assessed a draft version of the present impact assessment and issued a positive opinion on 20 December 2013. The report was amended in line with the recommendations from the IAB, as follows:

(1) Further improve the problem definition: An effort was made to demonstrate the relative importance and impact and demand for organic products in the EU of the problem drivers presented in the report, despite the lack of data. The problems are presented in a more neutral manner and it is clarified that the development of organic production in the EU is lower than what can be expected from market developments.

(2) Better describe the options: for each envisaged options, addressed problem drivers are indicated. It is clarified that the impact assessment covers measures envisaged under the basic Act and its implementing measures. The envisaged changes to the objectives and principles of organic farming are explained. The report better explains the link between the envisaged export certificate and export issues, and how measuring of environmental performance when processors and traders deal with both organic and conventional products, assessing the risk of non compliance of retailers, setting transitional periods for organic inputs and defining transitional measures for control bodies will work in practice.

(3) Further develop the assessment and comparison of impacts:the report further discuss the possibility that the expected increase in consumer confidence would not sufficiently compensate potentially higher prices under the preferred option. Greater efforts have been made to indicate which product categories, MS and third countries are likely to be most impacted.

(4) Better present stakeholders views: the analysis is corroborated with the views of key stakeholders groups, where available. It presents the overall summary of both public and targeted consultations in Annex 2.

Procedure and presentation: the report has been substantially shortened by streamlining the problem definition, shortening the discussion on general objectives, avoiding duplication in assessing the effectiveness of options and re-focussing the monitoring and evaluation arrangements on specific rather than operational objectives.

2. POLICY CONTEXT, PROBLEM DEFINITION, AND SUBSIDIARITY

2.1. CAP and CFP post 2013

The new CAP adopted in 2013, provides for the overall framework for the development of agriculture in the EU for the period 2014-2020. The **overarching objective for the CAP post 2013** was the sustainable competitiveness to achieve an economically viable food production sector, in tandem with sustainable management of the EU's natural land-based resources .An emblematic measure of the new CAP is the introduction of a strong greening component (30%) in the direct payments received by farmers, which can be received if they go beyond the basic requirements and deliver environmental and climate benefits. Given the recognised environmental benefits of the organic farming systems, **organic farms will benefit from this "greening" payment**. For details on the instruments supporting the organic farming policy see Annex 3.

The **RD measures will more widely address organic farming** during the programming period 2014-2020. Besides the new measure for supporting organic farming through compensating for additional costs or income foregone resulting from organic conversion or management, other relevant measures will be proposed, such as the development of **innovative products**, processes, practices, technologies and **cooperation** approaches among actors of the food chain.

It is necessary to ensure that **the legislation on organic farming is still consistent with the new CAP.**

CFP post 2013

The revised CFP for the next ten years was adopted in 2013¹². Organic aquaculture is viewed as a promising sector, where further growth is anticipated in the coming years for various species of fish, shellfish and seaweed. As the EU implementing rules have only applied to aquaculture since 1 July 2010, organic aquaculture is still a young sector compared to organic farming.

2.2. Legislation on organic farming

The first EU legislation on organic farming was adopted in 1991. Council Regulation (EEC) No 2092/91 provided a legal definition of organic farming through production rules, defined control and labelling requirements and rules for importing organic products. This provided a basis to protect consumers and organic farmers against false and misleading organic claims.

The legislation was substantially revised with the adoption of Council Regulation No (EC) 834/2007 in June 2007. which notably:

- defined organic farming more accurately by describing its **objectives and principles**,
- further **harmonised** organic production rules within the EU, by putting an end to national rules for animal products,
- introduced the **possibility of exceptions to the rules** under the responsibility of MS, with the objective to limit them to the strict necessary and for a limited period of time,
- linked the organic control system to the OFFC provided in Regulation (EC) No 882/2004¹³ and made obligatory the **accreditation** of private CBs,
- **restructured the import regime:** in addition to the recognition of third countries for the purpose of equivalence, the EU is now able to recognise directly CBs active in third countries for the purpose of equivalence or compliance. The system of individual authorisations granted by MS consignment by consignment is being phased out (till 2014).

¹² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC, (OJ L 354, 28.12.2013, p. 22–61)

¹³ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1–141)

While most of the provisions were simply transferred from Council Regulation (EC) No 2092/91, the new elements have been implemented from 2009 onwards. However, the new import system through recognised CBs for the purpose of equivalence¹⁴ applied from July 2012.

When adopting Council Regulation (EC) No 834/2007, **the Council earmarked a series of issues**, regarding, in particular, the scope of the legislation, the prohibition of the use of GMOs and the functioning of the internal market and control system, on which the Commission was required to submit a report to the European Parliament and the Council, after having reviewed the experience gained from the application of Regulation 834/2007.

The Commission adopted the report¹⁵ in May 2012. It was a factual report which included in particular the results of a MS-survey on organic food prepared by caterers. In order to be better prepared for the review, the Commission ordered **an external evaluation** in September 2012, parts of which have been used for this impact assessment.

The Council adopted conclusions on the report at its meeting on Agriculture and Fisheries of 13-14 May 2013¹⁶ on the basis of the Commission report. Among others, it called to develop the organic farming sector **at an ambitious level** by reviewing the current legal framework, with a view to improving its usability **while providing for a period of stability and certainty**, and aiming at further clarification and simplification and addressing the current outstanding issues requiring further development.

2.3. Focus on the control system

The ECA audited the effectiveness of the control system governing the production, processing, distribution and imports of organic products in 2010 and 2011. The results, published in the ECA Special Report No 9/2012¹⁷, show a number of **weaknesses** and include recommendations for improvement. Annex 9 provides a detailed description of the control system and of the most relevant findings of the ECA.

The Commission addressed the ECA's more pressing recommendations with the adoption of Commission Regulation (EU) No 392/2013¹⁸ amending the implementing rules on the organic control system **in April 2013**. The Regulation, applicable as from 1 January 2014, enhances the exchange of information along the chain, harmonises and strengthens the risk-based approach and calls on MS to increase supervision of CBs, to develop a catalogue of sanctions and to improve the quality of their reporting to the Commission on the control activities carried out.

¹⁴ Commission Implementing Regulation 1267/2011 of 6 December 2011 amending Regulation (EC) No 1235/2008 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

¹⁵ COM (2012) 212 final of 11 May 2012 Report from the Commission to the European Parliament and to the Council on the application of Council regulation (EC) No 834/2007 on organic production and labelling of organic products

¹⁶ 8906/13 AGRILEG 56 – Organic Farming: Application of the regulatory framework and development of the sector

¹⁷ Special Report of the ECA no 9/2012 on "The audit of the control system governing the production, processing, distribution and imports of organic products" published on 26 June 2012

¹⁸ Commission Implementing Regulation (EU) No 392/2013 amending Regulation (EC) No 889/2008 as regards the control system for organic production (OJ L 118, 30.4.2013, p. 5-14)

In May 2013, the Commission adopted a **proposal**¹⁹ to review the **OFFC Regulation**. The proposal aims at improving the existing situation in respect of overlaps, gaps and grey areas due to the presence of control requirements in different pieces of legislation. It explicitly refers to organic as part of the scope of official controls, thereby removing a number of previous uncertainties. Coordination will be needed when defining specific or additional measures for organic controls, such as on control responsibilities and tasks, minimum control frequency, measures for non-compliance, specific reporting obligations and derogations as appropriate.

2.4. Consistency with other policies

The review will have to take into account other policies such as **quality schemes** developed under the CAP²⁰, (with discussions on new optional quality terms), the ongoing review of the **promotion and information policy for EU agricultural products** (for more details see Annex 4) and other initiatives such as "**Unlocking the Single Market for Green Products**" and the "**Sustainable Food initiative**". The present review is also an opportunity to progress on the debate about the possible **extension of the Ecolabel**^{21,22} to the food and feed sector, which has been previously envisaged. A study²³ published in October 2011 evaluated in particular the option of limiting the scope of the EU Ecolabel for food, feed and drink products to organically certified products only and underlined the confusion that could result for the consumer from such an extension.

Consistency with the EU Health and Consumer policy and in particular with the horizontal rules on food and feed safety and labelling is essential to ensure the coherence of the EU approach in the food and feed sector thus offering consumers the same public health guarantees throughout the EU, including for imported products. In this area, the Commission is also working on measures on animal cloning for food production in the EU. The legislation on organic production will need adaptations in order to clarify the exclusion of such techniques in organic production, taking into account the organic farming principles.

¹⁹ COM(2013) 265 final of 6.5.2013: Proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...]2013 [Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)

²⁰ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs. OJ L 343 of 14.12.2012, p. 1

²¹ Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel - OJ L 27, 30.1.2010, p. 1.

²² Article 36 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products requires the Commission to submit, by 1 January 2015, a feasibility report on options for an Ecolabel scheme for fisheries and aquaculture products.

²³ EU Ecolabel for food and feed products – feasibility study (ENV.C.1/ETU/2010/0025) – Oakdene Hollins Research and Consulting

On the international side, consistency with the international agreements and with the EU Development Policy needs to be maintained.

2.5. Problem definition

2.5.1. General problem

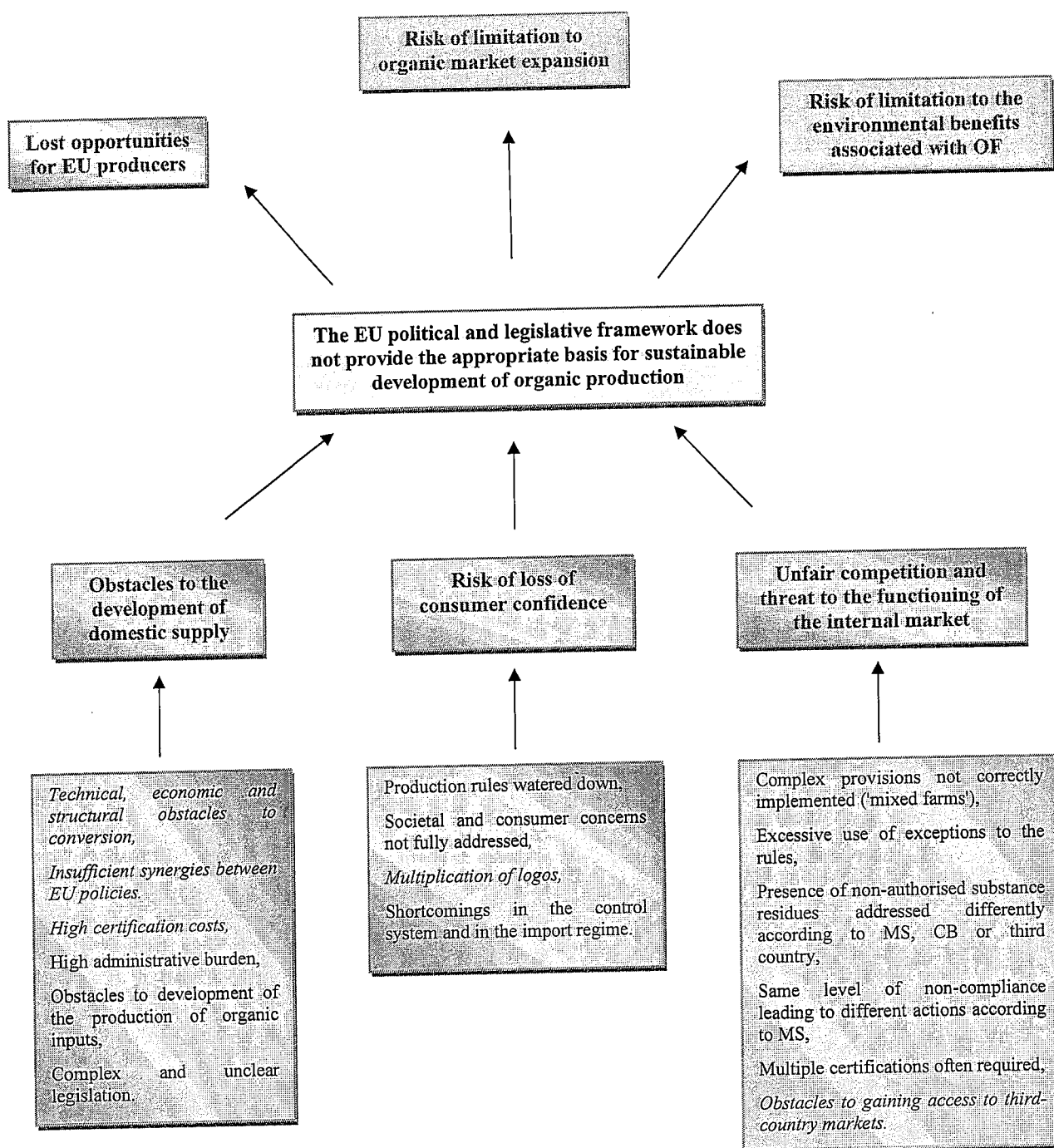
The overall objective of the current EU political and legislative framework, which is the **sustainable development of organic production**, is not met. Although the organic farming sector develops in the EU, **the progression is not in line with market developments**, while studies indicate organic farms tend to require more labour and to achieve higher margins per unit of production than conventional ones²⁴. **Therefore the economic growth and the delivered level of employment in the EU organic sector are below what could be expected from the market development, which means lost opportunities for EU producers.**

There is also a risk of limitation to the organic market expansion. The organic market has built on consumer confidence. Research results show that consumer confidence is higher with strict production rules and reliable control procedures. But with the current legislation, the organic production rules are being watered down notably by an excessive use of exceptions. In addition, deficiencies in the control system and in the import regime lead to negative reports in the media because of fraud cases. **Therefore there is a risk of erosion of consumer confidence which entails a risk of limitation to the organic market expansion.**

There is evidence that organic farming practices, when compared to conventional agriculture, have positive effects on the environment, notably on biodiversity, soil and water. This is further analysed in Annex 13. But **the current legislative framework hinders these positive effects** by limiting the surfaces managed according to the organic farming principles in the EU because of lost opportunities for EU organic producers and by watering down the organic production rules. It results in a **risk of limitation to the environmental benefits associated with organic farming.**

²⁴ Organic versus conventional farming, which performs better financially? An overview of organic field crop and milk production in selected MS. Farm Economics Briefs, No 4, November 2013, European Commission, DG Agriculture and Rural Development. http://ec.europa.eu/agriculture/rica/publications_en.cfm#BR2011

2.5.2. Problem tree



Non-regulatory drivers are in italics.

2.5.3. *Specific problems and problem drivers*

This part analyses first the development of demand and supply for organic products in the EU and then the specific problems and the problem drivers.

2.1.1.1. Supply and demand for organic products in the EU

Demand side: organic market outlook

In recent years the organic market in the EU and worldwide has been characterized by an unprecedented development.

The global market for organic food has expanded fourfold since 1999. Its value was estimated at 63 billion US dollars in 2011²⁵. Although growth has slowed since the financial crisis started in 2008, sales have continued to increase. Demand for organic products is concentrated in two regions: North America and Europe represent around 45% each of global revenues.

In the EU, the total value of the organic market was estimated at **around 20 billion Euro in 2011**²⁶. This figure represents approximately 2% of the turn-over of the EU food and drink industry in the EU which is estimated at 1,017 billion Euro for 2011²⁷, a share that has doubled since 2004. Since 2008, the growth is around 7-8% per year and was estimated at **9% in 2011**. Market growth rates are expected to recover as the European economy strengthens. Some analysts project the European organic market to continue to increase by around 7% per year, with revenues reaching 30.5 billion Euro in 2016²⁸.

The by far largest organic market in the EU was Germany with 6.6 billion Euro in 2011. France held the second place with 3.8 billion Euro. This market showed one of the most dynamic growth rates in the past couple of years. The UK organic market is estimated at 1.9 billion Euro, while in Italy it is 1.7 billion Euro. The organic sector is described in Annex 1, with some more indications on the consumption of organic products.

The organic market is developing not only from a quantitative point of view, but also from a qualitative point of view. The **range of organic products** offered to consumers is widening with in particular more and more varieties of organic processed products available. The **distribution** has evolved. Retail, supermarkets and internet traders are now significant players together with direct sales, local markets and specialised shops.

The **economic crisis** has had two types of impacts on the organic market. In some MS, it has caused a reduction in consumption because organic products are more expensive than conventional food. On the other hand, the crisis has triggered some consumers to look for more responsible and sustainable products leading to an increase in organic sales²⁹. Overall, the market has continued to grow at a healthy pace.

²⁵ Source: Organic Monitor

²⁶ The World of Organic Agriculture: Statistics and Emerging Trends 2013 - FiBL and IFOAM

²⁷ FoodDrink Europe, Data and Trends of the European Food and Drink Industry 2012

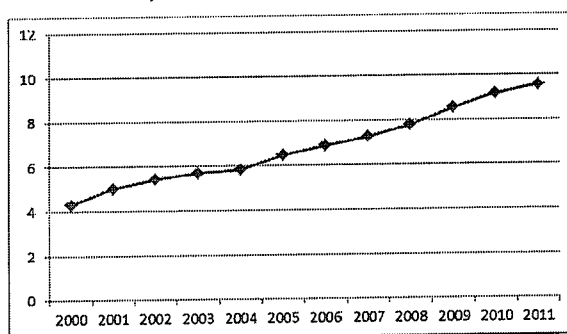
²⁸ Estimates of the size of the organic market are from private sources

²⁹ IFOAM – FRESHFEL, BEUC September hearing

Supply side

Available data³⁰ shows a rapid development of the organic farming sector in the EU during the last decade:

Graph 2.5.2.2: Evolution of the area under organic cultivation in the EU (million ha) between 2000 and 2011



Source: Eurostat annual survey

A thorough analysis of the adequation of the supply to the demand in the EU cannot be provided, since data on organic production is incomplete.

Incomplete data on organic production

The EU organic production legislation currently defines identification and collection of statistical data within the context of the EU Statistical Programme. On this basis, it provides for the collection by MS of data related to: surfaces (in conversion and fully converted), operators (by type of activity), livestock (organic animals and products of animal origin), crop production and processing (operators and value/volume of production by type of economic activity). According to Eurostat analysis (Task Force "Organic farming statistics" 7-8 March 2011), data are substantially incomplete with regard to specific crop production, products of animal origin and processed products.

The land area converted to organic farming in the EU is growing at a slower pace than the organic market. Starting in 1993, the share of UAA devoted to organic farming has grown from 0.6% in the EU-15 to 5.4% in the EU-27 in 2011 where it covered 9.6 million ha of land. The **organic area has approximately doubled** in the decade 2000 - 2010, with varying situations according to MS. This has to be put in perspective with a **four-fold growth of the global organic market** between 1999 and 2011, during almost the same period.

In the organic sector, the obligation to undergo a conversion period of usually up to two years allows only a medium-term response of the supply-side to changes in the demand side. This leads to a certain degree of imbalance between domestic supply and demand in the organic market. However, this is not sufficient to explain the gap between supply and demand in the EU.

³⁰ See in particular "Facts and figures on organic agriculture in the European Union" – Commission report, November 2013. http://ec.europa.eu/agriculture/markets-and-prices/more-reports/pdf/organic-2013_en.pdf

There is evidence of lost opportunities for EU producers, notably the fact that the organic production in the EU does not cover the demand:

- stakeholders³¹ have reported that the demand is far from being covered by the production in the EU, notably for **fruit and vegetables and crop products, including protein-rich crops for feed**,
- an **inadequate level of production of organic inputs, such as seeds and young animals**, is attested by a wide use by MS CA of the possibility to authorise the use of conventional inputs if they are not available on the market in their organic form,
- the external evaluation has quoted one study reporting an oversupply in certain sectors of the EU organic food industry since the demand is not keeping pace with supply. It has proved to have occurred in the organic milk sector only, according to the information received by DG AGRI during the stakeholder consultation.

The difference between EU production and demand is covered by growing imports. Because of the lack of data on sales and trade, this cannot be corroborated by a thorough statistical analysis, but it is confirmed by:

- a comprehensive study³² on imports of organic products into Germany showing that the share of imported organic products that could also be produced in the country varies from 2 to 95 %;
- the share of organic imported products on the French organic market estimated at 25 % in 2013 by the 'Agence Bio'.

Both sources do not differentiate imports from third countries and products bought in other MS.

More specifically, the increase in imports from third countries is demonstrated by:

- **data on exports from third countries:** for instance from India. The EU is the main destination for organic products exported from India (47% in volume, 58% in value in 2012). In the marketing year 2010-11, India³³ exported a total volume of almost 70.000 tonnes, including about 33.000 tonnes to the EU. This compares with a total volume of less than 4.200 tonnes exported by India in 2002-2003. Exports from India into the EU have regularly increased during the last decade;

³¹ UNADIS (Union Professionnelle Belge des Détaillants Spécialisés en produits Bio et compléments alimentaires) reported that demand is higher than supplies. Freshfel (European Fresh Produce Association) noted that the contrast between availability of organic production and drive towards green public procurement - discrepancies between political willingness and operational possibilities.

³² Analyse der Entwicklung des ausländischen Angebots bei Bioprodukten mit Relevanz für den deutschen Biomarkt – BÖLN

³³ Source: APEDA - http://www.apeda.gov.in/apedawebsite/organic/Organic_Products.htm

- an analysis by a private consulting³⁴, according to which "*large volumes of organic beans, seeds, grains and ingredients such as cocoa and vanilla are imported into Europe*"; good market opportunities are mentioned in the meat sector, and high growth in the organic seafood market more import reliant; "*many products, such as organic tea and coffee are imported. Imports are also important for organic juices, wine and some soft drinks*";
- the USDA Foreign Agricultural Service³⁵, which published in February 2013 an analysis of the export opportunities for U.S. organic products in the EU market. The potential market for U.S. organics on the EU market is estimated at almost USD 50 million with opportunities to be found in vegetables, fresh fruit, dried fruit and nuts, specialty grains and processed products.

2.1.1.2. Obstacles to the development of domestic supplies

Obstacles to the development of organic farming in the EU

(a) Technical, economic and structural obstacles to conversion

The conversion of a holding to organic farming is a complex process which involves fundamental changes.

Obstacles to conversion can be:

- **Technical issues:** for instance, farmers have to better **integrate natural systems and cycles in their production method** and to use them in order to improve soil fertility and to protect plants against pests and diseases. Appropriate technical advice is not always available.
- **Structural aspects:** there is a general trend towards intensification and specialisation of agriculture, while diversification is crucial in organic farming. In particular, the number of mixed farms with crop and livestock production is declining in the EU.
- **Economic aspects:** because they can expect lower and more irregular yields with organic farming, farmers can be reluctant to convert to organic farming. In addition, the land has to undergo a **conversion period** (2 or 3 years depending on the crops) during which the products cannot be sold as organic.

The organic sector needs on specific technical and financial support could notably be addressed in RD programmes under the new programming period 2014- 2020. This is a non-regulatory driver which could be addressed in an action plan.

Research and innovation policies could address technical issues and, to a certain extent, structural aspects. It has to be noted that the answer from research and innovation policies to the organic sector development needs has been partial. This could be due to an insufficient uptake or dissemination of research results (organic, low input agriculture

³⁴ Organic Monitor, the Global Market for Organic Food and Drink: Business Opportunities and Future Outlook (3rd Edition)

³⁵ Export opportunities for U.S. organics in the EU market - Gain Report Number: NL3003- 2/11/2013 The Hague

and conventional agriculture), and by a weak identification of the sector's development needs³⁶.

This is a non-regulatory driver which could be addressed in an action plan, through existing instruments under the EIP and Horizon 2020 research policy. Annex 5 provides background information on the possibilities offered by these instruments.

The EGTOP has a valuable contribution for the evaluation of new substances and techniques that can be considered compatible with the objectives and principles of organic farming; however this system faces challenges, as shown in details in Annex 7. This is a regulatory driver that can be addressed with this initiative.

Insufficient conversion to organic farming affects negatively the supply of organic products in the EU. An improved legislative framework could probably contribute to ease conversions, but it would be useful to understand what makes the organic sector attractive or not for producers. A specific study could be proposed in an action plan.

(b) Insufficient synergies between EU policies

Organic production delivers also in the new policy framework and EU 2020 strategy: protection of biodiversity and soil, animal welfare, development of rural areas and local food chains, multifunctional agriculture, long term food security. Complexity of EU instruments requires further efforts in order to ensure coherence and synergies between EU policies.

This is a non-regulatory driver which could be addressed in an action plan.

(c) High certification costs

According to the CERTCOST³⁷ project the inspection fee is the most relevant monetary expenditure for organic operators with respect to the certification costs. The median of the inspection fee amounts to 500 Euro per farm, ranging from 318 Euro in the Czech Republic to 647 Euro in the United Kingdom. The calculation of the fee can be quite sophisticated, including a basic fee and a variable fee according to the area, the type of crop, the number and type of animals. Concrete examples are provided in Annex 10.

This level of inspection and certification cost is in some cases not proportionate with the economic dimension of small agricultural holdings. According to Eurostat data, **73% of EU agricultural holdings have an output lower than 8 000 euros.**

In other respects, the current control rules that require annual inspection of all operators (articles 27(3) and 28 of Council Regulation (EC) No 834/2007) do not allow group certification that is accepted for the import of organic products produced by small producers in Third Countries as a measure of equivalent control effectiveness. Group certification is defined by IFOAM as "the certification of an organized group of small-scale producers with similar farming and production systems. The requirements for group certification apply only to such groups when the certification applies to the group as a

³⁶ Since 2000, the EU has funded 49 research projects on organic farming and low input agriculture.

³⁷ The full set of reports from the CERTCOST projects is available at www.certcost.org

whole and when special inspection arrangements have been applied". Further information and review of existing group certification schemes is provided in Annex 15.

This is a non-regulatory driver; however, it can be addressed through some legislative provisions which impact the efficiency of the control system.

(d) A high level of administrative burden for the organic operators

The most burdensome obligations are to keep documentary evidence of the need to use (authorised) plant protection products and fertilisers, the control arrangements and undertaking necessary to enter the organic scheme, to keep specific register of livestock records and to keep documentary evidence in relation to coexistence of organic and conventional production (see paragraph 5.5).

The obligation of detailed record keeping has been mentioned as particularly difficult in the case of small organic holdings. This issue, combined with disproportionate inspection fees (see below), leads to small agricultural holdings to be under-represented in the organic sector. **While 69% of all agricultural holdings have less than 5 ha, only 18,7% of organic holdings have less than 5 ha.**

The administrative burden is a regulatory driver that can be addressed with this initiative, by improving the legislation.

(e) Obstacles to the development of the production of 'organic inputs'

Some exceptions can be granted by MS CA where they are necessary to ensure access to inputs which are not available in organic form on the market, notably young animals, seeds or protein feed. Their existence has had the unintended consequence to **limit the development of the production of the inputs in their organic form.**

The external evaluation has demonstrated this issue:

- In the case of the exception allowing the use of non-organic pullets: in Denmark, the use of conventional young poultry has been prohibited for many years which fostered the development of a market for young organic poultry. As a consequence, the supply in young organic poultry is adequate. But in other countries which grant easily exceptions to use non-organic pullets, the supply of non-organic pullets is not adequate. In countries studied by the external evaluation, authorities and/or operators said that a 100 % organic supply would be possible if there were no market perturbation like the possibility provided by the exceptional rule. Experts from Austria, Denmark, France and the Netherlands reported that there was no need for exceptional rules for young poultry, while experts from the Czech Republic, Estonia, Italy, Poland and Slovenia stressed that there is no or only a limited supply of organic young poultry in their countries. To postpone the ending date hampers the development of supplies and is considered not fair for sectors that have started to adapt to the end of the exception.
- In the case of the use of non-organic seeds, the analysis of specific data and of the information on the use of the seed management database has shown an extensive and increasing use of the exceptional rule system at EU level. Providing access to the conventional seed market through the exceptional rule plays against the development of the organic seed sector. Data provided in 8 MS annual reports for 3 crops (wheat, maize and potatoes) show a variable share of organic land area

sown with non-treated conventional seeds. The highest rate of use of non-organic seeds, around 100%, was found in Italy. A general use of non-organic seeds was also observed in Denmark and Estonia, because of general exceptions, leading farmers to favour cheaper non-organic seeds, even when adequate organic supply is available for specific varieties. In contrast, high levels of organic supply for soft wheat seeds have been achieved in Austria and the UK. For maize, the share of organic areas cultivated from organic seed is close to 100 % in the Netherlands, Austria and Spain. Organic supply for seed potatoes is quite high in Austria, Bulgaria, Denmark, the Netherlands and the United Kingdom, with non-organic seeds used on less than 30% of the organic areas. The European Consortium for Organic Plant Breeding reported in its 7th workshop in October 2013 that the important development of the organic market was not accompanied by a corresponding development in the use of organic seeds. **The consortium would strongly support the end of exceptions to the rule.**

The issue of organic inputs is crucial. For instance, in the case of seeds, growing organic seeds is better for the environment. In addition, organic seeds are better suited for organic growing conditions. Therefore, the development of organic seeds is a condition for the sustainable development of organic farming. The issue was summarised by the representative of Belgium in the Council: *"... Organic agriculture needs new varieties of plants in order to further develop. The use of organic propagating material is a fundamental part of the closed production cycles, which are promoted as a feature of organic agriculture. The current regulations (..) provide mandatory use of organic propagating material but on the other hand allows many derogations for the use of conventional propagating material. Whereas research has shown that plant varieties specifically selected in and for organic agriculture have essential importance in the development of the organic crop production, it is not very attractive for the seed producers to make investments in this small scale market. Many companies prefer selling conventional not treated (..) varieties, despite the fact that those varieties have not been selected for organic agriculture."*

The issue of exceptions is a regulatory driver that can be addressed with this initiative, by amending the legislation.

(f) Complex and unclear legislation on organic production

Some provisions of the EU legislation are complex or unclear, which may discourage producers who wish to join or to develop their activities in the organic sector.

One example is the scope of Council Regulation No 834/2007, which does not refer to a precise list of agricultural and processed products. MS CA and companies consult regularly the Commission to clarify whether or not certain products are included. As a result, producers might prefer not starting producing organic production if they are not certain to be able to sell their products as organic.

This is a regulatory driver which can be addressed with this initiative.

2.1.1.3. Risk of loss of consumer confidence

This part addresses the objective of ensuring consumer confidence and protecting consumer interests as stated in Article 1 of Council Regulation (EC) No 834/2007.

The organic market has built on consumer confidence. Research results which show that consumer confidence is higher with strict production rules and control procedures are summarised in part 4 of Annex 1.

Why do consumers choose organic products?

According to BEUC, consumers choose organic products because they perceive them as healthy and environmentally-friendly. In addition, they meet other concerns such as animal welfare and use of additives.

The major barriers for consumers to choose organic products would be their perceived too high price and their insufficient accessibility. Consumers wish organic products to be available in supermarkets, including discounts. They also appreciate box schemes, like boxes of organic fruit and vegetables delivered at home.

Consumer expectations depend on their knowledge, but they usually expect more than what is required under Regulation (EC) No 834/2007. In particular, they want residue-free products.

The risk of loss of consumer confidence is due to conflicts between consumer expectations and reality. However, consumer knowledge on quality schemes is usually low.

(a) Production rules watered down

The results of the public consultation show that **the majority of citizens (62%) and stakeholders representing consumers (63%) did not approve the possibility for farmers and other operators to be exempted from production rules and still have their produce certified organic.**

In addition, the largest part of respondents (77%) agreed that **exemptions from production rules granted to farmers and other operators should always be limited in time.**

•

(b) Societal and consumer concerns not fully addressed

The sustainable use of energy and the management of environmental impacts are increasing concerns which are not fully reflected in the EU legislation. While organic farmers and operators producing seaweed and aquaculture products have to respect strict principles benefiting the environment, there is no obligation for other organic operators regarding environmental impacts related to food and feed processing, packaging, transport and distribution of organic products, despite the expectations of consumers.

Concerns regarding the need to consider the whole lifecycle of food and feed products could be addressed by applying the **EU Ecolabel to food and feed products**, including organic ones. In this respect, the recently revised Ecolabel Regulation (66/2010)³⁸ required the Commission to carry out a study on the feasibility of developing Ecolabel

38 Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel, OJ L 27 of 30.1.2010, p.1

criteria for food and feed products, with a special attention to organic products. This study³⁹, completed in October 2011, underlined in particular the confusion that could result for the consumer between the Ecolabel and the organic logo. As an alternative to placing the Ecolabel on organic products, it was suggested "to amend the Organic certification [...] to cover the full life cycle of food products, including the processing and packaging and [called] on the European Commission to give due consideration to this option, to improve the performance of the existing Organic Regulation."

During the hearings, BEUC declared that consumers would not support the introduction of Ecolabel for food and drink, because it would entail confusion. In the Council, some MS mentioned "incompatibilities between the EU regulatory framework on organic farming and Regulation (EC) No 66/2010 (...) on Eco-Label" and even stated that "it was not appropriate to extend (...) its scope to food and drinks, although it has not been applied yet".

IFOAM EU, supported by other stakeholders, suggested to have operators downstream of primary production, i.e processors and traders, manage their environmental performance via an EMS (e.g. ISO 14001 or EMAS). An EMS is a tool that provides organisations with a method to systematically manage and improve the environmental impacts of their production processes. It helps organisations to achieve their environmental obligations and performance goals. In addition to EMAS and EN ISO 14001, non-formal EMS exist in the EU. Many of them have been adopted by both private and public organisations. These EMS are mostly designed to cover organisations with a specific size (e.g. SMEs) and organisations coming from specific areas or specific sectors of activities.

In the public consultation, a majority (61%) was in favour of an obligation for producers and traders to implement an EMS to improve their environmental performance.

Such societal concerns are non-regulatory drivers that can be addressed through regulatory measures.

Animal welfare is an increasing societal concern, which was raised in the public consultation. 34% of respondents underlined that organic farming producers should be obliged to comply with specific rules for animal welfare. In addition, around one quarter of respondents considered animal welfare standards in organic farming should systematically be higher than in conventional farming. Only 9% declared that current rules for animal welfare in organic farming are sufficient.

The organisations Eurogroup for Animals and Compassion in World Farming have been heard in the hearings and have transmitted detailed proposals to improve animal welfare in organic farming, presented in detail in Annex 14. Organisations have underlined that current practices are not always consistent with organic principles, for instance the mutilations authorised as "specific operations essential to certain types of production and for the sake of security for animals and human beings, permitted under restricted conditions", while the general rule provides that "mutilations which lead to stress, harm, disease or the suffering of animals should be banned".

The present initiative is an opportunity to address this regulatory issue, notably to re-focus the animal welfare provisions on the organic farming principles.

39 http://ec.europa.eu/environment/ecolabel/documents/Ecolabel_for_food_final_report.pdf

The issue of presence of non-authorised substance residues in organic products is crucial for consumers. In the public consultation, 85% of the citizens declared they buy organic products because they want to avoid food containing pesticide residues. 62% of them would support the testing of all organic products for pesticide residues, even if it would increase costs and make them dearer for consumers. Three quarters of the respondents agree that no pesticide should be allowed in organic farming; only 11% support the authorisation of some pesticides under very strict procedures. These high expectations sometimes conflict with reality. The issue is further developed in paragraph 2.5.3.4 (d).

(c) Multiplication of logos

The multiplication of logos is one of the main drivers for consumer confusion and risk of being misled. The EU organic policy provides a set of rules to be applied all over the EU and the use of the EU logo guarantees that they are respected. The use of other "organic" logos can be seen as a sign that the EU rules/logo does not inspire sufficient confidence to consumers. There are many private organic logos and other scheme logos on the market. A recent study mentioned a total of 901 quality schemes in the EU, among which 234 were related to organic farming⁴⁰.

In 2010, the Commission published best practice guidelines for voluntary certification schemes⁴¹, one of the purposes of which was to avoid consumer confusion and increase the transparency and clarity of the schemes requirements. However, according to the above-mentioned study, the awareness of these guidelines among operators is currently insufficient. The study also highlighted that the public usually knows a limited number of schemes and stated that some confusion exists about logos and symbols used.

The use of the EU organic farming logo became obligatory on the packaging of EU organic products in 2010. According to Eurobarometer⁴², in July 2012 on average over all 27 EU MS, 24 % of the respondents indicated to know the EU organic logo on organic farming. This share was higher in Denmark (39 %), France (38 %), Luxembourg (37 %) and Austria (36 %). The lowest share of respondents knowing the EU logo was found in Romania (10 %), Poland (12 %), Bulgaria (13 %) and Spain (14 %).

However, a comparative analysis of the EU organic logo and other organic and non-organic food logos conducted for the external evaluation in six case study countries (Estonia, France, Germany, Italy, Poland and the United Kingdom) has shown that, in all countries other organic logos exist in the market place, which were better known than the EU organic logo.

The issue of logos is both a regulatory and non-regulatory driver. It can be addressed indirectly with this review by reinforcing the EU organic scheme in order to avoid the development of new schemes and logos.

⁴⁰ **Consumer market study on the functioning of voluntary food labelling scheme for consumers in the EU.** Draft final report by Ipsos and London Economics Consortium. September 2013

⁴¹ Commission Communication — EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs. EU OJ 2010/C 341/04, 16.12.2010, p. 5.

⁴² **Eurobarometer report n° 389** (What Europeans think of food security, food quality and the relation between agriculture & the countryside - July 2012)

(d) Shortcomings in the control system and in the import regime

The EU organic control system covers the activities performed by operators at all stages of the production, preparation and distribution chain: from farm to fork.

Any operator who produces, prepares, stores, imports or places on the market organic products shall notify his activity to the MS CA and shall submit his undertaking to the control system (article 28(1) of Regulation No 834/2007).

Organic products are "credence goods": their organic attributes or nature results from the production process and cannot be reliably assessed by consumers, neither before nor after purchase⁴³. Consumers willing to buy organic products therefore have to rely on the organic labelling, enforced by the control system.

Fraud cases in the media

Recent fraud cases in the EU organic sector have been revealed which, for their scope and duration, seem linked to systemic control weaknesses rather than isolated instances. They have had very wide press coverage, beyond the organic specialised sector, and led to a wave of concerns and doubts on whether the organic system can really be trusted. For instance, in **December 2011** a large fraud case concerning organic products, "Gatto con gli stivali", was revealed by the Italian tax investigation authorities. It has been used as a case study by the external evaluation.

A non-exhaustive selection of articles from the following newspapers: Politika (Warsaw), die Welt (Berlin) and die Tageszeitung (Berlin), translated and available on-line by PressEurop, is shown in Annex 9.

Until now, the fraud cases do not seem to have significantly harmed the confidence of citizens. Nearly three quarters of the respondents to the public consultation (71%) acknowledged that they have full confidence in organic products. Nonetheless, almost one out of five of the interviewees, i.e. 18% did not trust the organic integrity of products. In addition, 11% of respondents abstained from answering to this question.

More than half (58%) of the citizens required improvement of the European control system for organic products even if this entails an increase in prices. 22% repliers to the questionnaire stated that improvements are not needed, especially if these lead to a rise of organic products' prices. 20% of the respondents did not express any opinion on this.

What remains to be done to improve the control system?

Some shortcomings signalled by the ECA have been only partly addressed, notably the followings:

ECA Special Report No 9, 2012

"MS CA encounter difficulties in ensuring the traceability of the organic products within the territory for which they have authority. Traceability is even more difficult to achieve for products crossing borders"

"Controls should be strengthened to ensure that operators fulfill the regulatory requirements regarding traceability, in this regard, the Commission should clarify the roles and responsibilities of the different actors. "

Decisions in Organic Food Product Markets

The control system and the import regime have been subject to specific questions as part of the **external evaluation**. However, the external evaluation scope was limited to the adequacy of the legal provisions, defined as being sufficient in relation to the intervention's objectives, while the impact assessment has to consider also their effectiveness and efficiency in line with the principle of sound financial management. This explains why the external evaluation concluded that the overall control system of organic farming is largely adequate in terms of achieving the global objectives of the Regulation, but with shortcomings in its implementation and recommended a more risk-based approach.

The main issues remaining to be addressed after the initiatives described in paragraph 2.3 are the following:

- a) Incomplete coverage of the control system: retailers may be exempted by MS. The status of exporters and subcontractors is also unclear. Wholesalers dealing only with prepackaged products currently benefit from an exemption to the annual inspection, while such operators have been involved in fraud cases.
- b) Follow up of irregularities and sanctions: please see paragraph 2.5.3.4 (e)
- c) Insufficient market control and traceability of organic products.

The difficulties are notably due to the insufficient implementation of risk based controls and to the use of outdated tools. For instance, the documentary evidence for EU organic operators and inspection certificates for imported organic products do not sufficiently ensure traceability and are vulnerable to fraudulent use. So far, the most important fraud cases in the sector involved traders selling conventional products as organic, often through falsification of documentary accounts including organic certificates. Fraud cases can also occur at a much earlier stage, when producers put on the market such products with falsified certificates.

1. Insufficient implementation of the risk-based approach

As a general rule, all operators shall be subject to verification of compliance **at least once per year**⁴⁴. The implementing rules regulation qualifies this annual verification of compliance as a **physical inspection**⁴⁵. Regulation (EC) No 834/2007, while maintaining in any event the obligation of an annual verification of compliance for all operators, introduces a risk-based approach to controls. Namely, it sets out that the nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements. Commission Regulation (EC) No 889/2008 clarifies that, in addition to the annual inspections, CBs shall carry out random control visits, primarily unannounced, based on the general evaluation of the risk of non-compliance with the organic production rules. Three risk factors shall be taken

⁴⁴ Article 27 of Regulation No 834/2007

⁴⁵ Article 65 of Regulation No 889/2008

into account for the risk evaluation: the results of previous controls, the quantity of products concerned and the risk of exchange of products. As from 1 January 2014, the risk analysis has to provide the basis for the intensity of the unannounced or announced control visits; random visits in addition to the annual inspection have to be carried out on at least 10% of operators in accordance with the risk category; and at least 10% of the total annual inspections and additional random visits have to be unannounced.

A full implementation of the risk-based approach would require MS to focus resources where the risk of non-compliance with the rules – including intentional non-compliance that constitutes fraud – is greatest. But the current system requiring annual mandatory physical inspections of all operators, does not allow an efficient use of resources. Operators with a consistently clean record could be inspected with less frequency than once per year, in order to save resources which could be used to target controls to riskier operators. So far, the major fraud cases in the organic sector (Gatto con gli stivali, Italy, 2011) did not affect the yearly inspected producers but traders selling conventional products as organic with import certificates: control visits to address effectively such cases are more difficult and time-consuming.

The external evaluation mentioned that "In contrast to the annual visit of each organic operators, other areas work with considerably lower control frequencies. For example, the EU legal framework for the RD programmes requires annual on-the-spot checks of 5 % of all beneficiaries". A risk-based approach was recommended: "this would allow for identifying low-risk operators and high-risk operators and thus allow a more targeted and dynamic approach to the control process... such a dynamic approach is not compatible with the static approach of the mandatory annual control visit as currently implemented...".

Results of the public consultation show diverse opinions on the issue of control frequency. While the majority of respondents (57%) disapproved the idea of lowering the number of inspections for organic operators with a proven track record of abiding to the rules, a percentage of approximately 36% of the respondents approved it, which is significant for what can be considered as a radical change. The majority of stakeholders representing all categories without exceptions were against the risk-based frequency of inspections of organic operators. The strongest opponents to the idea to lower the number of inspection for trusted organic operators are the following stakeholders in descending order: private CBs (83%), retailers (70%), public CA, public control authorities, accreditation bodies (68%), processors (63%) as well as advisory services (60%) and non-EU public authorities (60%).

However, several MS in the Council argued in favour of a move towards a more risk-based approach (Germany, Italy, Finland, Sweden, the Netherlands), while few of them (Greece) stated explicitly their preference for the mandatory annual inspection. In the stakeholders' consultation, the ones in favour of a risk-based control system were FIBL (Research Institute for Organic Agriculture), Dakks (National Accreditation Body for Germany) and the Finnish Food Safety Authority (Evira). Stakeholders in favour of maintaining the annual inspection are the European Poultry Association, the Soil Association, Bio-Austria, the FNSEA and Synalaf.

The resistance to move to a fully risk-based control system can be explained by:

- the need to re-think the control system, which can be seen as challenging (national CA, accreditation bodies),

- the risk of losing individual advice from CBs, actually resulting from a confusion of roles (farmers); it is also a way for CBs to justify quite high inspection fees (CBs);
- the risk of losing an argument to sell organic products, as suggested by the external evaluation. However, 50% of the respondents to the public consultation didn't know that there is an obligation of annual inspection, despite a relatively high familiarity with the organic farming system (mostly regular consumers with high knowledge of the logo).]

2. Supervision of controls in third countries

The reliability of controls on imported organic products has been questioned during the consultation process. In the public consultation, citizens have been asked to choose proposals to improve the control system in general. **The vast majority of respondents (73%) requested to improve controls on imported organic products.** The issue has been corroborated by stakeholders in the consultation process (see Annex 2).

The recognition of third countries for the purpose of equivalence is considered as a reliable system by the Commission for the control of imported organic products, since it relies on a national CA to supervise controls. The details of the system are presented in Annex 12. The ECA in its report raised the issue of supervision of these recognised countries, currently being addressed with audits by the FVO. In other respects, the ECA also noted a significant backlog in assessing applications for equivalence from third countries, linked to the burdensome assessment procedure.

The obligation to have a control system as effective as the EU one is a limiting factor for the recognition of equivalence of third countries (only 11 countries are currently recognised). Therefore the system of recognition of private CBs is crucial to continue to import organic products from non recognised countries.

The EU is the first country in the world to implement a system of recognition of CBs based on equivalence. Other countries like the US, Canada and Japan, run systems based on compliance to their rules. The EU is supposed to implement both systems in parallel, but the implementation of compliance has been postponed to October 2014. A table providing a comparison between both systems and a comparison of the workload for the implementation of compliance and equivalence are in Annex 12. They show an advantage for the compliance regime.

The issues related to the control system and to the trade regime are regulatory drivers which can be addressed with this initiative.

2.1.1.4. Fair competition among producers not guaranteed and risks for the functioning of the internal market

This part addresses the objective of guaranteeing fair competition as stated in Article 1 of Council Regulation (EC) No 834/2007.

(a) Complex provisions not correctly implemented

The legislation on organic farming includes diluted provisions which are difficult to apply. This is because the legislation was designed for a small sector and intended to take into account any specific case.

An example is the case of "mixed farms" (meaning with organic and conventional production). Article 11 of Regulation No 834/2007 in its first paragraph prohibits conventional production on organic farms. This is motivated notably by the risky nature⁴⁶ of such operators: it can be difficult to control that a farmer has not used non-allowed substances on the organic products, if they are present on the farm. But the second paragraph of Article 11 considerably weakens this provision by introducing circumstances under which "parallel" conventional production is authorized. MS CAs and CBs in third countries face difficulties in applying this confusing provision.

Examples of findings - FVO audits

Presence of conventional production on organic farms, not respecting the EU rules – for instance the same crop varieties were cultivated in their conventional and organic forms on a farm, and therefore the organic production could not be easily differentiated. This was not treated as non-compliance in some MS.

This leads to unfair competition between producers in MS where the rules are respected and the ones in MS where the rules are not respected. In the first case, some producers will not join the organic sector, while in the second case, producers in the same conditions will be able to join the organic sector and to sell products as organic. The issue has been raised during the hearings, for instance by the Bund Ökologische Lebensmittelwirtschaft which recommended the mandatory conversion of the whole farm. No evidence could demonstrate the extent of possible unfair competition entailed by such implementation failures.

It is a regulatory driver that can be addressed with this initiative.

(b) Excessive use of exceptions to the rules

Unfair competition entailed by the use of exceptions to the rules by MS has been demonstrated by the findings of the audits carried out by the FVO in MS in 2012 and in 2013. It usually results from an improper application of EU rules by MS. The main reason for that is the insufficient resources dedicated to the management of the exceptions, which entails a high level of administrative burden.

Examples of findings - FVO audits

- **Retroactive recognition of a conversion period** without adequate justification by some MS competent authorities which leads to unfair competition to producers in other MS who have to bear the full conversion cost;
- **Use of non-organic feed**: exceptions granted to the whole territory of a region or a country without identifying individual operators: this leads to unfair competition for producers in other MS who could not benefit from such derogations;
- **Non respect of animal welfare rules**: dehorning or mutilation such as castration of piglets allowed without prior authorisation, contrary to the EU legislation. Such practices provide an economic advantage to the producers of these MS, compared with producers in MS fully applying the rules.

⁴⁶ This is confirmed by the fact that "mixed farms" are usually tagged in the most risky category by CBs when doing their risk analysis

The issue was also mentioned by MS, for instance Denmark, according to which "there are large differences among MS in the way organic seeds derogations are handled and the way derogation data is reported."

Similar issues have been shown with CBs operating in third countries. The first list of CBs have been recognised for a 3-year period starting from July 2012. Once the CB is recognised, the fact that it applies its own production standard and control measures rather than the EU ones generates a risk of non-equivalent production rules or control measures being applied while remaining undetected. This is shown by the analysis on the CB equivalence regime in Annex 12, which shows that CBs can be tempted to compete on the possibility to decide on exceptions to the rules. In practice, the system is fuelling an unfair competition among CBs, based on lowering standards, as it was reported by stakeholders (see Annex 2). The extent of the problem is linked to the number of CBs recognised under the equivalence regime (currently 60), each one with its own standard with rules as detailed as the EU organic production rules.

The magnitude of the highlighted problem could not be precisely estimated. It is a regulatory driver that can be addressed with this initiative.

(c) Presence of non-authorised substance residues addressed differently according to MS, CB or third country

The taking of product sample for the detection of products not authorised in organic farming is already a widely used tool for control purpose. The results of the analysis show in some cases the presence of non-authorised substance-residues in products intended to be sold as organic. It can result either from the illegal use of these substances or from accidental or technically unavoidable presence; more often such substances are found in organic products due to spray-drifts originating from neighbouring non organic production fields, mixing during the transport and storage or other factors, because of coexistence between organic and conventional crop production.

According to the 2010 EU Report on Pesticide Residues in Food⁴⁷, non-authorised substance residues were found in a non-negligible share of organic products:

- 21.4% of organic animal products,
- 9.8% of organic baby-food,
- 11.8% of organic fruit, vegetable and other plant products,
- 8.1% of organic cereals.

These figures include samples with presence of non-authorised substance residues below, at, or above the MRL. **The level of residues found in organic products is rarely above the MRL.** In addition, the share of products with presence of non-authorised substance residues is on average lower in organic than in conventional products.

The legislation on organic production is silent about the possible presence of non-authorised substance residues in organic products. It does not state if the products can still be sold as organic, under which conditions and which procedure has to be followed by CBs and MS CAs, and notably if an investigation is always necessary. The problem

⁴⁷ <http://www.efsa.europa.eu/en/efsajournal/doc/3130.pdf>

also relates to the level of presence of substances found, especially since the sensitivity of analysis is ever increasing.

In the absence of specific provisions in the EU legislation, different approaches have already been adopted by MS or by stakeholders, as described in Annex 11. Italy and Belgium have developed national legislation and the Czech Republic is developing rules. This leads to different treatments of products where contamination is found. Guidelines have also been developed by the main stakeholders IFOAM and EOCC and by associations such as the Bundesverband Naturkost Naturwaren (BNN) in Germany, with different rules and threshold levels, which add to confusion.

As a consequence, products with the same contamination level can be marketed as 'organic' in some MS, in others not, which creates distortions on the market, both in the EU and with Third Countries.

This extent of the issue could not be precisely estimated, but the development of the cases of non-compliances shows its increasing significance. The following table shows the evolution of the number of non-compliance cases on products traded between the EU MS⁴⁸. The vast majority of the cases relate to the presence of non-authorised pesticide residues:

Year	Number of cases	Including cases involving products imported from third countries
2008	58	5
2009	39	6
2010	62	6
2011	58	11
2012	97	25
2013 up to 12 Nov 2013	101	26

The following table shows the evolution of the number of non-compliance cases on products imported from third countries:

Year	Number of cases	Still unsolved cases
2011	34	3
2012	67	9
2013 up to 12 Nov 2013	90	66

This is a regulatory issue which can be addressed by introducing in the legislation measures defining the conditions under which a product with presence of non authorised substances residues can be sold as organic.

⁴⁸ Non-compliances cases on organic products sold in the MS where they were produced are not included

(d) Same non-compliance leading to different actions according to MS

The legal provisions on non-compliances to the legislation on organic production and on sanctions are recalled in Annex 9, part 7.

The ECA concluded in its special report 9/2012 that in several MS the CA have not defined detailed categories of non-compliance and corresponding sanctions, as required by the legislation. Namely, this was the case for 3 out of the 6 audited MS (Germany, France and the United Kingdom). As a consequence, each CB defines the non-compliance and applies sanctions in a different way, with considerable differences in control results. This situation leads to operators being sanctioned differently, across MS and even within the same MS, for the same case of non-compliance.

On-the-spot audits carried out by the FVO in 2012 confirmed weaknesses in some MS' follow up to cases of non-compliance. They did not always ensure that irregularities were followed-up and sanctions were imposed in a systematic and timely manner.

Several MS have mentioned their concerns that the same non-compliances are not followed by the same measures in different MS (Germany, France, Spain, Belgium).

The issue can be only partly addressed in the EU legislation on organic production, since the definition of sanctions is a competence of MS.

(e) Multiple certifications needed to have access to certain markets

The fact that production rules are considered too flexible leads some producers to create private schemes with more stringent rules. While some long standing private organic standards have peculiarities which consumers look for, there are examples of new organic schemes created to valorise stricter rules. There has been experience in 2009 after MS had to apply harmonised rules on organic animal production, which led in some MS to less strict rules. In France some producers reacted and decided to identify their products with the creation of a new label *Bio-Cohérence*⁴⁹.

In other respects, the retail sector often requires a second certification, according to a private standard.

Stakeholders have reported concrete difficulties. A dairy company exporting organic products in Europe and all over the world reported difficulties to export to the German market, because the retail sector is dominated by a private scheme. A MS reported that "some suppliers of other MS demand from certain operators that their products be certified by a CB of the MS in question; in addition to the certification (of the MS of origin) where the operator is registered".

It is both a regulatory (when MS themselves impose an additional certification) and a non-regulatory driver. It can be addressed with this initiative by reinforcing the EU organic scheme in order to reduce the development of new schemes and requirements for multiple certifications.

⁴⁹ <http://www.biocoherence.fr/>

(f) Obstacles to access to third country markets

EU organic producers are well advanced in the production of processed products, like baby-food or organic wine, for which the demand is growing world-wide. But stakeholders have reported **recurrent export issues**, for examples:

- requirements for CB to be approved by the national CA, before products it controls can be exported as organic to the third country. The process can include bureaucratic, complicated and sometimes insurmountable constraints like a test for the CB inspectors in the language of the country;
- disproportionate requirements such as the obligation that each raw material producer for each cycle of production be inspected by the third country national inspectors before the import of organic processed products can be authorised;
- need for EU CBs to be approved by the national CA to export to a third country, while there was a mutual recognition arrangement;
- use of the national organic logo of a third country obligatory to have access to its domestic market, but only permitted if the product was controlled by a CB recognised by the national CA, while there was a mutual recognition arrangement.

All these issues lead to **increased administrative burden and costs** to the EU operators and **they face an economic disadvantage on many third country markets**.

The extent of the issue is difficult to assess. It would require detailed investigations on the import regimes for organic products put in place in third countries and the way they implement them.

The Commission has started in recent years to develop mutual equivalence arrangements with third countries, notably with the U.S., Canada, Switzerland and Japan, which solve (at least partly) the issues with these countries. However, Council Regulation (EC) No 834/2007 does not include any specific provisions on exports. There is no tool in place to support the export of EU organic products.

The export issue is both a regulatory and a non-regulatory driver, which can be addressed through other tools, notably the action plan.

2.5.4. Who is affected by the problem, in what ways and to what extent?

The problem affects not only the organic sector, but also consumers, small farms, national administrations, society and third countries.

Consumers, because there are conflict between their expectations and the reality of organic production; in addition, because of shortcomings in the control system and in the trade regime, some products sold as organic do not fulfil the requirements of the EU legislation,

The organic sector:

- **Producers** respecting the rules of organic farming face **unfair competition** inside and outside the EU,

- The development of the sector is affected by identified lost market opportunities, both on the domestic market and on the export side. The **development of the production of organic inputs** (notably seeds) is hindered by the use of existing exceptions,
- The **competitiveness of producers, processors and importers** is affected by heavy and out-dated procedures,

The smallest farms in the EU which are not joining the organic sector under the current system,

National competent authorities: they face increasing administrative burden mostly due to the management of the control system and of the exceptional rules. Their responsibility in controlling the products on the market, including of imported products, is more and more significant, because of the development of the market,

Society is affected because the sustainable development of organic production in the EU is not ensured.

Third countries, because their producers can face unfair competition. In other respects, some of them have applied for equivalence recognition for several years without a reply.

2.6. How would the problem evolve without a change in policy?

The baseline scenario seeks to provide an outlook for 2025 of the evolution of the main identified problem drivers.

2.6.1. Supply

(a) *Obstacles to the development of the sector*

Technical and structural obstacles to the conversion to organic farming will persist.

The **issue of certification cost is likely to deteriorate**, because CBs are likely to increase their tariffs, arguing notably on the obligatory annual inspection of all operators. Combined with the effects of the administrative burden, this will maintain the exclusion of the smallest farms in the EU (with less than 5 ha). According to evidence collected during the consultation, even bigger farms will be excluded or forced to leave the sector. The complexity and unclarity of the rules will also discourage new producers to join the organic sector. Therefore **the increase in the number of organic farms is likely to slow down**.

(b) *Exception to the rules and complex provisions*

Regarding the exceptions to the rules, two of them will expire on 31 December 2014:

- the one authorizing the bringing of non-organically reared pullets for egg production of not more than 18 weeks into an organic livestock unit when organically reared pullets are not available,
- the one authorizing the use of maximum 5% non-organic protein feed of plant and animal origin for porcine and poultry species.

As shown by the external evaluation on the example of Denmark (see Annex 6), the end of the exception to use non-organic pullets should lead to a 100 % organic supply. Even if it leads to a difference of cost, **the production of organic pullets** will be boosted.

The end of the possibility to use non-organic protein feed will probably entail changes in the production of pig and poultry meat. Currently, the majority of organic pig and poultry producers can use strains with a high genetic yield capacity, which need optimal feed rations. Because of the shortage of protein rich organic feed, they rely on the exceptions of the 5 % non-organic feed rule to compensate the organic rations, which usually do not contain enough proteins and they use conventional soy-products, corn gluten or potato protein. The end of the exception could lead to **a des-intensification in the production of pigs and poultry, with more use of slow growing strains or robust breeds**. It could also **boost the production of protein rich organic feed**, notably soya, which would permit to maintain a more intensive breeding system. New techniques are considered by interviewed experts as promising alternatives, but are not entirely ready for a broad practical use yet, such as methods to produce methionine via enzymatic fermentation based on organic raw materials or the use of insect larvae or algae as a protein source for feed.

The sector is preparing for this move. **COPA-CEGECA declared that it fully supports the end of this derogation in an AGOF meeting on 21 November 2013.**

However, **two of the main exceptions authorising the use of non-organic inputs will remain:**

- the one authorizing to bring non-organic chicks into an organic poultry production unit,
- the one authorising the use of seed or vegetative propagating material not obtained by the organic production method.

The maintenance of these exceptions will **hamper the development of the sectors of organic chicks and organic seeds and reproducing vegetative material.**

MS will face increasing difficulties to correctly apply complex provisions and exceptions to the rules in a context of limitation of resources. General derogations are likely to continue to be applied instead of individual exceptions.

2.6.2. Consumer confidence, issues for the internal market

(a) Societal and consumer concerns: animal welfare, environmental management systems, pesticides

In addition, some practices **ignoring animal welfare concerns** will continue to be authorised, either as exceptions to the rules, or as specific cases directly provided in the legislation.

With regard to the environment and the responsible use of energy, the absence of provisions at EU level for organic processors and traders **could undermine consumer confidence**. Few data is available on the use of EMS by food processing, wholesale agribusiness and retail agribusiness companies. The use of EMAS is not much developed in such sector. Some detailed data are provided in Annex 13. Stakeholders have reported that simplified systems are used in the food sector in Germany. Two of them applied in

Lower Saxony are presented in Annex 13. In France, the association of organic processors SYNABIO has launched an initiative "bio-entreprise-durable", allegedly based on the principles of ISO 26000 standard, with a wider scope: sustainability, social and environmental responsibility, authenticity of products, territorial development, etc.

(b) Presence of non-authorised substance residues

The presence of non-authorised substance residues in organic products will become an increasing issue, because the detection level is getting lower and lower thanks to evolving methods of analysis and the detection rate will become higher. Therefore, the share of organic products where non-authorised substance residues are found is likely to increase, while consumer sensitivity, notably on pesticide residues, is already high.

(c) Co-existence of other logos with the EU logo

Because of watered down organic production rules, **new logos are likely to develop and to increase consumer confusion**, notably production rules are considered too flexible, which leads some producers to create private schemes with more stringent rules. Other new schemes can result from societal concerns not sufficiently taken into account in the EU organic scheme.

The proliferation of logos (see examples in Annex 8) leads to consumer confusion and can lead to costly multiple certification requirements. In some cases it disrupts trade between MS, which is an obstacle to the development of organic farming in some MS, where there are still few processors and traders.

If nothing changes, after 31 December 2014 the case of private and national organic logos will fall under the provisions on food information to consumers⁵⁰, according to which "food information shall not be misleading, particularly by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics...". At the same time, Article 34 of Council Regulation (EC) No 834/2007 prohibits any restriction to the marketing of organic products produced and controlled in another MS, in so far as those products meet the requirement of the Regulation.

(d) Control system

Fraud cases will continue to develop because of the shortcomings in the control system and in the import regime. At the time of writing this report, the Commission was informed about new fraud cases in the poultry sector. However, there will be a number of improvements as from 1.1.2014 through the application of Commission Regulation (EC) No 392/2013 and, when approved, through the new OFFC Regulation.

⁵⁰ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 – OJ L 304, 22.11.2011, p. 18.

(e) Import regime

The import regime will become even more complex and burdensome. From 2014, the Commission will have to implement the second regime of recognition of CBs based on compliance, according to Article 32 of Council Regulation (EC) No 834/2007, but there are obstacles: notably the existence of provisions, notably the exceptions, where MS can decide, and the fact that group certification is not authorised in the EU. Therefore the Commission will have to propose a set of production rules to apply compliance. In addition, Council Regulation (EC) No 834/2007 does not give the basis to require the information in order to ensure the traceability on the whole food chain of imported organic products under the compliance regime (it is provided with the inspection certificate under the equivalence regime). Therefore the implementation of the compliance regime under the current legislation will be weakened. In addition, the interest to have two systems in parallel is limited.

On the other hand, the wide possibilities offered to third countries to export organic products to the EU thanks to the CB equivalence regime **has already lowered the pressure from third countries to be recognised for the purpose of equivalence.** No new request has been submitted to the Commission since the application of the new CB regime.

(f) Issue of presence of non-authorised substance residues

More and more MS and private initiatives to address the issue will be taken, leading to different requirements (some may do not require any investigations for instance) and different thresholds. It will lead to more and more unfair competition and to dysfunctions of the internal market, notably because importers will be inclined to choose to import organic products from third countries through the MS with the lowest requirements.

2.6.3. Socio-economic impacts of the current legislation

Organic farming is developing at the expenses of conventional agriculture. However, organic farming would be **more profitable per unit of production** (ha or cow) than conventional agriculture, according to the results of an analysis of FADN data on selected MS⁵¹. In addition, they are **more labour intensive** than conventional ones. This is confirmed by data from the Agence Bio, according to which organic farms represented 3.8% of the UAA and 4.7% of the farms, but 7% of the agricultural employment in France at the end of 2012. Therefore, in this impact analysis it is considered that conversions to organic farming have global positive socio-economic impacts, both on farm income and on employment.

In the baseline scenario, the current average annual increase of 500 000 ha in the organic land area will be difficult to maintain. The increase in the number of organic farms is likely to slow down as well as the associated employment.

The evolution of the income of organic farmers is difficult to forecast, because it depends on multiple factors, notably:

⁵¹ **Organic versus conventional farming, which performs better financially?** Farm Economic Brief No 4, November 2013, European Commission.

- on the price paid for the agricultural products, which is higher for organic than for conventional products. But the competition (sometimes unfair competition) with imported products is likely to push prices down,
- on input costs, which are likely to stay lower in organic than in conventional agriculture,
- on public support, whose evolution will depend on the way MS decide to apply the new CAP instruments benefiting to organic farming: greening, specific and general RD measures.

2.6.4. *Environmental impacts*

Organic farming has positive environmental effects:

- positive impacts on biodiversity derived from general organic production practices resulting in increasing abundance of plants, birds and predatory insects,
- positive impacts on water quality thanks to positive direct and indirect effects of the production rules, even if there is no direct requirement regarding water use.
- positive impacts on soil health and quality, which are enhanced through the obligation to use organic fertilisers and manure, and to practise crop rotation.

In the baseline scenario, these positive environmental effects are limited because of the limitation to the expansion of the organic land area.

2.7. **Does the EU have the right to act?**

The basis for the CAP is formulated in the Treaty on the Functioning of the EU, where article 38 stipulates that “The Union shall define and implement a common agriculture and fisheries policy” with objectives set out in article 39 and detailed provisions in articles 40-44. The Lisbon Treaty has confirmed the relevance of CAP objectives of increasing agricultural productivity, ensuring a fair standard of living for the agricultural community, stabilising markets, assuring the availability of supplies and ensuring that supplies reach consumers at reasonable prices.

The current exercise is an updating of an existing scheme set within the CAP. The first Regulation on Organic Farming was introduced in 1991 in the context of the reorientation of the CAP to encourage diversification of agricultural production and more environmentally friendly production methods. The development of specific products was to benefit the rural economy, particularly in less-favoured or remote areas, both by improving the income of farmers and by retaining the rural population in these areas.

Production and trade of agricultural products and foodstuffs on the internal market and ensuring the integrity of the internal market are matters of EU competence. Both are EU shared competences with MS.

An EU-wide scheme is more efficient than 28 different schemes in view of the smooth development of the single market. In addition, it allows for a stronger and more

consistent trade policy vis-à-vis global trading partners, most notably by enhancing its bargaining power.

Council Regulation (EC) No 834/2007 provides that MS can grant exceptions to the rules in precised framework defined in Article 22. The experience, illustrated in chapter 2.5, has shown that this leads to unfair competition among producers in different MS, risk of loss of consumer confidence, complexity in the legislation and trade issues (difficulties to implement compliance). Further harmonisation at EU level would therefore be appropriate in this area.

The fact that the same non-compliance to EU organic legislation can lead to different actions according to MS is an issue leading to unfair competition and ineffective functioning of the single market. While the definition of sanctions is under MS competence, it would be appropriate to define at EU level broad categories of non-compliances that would require adequate levels of intervention, in particular, the cases where products cannot keep their organic status. This has to be consistent with the review of the OFFC Regulation mentioned in chapter 2.3.

3. OBJECTIVES

3.1. General objectives and consistency with new CAP objectives

The overarching objective of Council Regulation (EC) No 834/2007 is the basis for the sustainable development of organic farming. According to this objective, the development of organic farming is expected to deliver at three levels which correspond to key objectives of sustainable development⁵²:

- **economical**; according to whereas (3), *"the Community legal framework governing the sector of agricultural production... should further aim at providing conditions under which this sector can progress in line with production and market developments"*;
- **environmental**; this is stated in whereas (1): *"the organic production method... delivers public goods contributing to the protection of the environment and animal welfare..."*;
- **social**, by responding to consumer's qualitative and quantitative demand for organic products, and to society's demand for more environmental-friendly production methods; whereas (1) mentions the *"preference for certain consumers for products produced using natural substances and processes"* and *"the organic production method... provides for a specific market responding to a consumer demand for organic products..."*.

While the new CAP represents a further step towards greener practices in agriculture, the existence of an organic farming scheme at EU level is still fully justified, notably because of the gap between the requirements for farmers to benefit from the greening payments and what is required under the EU organic farming legislation. Organic farming is a holistic approach which encompasses economic, social and environmental aspects of

⁵² See notably Commission Communication "Draft Declaration on Guiding Principles for Sustainable Development", COM (2005)218 final, 25.5.2005.

agriculture. The development of organic production is based on the organic market development and includes the whole food chain. Organic products are identified on the market notably through the EU organic logo.

In accordance with the 2014-2020 Common Monitoring and Evaluation Framework for the CAP, the organic scheme contributes to the following general objectives under Pillar I of the CAP:

- "Sustainable management of natural resources and climate action" by providing public goods (mostly environmental) and by pursuing "climate change mitigation and adaptation",
- "Viable food production" by "meeting consumers expectations" and by "improving the competitiveness of the agricultural sector and enhancing the share in the food-chain".

In addition, it contributes to the general objective "sustainable management of natural resources and climate action" by restoring, preserving and enhancing ecosystems under Pillar II of the CAP.

The three following objectives of Council Regulation (EC) No 834/2007 participate to the overall objective of sustainable development:

- (1) ensuring the effective functioning of the internal market,,
- (2) guaranteeing fair competition,
- (3) ensuring consumer confidence and protecting consumer interests.

The external evaluation has made some recommendations to further clarify the legal status of the objectives⁵³ (Article 1) and principles of organic production (Article 3 to 7). A thorough examination of the nature of the objectives and principles of organic farming has shown that both categories could be merged under a single heading: "principles", which should be reflected in the new basic Act.

3.2. Specific and operational objectives

The above problem definition and its drivers lead to the setting of the following objectives:

Specific objectives

1. to remove obstacles to the development of organic production in the EU,
2. to improve the legislation in order to guarantee fair competition for producers and to improve the functioning of the internal market,
3. to maintain or to improve consumer confidence in organic products.

⁵³ Similarly, Regulation (EC) No 178/2002⁵³ ("food law") provides for the policy objectives in its Article 1 (aim and scope) and for principles and objectives in its Articles 5 to 10.

In addition, given the high administrative burden entailed by the EU legislation, the objective of simplification has been considered as a fourth specific objective for the review.

Operational objectives

(1) to define clear and unambiguous production rules

to improve fair competition, to improve consumer confidence and to simplify the legislation. The end of the exceptions to the rules will remove an obstacle to the implementation of compliance to the EU rules in third countries,

(2) to implement a risk-based control system

to improve the efficiency of the control system, to address remaining issues regarding the coverage of the control system. This will allow a better control of riskier operators, thus limiting the fraud cases and contributing to consumers' confidence. It should also lead to lower certification costs, thus reducing an obstacle to join the organic sector. It contributes to all specific objectives,

(3) to harmonise the approach in case of presence of non-authorised substance residues in organic products

to make sure that similar situations do not lead to different actions. It will improve fair competition,

(4) to simplify the administrative requirements in particular for small farmers in the EU

to remove obstacles for small farmers to join the EU organic sector,

(5) to implement a single and reliable system of recognition of CBs in third countries

to ensure a proper supervision of CBs in TCs, to ensure that the controls are effective, to ensure a level playing field for EU producers. It corresponds to the objectives of improving consumer confidence and guaranteeing fair competition. The limitation to one system only will simplify the implementation for the Commission, CBs, operators in third countries and EU importers.

(6) to establish a balanced trade regime

to ensure that EU organic producers have the best possible access to third country markets, thus reducing an obstacle to the development of organic production in the EU.

(7) to clarify labelling rules

to lower the burden of producers, to avoid consumer confusion.

(8) to integrate evolving societal concerns

to address management of environmental performance by processors and traders of organic products and animal welfare concerns. It will make schemes competing with the EU organic scheme less attractive, thus contributing to limit the obligation for producers to be certified according to several schemes to get access to different markets.

(9) to improve transparency and information on the sector and on organic trade

for producers (tools), decision takers (statistics)

4. POLICY OPTIONS

The impacts of three broad coherent policy options have been analysed in details. They are based on three possible solutions to address the identified problem, according to suggestions heard in the hearings and the consultations. They are also based on three different long-term visions of the organic sector. The improved status quo option is based on the approach that has been followed in the last twenty years. The market-driven option aims at providing the conditions to respond dynamically to further market developments. The principle-driven option aims at re-focussing organic farming on its principles.

On the question of exceptions to the rules, option 2 proposes the integration of exceptions as permanent rules in the legislation, while option 3 proposes to remove exceptions. Alternative intermediate options which would remove only part of the exceptions have not been considered for the analysis, because all exceptions are granted for economical reasons (if producers cannot fulfil the requirements for organic production, the products can be sold as conventional at lower price). It is therefore difficult to consider some of them as essential and others as superfluous. But keeping or removing the exceptions correspond to different orientations for the organic sector.

Measures that are not essential for the consistency of the options are presented as sub-options.

4.1. Policy option 1: improved status quo

Option 1 proposes improvements and better enforcement of the current legislation, considered as a minimum to address the identified issues. It does not propose any significant change in the policy orientations. For instance, the current system of exceptions is kept. Therefore, there is no need for an action plan to accompany the sector to adapt.

Option 1 addresses the following issues:

- complex and unclear provisions on production and labelling rules,
- shortcomings in the control system, notably on the following issues: traceability and the presence of non-authorised substance residues,
- obstacles to conversion to organic farming, since a clearer legislation would be more attractive.

In addition, option 1.A addresses the issue of uncomplete coverage of the control system.

During the consultation process, option 1 was supported by the main stakeholders IFOAM EU and COPA-COGECA. However, both have moved since then towards a more principle-driven approach (see Annex 2).

EOCC supported option 1, because of the expected better application of the production rules, better controls and better supervision, as well as the advantages of electronic

certification. Keeping the obligatory annual inspection seems an essential point for EOCC: "the installation of an efficient and meaningful risk-based inspection system does not forcibly need to include the abandon of the annual inspection for each operator".

The instruments proposed are the following:

A Regulation of the European Parliament and the Council to replace Council Regulation (EC) No 834/2007:

- to clarify the status of objectives and principles of organic farming,
- to **clarify the scope** of the legislation by listing precisely processed agricultural products intended for food and not included in Annex I to the Treaty, which can be labelled as "organic", for instance cooked meals or essential oils. The details of the measures are in Annex 6.
- to **clarify production and controls rules** to avoid ambiguities, to fill gaps and to remove legal uncertainty.
- to clarify the **labelling rules**, notably by expanding the limit of 2% for ingredients of agriculture origin not coming from the mentioned area to 5% for the "EU" or "non-EU" indication. The detailed of the measures on labelling are in Annex 8.
- to remove the possibility of recognition of CBs for the purpose of **compliance**. The system of recognition of CBs in place, based on equivalence, is kept. Because exceptions to the rules are not removed, the MS decision level is kept, which is hardly compatible with the implementation of the compliance system.

Measures to reinforce the control system

- the general rules for the accreditation of CBs will be clarified by indicating the standards and specifications against which they should be accredited and the conditions to be fulfilled by accreditation bodies.
- the issue of presence of non-authorised substances or products will be addressed by requiring investigations in case of presence of such residues in organic products and defining a level above which the product may not be labelled as organic. While the principle will be introduced in the basic act, the details will be defined in a delegated act. The experience of existing initiatives, notably in the MS which have defined such rules, will be taken into account. As shown in Annex 11, the "baby-food limit" would be the best adapted level.
- implementation of a system of electronic certification to enhance traceability and control and at the same time to reduce the administrative burden for operators, CBs, and public administration. It will exploit the synergies with the Commission's information management system for official controls to be set out according to the proposal for a new Regulation on official controls. This system will integrate and/or provide the appropriate linkages to the existing computerised systems managed by the Commission (namely TRACES: Trade control and expert system, and OFIS).

Possible sub-option 1.A:

- end of the possible exemption for retailers from the control system. Retailers will be submitted to the same control requirements as other operators and will be subject to a risk analysis, taking into account the results of previous controls if available, the quantity of products sold and the risk of exchange of products.

4.2. Policy option 2: market-driven option

Less stringent production rules allow producers benefitting from current exceptions to continue to produce organically, and newcomers to join more easily thanks to the integration of exceptions as normal rules in the legislation. The control system is amended as in option 1. The import regime is unchanged. A sub-option imposing an obligation of results on all organic operators, regarding the absence of non-authorised substance-residues in organic products is proposed.

Option 2 addresses the following issues:

- complex legislation, difficult to implement,
- risk of unfair competition due to excessive use of exceptions,
- shortcomings in the control system (the rules become easier to control),
- high administrative burden linked to the management of exceptions.

However, the option will lower the standard, with a renewed risk of multiplication of logos.

Option 2.A addresses the main consumer concerns, who wish products without residues. It corresponds to a conception of organic farming less production process oriented, but with an obligation of result at the end.

Option 2 was supported by several stakeholders during the consultation (see Annex 2), notably **Eurocommerce**, which considers that the EU rules are only the baseline to market products as organic and that the Regulation should be permanent on the lowest common denominator. In particular, an increase in the volume of organic processed products is seen as essential for the further development of the sector. Eurocommerce is against ending possible exceptions for retailers to be covered by the organic control system.

The instruments proposed are the following:

An Action Plan defining a strategy for organic farming in the EU, putting forward an adequate use of existing tools and an appropriate coordination with other EU policies in order for the organic sector to develop as required by the market. It includes appropriate instruments to increase information on the sector in the EU (market, production, added value, trade) and accompanying measures to improve and increase controls on final products.

The main stakeholders IFOAM EU and COPA COGECA call for a new action plan.

A Regulation of the European Parliament and the Council to replace Council Regulation (EC) No 834/2007:

- to amend the objectives and principles of organic farming and to clarify their status,
- to **integrate as provisions of the EU Regulation current long-lasting exceptional rules** granted by MS as provisions in the EU Regulation; to re-introduce exceptional rules expiring end 2013 and end 2014; to clarify diluted or complex provisions by making more transparent the permitted flexibility,
- to draft production rules in a stand-alone document addressing the issue of readability and making imports possible under a compliance regime,
- to include legislative measures presented in option 1,

Measures to reinforce the control system (as in option 1: accreditation and electronic certification)

Authorisation of substances and practices for organic farming under the responsibility of the sector.

Electronic certification as in option 1.

Possible sub-option 2.A:

- Introduction of specific maximum thresholds (below MRL) for the accidental presence of non-authorised substance residues in organic products.

Sub-option 2.A would entail systematic analysis of organic products and differs from the measures proposed as improvements in option 1 where analysis remain a control tool conducted on a sample of products according to a risk-analysis.

While it corresponds to consumer demand, the main stakeholders, in particular IFOAM EU, are against such approach: *"organic farming is defined from the beginning by a process approach (...) most of the criteria cannot be verified by analytical methods (...) if the sector is trained to verify the organic integrity of a product by analytical methods, based on thresholds, market access will be established by those findings and not by compliance with process criteria of the organic Regulation. This would turn the organic process quality approach into the direction of an (end) product approach"*.

4.3. Policy option 3: principle-driven option

Production rules are strengthened by removing any flexibility, considering that flexibility had been introduced to make easier the conversion of holdings when the organic sector was embryonic, but that it is not justified any more in the light of the development of the sector. The control system is amended to reinforce the risk-based approach and to further enhance enforcement. On the import side, the equivalence regime is replaced by compliance, since the strengthening of production rules involves changes in the import regime in order to be consistent. A regime of equivalence with third countries remains. One sub-option proposes the introduction of an obligation for processors and traders to improve their environmental performance, and a second one the introduction of specific measures for small farmers.

Option 3 addresses the following issues:

- complex legislation, difficult to implement,
- risk of unfair competition due to excessive use of exceptions,
- shortcomings in the control system (risk-based approach, harmonisation of actions to address instances of non-compliances),
- shortcomings in the import regime, with the move from equivalence to compliance for CBs,
- societal concerns with improved animal welfare conditions in organic farming,
- consumer concerns and risk of multiplication of logos, with strengthened rules,
- high administrative burden linked to the management of exceptions.

The main stakeholders, IFOAM EU and COPA-COGECA, have shown interest in option 3 during the consultation process but without supporting it. However their position has progressively changed. IFOAM EU has acknowledged that this option is close to the movement's objectives, according to which *"the process approach to organic quality definition and certification should be maintained and strengthened and the EU organic Regulation further developed with regard to quality and integrity, so that it can be an effective tool to move all organic practice close to its aims and principles"*.

Option 3 was supported by several organisations, notably animal welfare organisations. (see Annex 2).

If combined with the first sub-option, option 3 addresses concerns about environmental issues, which should improve consumer confidence.

If combined with the second sub-option, option 3 will remove some obstacles for small producers to join the organic sector.

The instruments proposed are the following:

An Action Plan defining a strategy for organic farming in the EU, putting forward an adequate use of existing tools and an appropriate coordination with other EU policies in order for the organic sector to develop while remaining close to its values and principles. It includes:

- appropriate instruments to increase information on the sector in the EU (market, production, added value, trade),
- because of the end of exceptions, it will in particular call for measures to further address technical constraints for producers, by finding synergies with EIP⁵⁴ and Horizon 2020 instruments (uptake and dissemination of research results; better identification of research and innovation needs of farmers and producers),

⁵⁴ EIP on agricultural productivity and sustainability

- creation of a permanent expert group for the examination of new techniques and substances to be considered in organic farming and finally prioritising examination of new techniques and substances,
- a specific export policy, for which the Commission will ask a mandate to the Council.

Most MS have mentioned the need for reciprocity in future arrangements with third countries, in addition to stakeholders like COPA COGECA: *"the Commission must pay greater attention to rules of mutual recognition as part of agreements with third countries"*.

A Regulation of the European Parliament and the Council to replace Council Regulation (EC) No 834/2007:

- to remove exceptional rules from the Regulation but possible temporary measures to allow organic production to continue or recommence in the case of catastrophic circumstances will remain, as well as the possible exception allowing the tethering of animals in micro-enterprises. Exceptions will be phased out with transitional periods, shorter in cases where farmers only have to amend the management of the farm, but longer in cases where the change does not depend on the farmer (e.g. availability of organic seeds on the market – in this case a transitional period until 2021 will be proposed). IFOAM EU acknowledged that some current exceptions (the use of non-organic animals, the use of non-organic feed and the addition of non-organic yeast extract) could be deleted or converted to transitional rules. However, some of them should be converted to permanent rules, like tethering of animals in small holdings. In the case of organic seeds, the organisation said the immediate deletion of exceptions could have a strong impact on the sector, but the current revision process should be used to make further progress in this area.
- to oblige organic holdings to be entirely managed in compliance with the requirements applicable to organic production,
- to put an end to the retrospective acknowledgement of conversion,
- to draft production rules in a stand-alone document addressing the issue of readability and making imports possible under a compliance regime,
- to include provisions on exports of organic products. The possibility to establish an export certificate will be included in the basic Act and the details will be provided in implementing rules. The export certificate will be a standardised document that could be used by EU organic exporters as a tool to prove that the product has been produced according to the EU organic standard and that it has been controlled according to the EU control system. The intention is to implement an electronic certificate in coordination with existing documents, notably the SAD (single administrative document – documentary basis for customs declaration) in order to avoid the duplication of request of information and to make the system as smooth as possible. Once the tool will be in place, the Commission will be able to use it when negotiating with third countries. It should facilitate the conclusion of reciprocal agreements, since the third country will not have to implement an organic import system; EU organic products will be easily identified.

- to remove the possibility of recognition of CBs for the purpose of equivalence (Article 33 (3)), with appropriate transitional measures to avoid market disruption and to give CBs time enough to be prepared to move from an equivalence to a compliance regime. In practice, the transition between equivalence and compliance is already starting through adaptations of Commission Regulation (EC) No 1235/2008 to apply compliance. For their next 3-year recognition period, which coincides with their accreditation cycle, CBs will have the possibility to to apply compliance. The new basic Act will provide that the recognition of CBs for equivalence shall expire on 31 December 2018 at the latest.
- to adapt the system of **recognition of CBs for the purpose of compliance** (Article 32), notably by including in the basic Act provisions requiring sufficient information to ensure the full traceability of imported organic products.
- to include legislative measures presented in option 1, except removal of Article 32 on import of compliant products.

Measures to reinforce the control system:

- to reinforce the risk-based approach by adapting the control frequency so that organic operators with a proven clean record can be physically inspected less than annually and/or be subject to a reduced annual physical inspection where feasible. This would free resources that would be concentrated on those areas and operators presenting the highest risks.
- to clarify the existing provisions on irregularities and infringements by defining categories of non-compliance that, by affecting the organic status of products, require the application of a uniform level of measures by the competent authorities across MS – independently from the penalties and sanctions that each MS will lay down.
- to introduce electronic certification as in option 1.

Possible sub-options:

- **3.A:** Introduction of an obligation of improving environmental performance for organic processors and traders, with the exception of micro-enterprises. In case they deal with both organic and conventional products, such operators will have to run an EMS system for all production units where organic products are processed, packaged or stored.
- **3.B:** Simplified requirements for small farmers and introduction of group certification.

The details for the measures proposed as sub-options will be provided in delegated and/or implementing Acts.

4.4. Options discarded at an early stage

Options defined by the use of alternative legal instruments have been considered but have been discarded at an early stage:

- The use of a framework directive would not meet the objective of more simplification. Unfair competition issues could arise because of the absence of harmonised rules. Equivalence arrangements with third countries would probably be put into question.
- The introduction of "organic farming" as an optional reserved term under Council Regulation (EU) No 1151/2012⁵⁵ on quality schemes for agricultural products and foodstuffs would not acknowledge the holistic approach of organic farming which is not only a quality scheme but also a specific way of farming.

These options got no support among stakeholders and MS.

The harmonisation of organic production rules for textiles and cosmetics was considered but discarded because the need for EU action is not demonstrated. The external evaluation recommended not to extend the scope to these products. Few MS (Italy) supported this suggestion. Some of them recommended to explore this possibility (Sweden, Romania, Estonia). Spain called for the introduction in the scope of the legislation of certain textile products. But most MS were against. Germany stated that "it should be noted that including textiles and cosmetics would enormously expand the legal framework and render it much more complex." IFOAM EU stated that "European standards for textiles, cosmetics and other products which use the term "organic" must be established so as not to undermine consumers' confidence in organic farming products."

The co-Regulation and self-Regulation options could result in difficulties for the sector to develop high and harmonised EU production rules accepted by society all over the EU. They could also undermine consumer confidence, since the EU Regulation and the official control system are important reasons for consumers to trust organic products. They got no support among stakeholders and MS.

The no-EU action option would bring the EU organic sector in a weak position on the global market, where there is a general trend towards more harmonisation in production rules. The use of the international standard included in the Codex Alimentarius guidelines for the production, processing, labelling and marketing of organically produced foods⁵⁶ would lead to a similar situation, since MS could decide on national legislations. The standard is not designed to be directly applied in WTO Member countries. In particular, the decision-making process is heavy and long and would not be appropriate to decide on implementing rules. It was not supported by stakeholders.

The inclusion of catering in the scope of the legislation, was also discarded because the added-value at EU level has not been proved. The external evaluation has recommended not to extend the scope of the EU legislation to catering. MS have adopted measures which do not pose any problem to the functioning of the single market. These national schemes for organic catering are regularly notified to the Commission and to other MS as technical standards. Several MS are opposed to the introduction of catering in the scope of the legislation on organic production (Poland, Latvia, Estonia, Bulgaria, Ireland, UK, Belgium, Denmark, Czech Republic). The rationale for that vary. Most of MS want to avoid to receive a new resource-demanding competence, others, like Denmark, are

⁵⁵ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs - OJ L 343, 14.12.2012, p. 1.

⁵⁶ GL 32-1999

strictly opposed because they have implemented a successful national system. Other MS (Italy, Germany, Luxembourg, Slovenia, Greece, Sweden, Cyprus, Spain, Romania) were in favour of the introduction of catering in the scope, at least partial.

According to IFOAM EU, "*catering should only use the word organic according to national rules as there is little cross-boarder market for catering, consequently a common EU standard is not required*".

5. IMPACT ANALYSIS

The period considered for the impact analysis is 2016-2025, with 2016 considered the first year when the reviewed policy applies. Between 2011 and 2016, the baseline applies. This part analyses how the options presented in chapter 4 can impact the market of organic products (supply and demand). Socio-economic and environmental impacts, including animal welfare conditions, have been examined, as well as possible international impacts.

The development of organic production in the EU is accompanied by a corresponding reduction of conventional agriculture, since the lands converted to organic agriculture is usually taken from the conventional sector. Therefore, since all options are expected to entail an increase in the organic land area, a corresponding decrease is expected in the conventional sector. Where relevant, other possible impacts of the options on conventional agriculture are indicated.

5.1. Option 1

Supply

Positive factors: unfair competition is reduced on the EU market by addressing the issue of presence of non-authorised substance residues, which also improves the functioning of the internal market. Unfair competition with third country producers entailed by the CBs equivalence regime is slightly reduced, thanks to the harmonisation of the accreditation system both in the EU and in third countries.

Negative factors: technical, economic and structural obstacles to the development of organic production in the EU are not reduced. The exceptions hinder the development of the sectors of organic chicks and seeds. High administrative burden and certification costs remain. Small producers continue to be excluded.

The option is not likely to have significant effects on the volumes of organic products on the market and on prices.

Demand

Positive factors: labelling improvements are seen by IFOAM EU as positive. "They will minimise confusion of consumers". The risk of fraud is slightly reduced thanks to the introduction of electronic certification.

Negative factors: production rules are still watered down. Private schemes and logos continue to multiply, since evolving and societal consumer concerns are not met and the production rules remain quite weak.

The market expansion is expected to slow down at the end of the period because consumer confidence is not significantly improved.

Socio-economic impacts

The organic land area, the number of farms and the employment are expected to continue to increase, with a less pronounced slow-down compared with the baseline scenario. No significant change is expected in the income of organic farms.

Processors and traders benefit from clearer and simpler rules on scope and labelling, as stated by IFOAM EU "*reducing the complexity has a positive impact on social and economic performance*".

The harmonisation of measures applying in case of presence of non-authorised substance residues in organic products improves the level playing field, notably to the benefit of SMEs of the sector.

Environmental impacts

The increase in the organic land area is higher than in the baseline scenario and the organic production rules applied to farming are identical to the baseline scenario. Therefore, the environmental impact of option 1 is slightly positive.

Animal welfare

This option does not improve animal welfare conditions in organic farming.

International impacts

This option has the same impact on third countries as the baseline scenario. However, the introduction of electronic certification and the marginal improvements in the labelling rules contribute to reduce paper-based procedures and then to **slightly ease organic imports**.

5.2. Option 1A

Supply

As in option 1

Demand

Positive factor: a further reduction in the risk of fraud is expected.

Socio-economic impacts

There is no official data on the number of retailers selling organic products in the EU, but the change will have an impact on almost all retailers in the EU, according to Eurocommerce.

Retailers are supposed to face general inspection requirements under the food law and the specific requirements as organic operators are not expected to generate much additional burden. However, Eurocommerce has underlined that it could entail some costs, but without precise figures: *"Including retailers in the specific organic control system will increase the costs for retailers and of organic products, without adding any value for the consumers. In some MS private certifiers have already developed inspections of retailers to enable them to sell un-packed fresh products. For retailers selling only packed organic products, additional inspections do not have any benefit. This additional cost linked to the controls would make the organic products less competitive, and the consumers less interested"*. Therefore Eurocommerce is against this option.

The most impacted MS will be the ones with the highest share of the market: Germany, France, the United Kingdom.

Environmental impacts

As in option 1.

Animal welfare

As in option 1.

International impacts

As in option 1.

5.3. Option 2

Supply

Positive factors: the integration of exceptional rules as permanent rules in the legislation leads to more flexible rules; more conversions are expected at the beginning of the period, leading to more volumes on the market.

Negative factors: flexible rules fuel competition with imported products and prices paid to the producers decline. The sector becomes progressively less attractive. Some organic producers fully applying organic principles (not using exceptions) leave progressively the sector to join or to create private quality schemes.

The development of the production of "organic inputs", notably organic chicks and organic seeds reduces, because rules provide flexibility to use non-organic ones. According to IFOAM EU: *"investments and efforts of operators willing to overcome these exceptional rules would be frustrated if all exceptions were made permanent."*

The situation for small farms does not improve.

Demand

Positive factors: the volume of organic products on the market is likely to increase and prices to decline, depending on how the variations of price are transmitted along the food chain.

Negative factors: watered down rules which do not integrate societal and consumer concerns, as mentioned by IFOAM EU: "*including all current long lasting exceptional rules would have a negative impact at consumers' perception level.*"

New schemes and logos are likely to multiply, fuelling consumer confusion.

This will lead to some erosion of consumer confidence. It is difficult to estimate if lower prices can compensate for the loss of confidence.

Socio-economic impacts

An increase in the number of conventional farms converting to organic is expected at the beginning of the period. Therefore, the number of farms and the employment in organic farms increases at the beginning of the period, but slows down at the end.

The gross-margins and income should decrease at the end of the period because of lower prices paid to producers, under the pressure of imports.

Organic processors are supported by lower prices of raw materials, but they are affected by the market deterioration at the end of the period.

Organic seeds and vegetative propagating material and organic chicks producers will be negatively impacted in this option. Producers in MS which have developed national rules for organic chicks (e.g. Denmark) will face unfair competition.

Environmental impacts

The option is expected to be slightly positive in comparison with the baseline scenario. The integration of exceptions leads to less environmentally friendly practices. For instance, the proportion of use of non-organic seeds is likely to increase and the benefits associated with the cultivation of these organic seeds will be lost. But it is compensated by a further increase in the land area.

Animal welfare

The integration in the legislation of exceptional rules allowing for dehorning, tethering of animals in small holdings, indoors final fattening phase of adult bovines for meat production leads to the deterioration of animal welfare conditions. Producers will have some flexibility to apply such derogations without individual or collective exemption.

International impacts

An easing in imports, but obstacles on the export side, is expected. Since production rules are less stringent, **third countries are more reluctant to recognise the EU as equivalent**. Some concluded agreements/arrangements with third countries can be questioned.

Example: equivalence arrangement between the EU and the U.S.

The EU and US have recognised each other's organic production rules and control systems as equivalent under their respective rules. This equivalence arrangement took effect on 1 June 2012.

The arrangement was concluded in the form of an exchange of letters between both administrations. According to these letters, the European Commission must notify the US administration in a timely manner of any proposed EU legislation that would modify any of the EU regulations referred to in the arrangement. A new assessment of the equivalence of the new EU legislation with the US legislation should be carried out jointly by both administrations.

The discussions and decisions on the assessment of the equivalence would take place in the framework of the EU-US Organics Working Group that was set up by the arrangement. The group consists of

Organic producers in non-recognised third countries continue to benefit from flexible rules under equivalence, which should allow a continuous export flow to the EU.

5.4. Option 2.A

Supply

Negative factors: a share of the products produced on organic farms cannot be marketed as organic because of presence of non-authorised substance residues above the defined threshold. Depending on the threshold, up to 21.4% of organic animal products, 9.8% of organic baby-food, 11.8% of organic fruit, vegetable and other plant products and 8.1% of organic cereals could be declassified (according to EFSA figures – see 2.5.2.3). Extra-costs linked to the analysis lead to further obstacles for small farms to join.

Demand

Positive factors: This option would have positive impacts on consumer confidence. The organic sector could communicate on the absence of non-authorised substance residues, thus addressing the main consumer concern.

Negative factors: according to IFOAM EU, "*introducing a threshold that determines the organic status would upset the basic concept of organic farming and principles*". This could lead to some confusion. In addition, the systematic sampling and testing of organic products, and the interpretation of results, could lead to an increase in the price of organic products.

Socio-economic impacts

The obligation to test a sample of all organic products lots would have an impact on costs for all operators which could be significant. The lower the threshold, the higher the cost. There is a risk that the costs of sampling, testing and analysing the results become disproportionate in relation to the economic dimension of organic operators. In addition, it would result in products produced on organic farms and/or processed in respect with the rules, not to be sold as organic because of an accidental and unintentional contamination with non-authorised substances. Depending on the threshold, the share of the production that would have to be declassified and sold as conventional would vary between 0.44 and 21% for animal products, 0.67 and 9.09% for baby-food, 1 and 10.8% for fruit, vegetable and other plant products and 0.36 and 7.76% for cereal products (according to EFSA data presented in Annex 11).

Environmental impacts

Like in option 2.

Animal welfare

Like in option 2.

International impacts

The systematic testing of samples for non authorised substance residues could entail disproportionate costs for producers in developing countries.

Impact on conventional agriculture

Products from conventional agriculture, by contrast, could be seen as the ones "with pesticides", which could entail a loss of consumer confidence in conventional products.

5.5. Option 3

Supply

Positive factors: new stricter rules reinforce farmers' confidence in the organic scheme. Organic farmers fully applying organic principles (not using derogations) are more inclined to remain in the sector.

The end of the exceptional rules boosts the sectors of organic inputs, notably organic chicks and seeds.

The action plan will contribute to reduce technical obstacles to the development of organic production. On the export side, a better access to third country markets is expected thanks to negotiations with third countries interested in mutual recognition agreements with the EU. The negotiations will take advantage of tools like the export certificate, which will permit the identification and traceability of EU organic products.

Negative factors: some producers have to leave the sector because they want to keep a part of conventional production on their holding. IFOAM EU considers that "the conversion of the entire farm is the aim and this provides the basis for fulfilling the organic principles in the best way". Nevertheless, both IFOAM EU and COPA COGECA point out practical or economical reasons for farmers not to be able to convert their farms at once. Other producers have to leave because their system depends on exceptions, as mentioned by IFOAM EU: "remove all exceptions to the rules today would mean exclude many operators, in particular in new MS and in disadvantageous areas". No data has been provided to corroborate this statement.

Stricter rules can be seen as a barrier to conversion, notably because of insufficient availability of inputs such as seeds in their organic form. As a result the price of organic inputs could increase and weigh on production costs. This could be the case in MS where organic farming is less developed. But the transitional period until 2021 allows for a progressive development of certain organic inputs. Their development on the medium or long term should lead to cheaper and more adapted inputs, and to an improved productivity in the organic sector. Notably, the increase in the size of the market of

organic seeds should allow companies of the sector to invest in new varieties adapted to organic growing conditions, with expected yield increases.

Stricter import rules restrain imported flows and result in less competition.

Demand

Positive factors: the market should expand more securely thanks to improved consumer confidence, which is likely to progressively lead to less competing private organic schemes and logos. The potential for organic national logos to differentiate from the EU one should reduce. Their use could be progressively abandoned, which would subsequently improve the functioning of the internal market for organic products.

Negative factors: the volume of organic products on the market at the beginning of the period could be lower than in the baseline scenario, thus leading prices to increase. Depending on the transmission of prices effects along the food chain, higher production costs could result in increased consumer prices for organic products. The public consultation has shown that the majority of citizens is ready to pay more for organic products, provided that the price difference remains reasonable (see Annex 2). Too high prices would make organic products less attainable for lower income consumers. Therefore option 3 could lead to a contraction of the market instead of an expansion at the beginning of the period. However, expected lower production costs in the medium and long term (see above) should be accompanied by lower consumer prices, thus reducing the probability for such a market contraction, if any, to continue over the short term.

Socio-economic impacts

According to the most probable scenario described before, the **organic land area** and the **number of farms** are likely to increase slightly at the beginning of the period, more significantly after, as well as the employment on organic farms.

There is no precise data on the share of organic farms with parallel conventional production. It is estimated at a few percents of the total organic holdings in the EU. These farms could choose to fully convert to organic production, if a sufficient transition period is allowed, because of the positive market outlook in the sector. This cannot be corroborated by their views because no specific consultation to such farmers could be done.

Prices paid to producers should increase. However, because of the end of exceptional rules, production costs will also be higher (ex: crops and vegetable growers to use 100% organic seeds). Production costs are likely to decrease gradually with the development of the production of inputs in their organic form. In other respects, some organic farms will need important investments to adapt buildings to animal welfare requirements.

Environmental impacts

The effect on the environment depends on the evolution of organic production in the EU, linked to the organic market. The removal of exceptions to the rules stresses organic farming positive impacts on environment. For instance, the generalisation of the use of organic seeds leads to a significant increase in the organically managed land area for the production of such seeds, with positive associated effects.

Animal welfare

The end of exceptions to the rules leads to better animal welfare conditions. Mutilations and indoors final fattening phase of adult bovines for meat production are not allowed any more.

International impacts

Existing equivalence arrangements with recognised countries have to be reviewed in order to maintain a level playing field for EU producers.

The move to a CB compliance regime will renew the interest from third countries to be recognised as equivalent, in order for their producers to be able to produce according to their national rules instead of the EU rules.

Imports from developing countries

Non recognised third country producers will have to comply with EU rules which will have an impact on producers in developing countries. According to IFOAM EU: "*compliance is in most third countries not appropriate because climatic, social and cultural differences to EU countries(...) this option would lead to negative, social, environmental and economic impact.*"

DG AGRI has analysed the production rules applied by CBs in developing countries within the current regime of equivalence. The analysis is presented in Annex 12. It comes to the following conclusion:

- most provisions included in the CB production rules are identical to EU production rules,
- cases where the provisions are different mostly refer to provisions of the EU Regulation on which MS have to decide, notably on the exceptions. In such cases, some CBs apply the lowest possible standard, while other ones apply strict rules.

The most important products imported from developing countries in terms of volume are bananas, coffee, citrus fruit and cocoa. Animal products are hardly imported. No case of impossibility to apply the EU organic production rules because of local geographical or climatic reason was found. Most of the products are produced by grower groups⁵⁷ certified according to group certification requirements, which are considered equivalent to EU control measures, but not authorised in the EU. Therefore, a move to the compliance regime without group certification being authorised in the EU would result in the obligation to apply individual certification, which would **entail disproportionate burden and costs for most producers currently in recognised grower groups.**

5.6. Option 3.A

Supply

As in option 3.

⁵⁷ Louis Bolk Institute and FIBL, hearing

Demand

Positive factors: in addition to option 3, consumer confidence is expected to improve, because it addresses a developing concern.

Socio-economic impacts

Processors and traders of organic products, with the exception of micro-enterprises, have to apply an environmental management system. The most impacted MS will be the ones with the highest production of organic processed products: Germany, France and Italy. It will entail increased efficiency and energy savings, which are likely to more than compensate the additional costs, as shown by the results of a study on the costs and benefits of EMAS to the registered organisations⁵⁸ carried out in 2009. Potential annual efficiency savings for small enterprises amounted to 20.000 to 40.000 Euro, with an annual cost to run the system at 22.000 Euro. For medium enterprises, the savings exceeded 100.000 Euro, while the annual cost was 17.000 Euro. However, the implementation cost in the first year is higher than the savings. For micro-enterprises, the savings do not compensate for the additional costs, but they are not covered by the proposed measure. The details are presented in Annex 13.

Environmental impacts

This sub-option is more positive for the environment, because processors and traders will adopt more environmentally-friendly practices.

Animal welfare

As in option 3.

International impacts

Processors and traders in third countries (except micro-enterprises) will have to implement an EMS.

5.1. Option 3.B

Supply

Positive factors: the implementation of group certification in the EU will reduce certification costs for group members after a few years of implementation. In addition, it will mitigate the burden of administrative requirements, thus reducing obstacles to conversion to organic for small farmers. It should benefit to MS with the highest share of small farms: notably Romania, Bulgaria, Hungary, Poland, Portugal, Greece, Italy and the Baltic States. Potentially all categories of products would be concerned. It could give a boost to organic fruit and vegetable production, which is usually more labour intensive.

⁵⁸ Study on the costs and benefits of EMAS to registered organisations (2009). Milieu Ltd and Risk and Policy Analysis Ltd for DG Environment of the European Commission.

http://ec.europa.eu/environment/emas/pdf/news/costs_and_benefits_of_emas.pdf

A pilot project⁵⁹ on Group Certification in Turkey, France, Italy and Spain, showed that group certification costs were higher than individual certification in the first two years but became cheaper in the subsequent years. It also showed that an internal control system (ICS) does not only serve organic certification but also has other benefits, such as farmer-to-farmer advice, quality improvement, joint marketing or promoting a specific agricultural region.

Demand

Positive factors: products produced on small farms are positively perceived by some consumers.

Negative factors: the implementation of group certification in the EU could undermine consumer confidence because controls could be suspected to be less effective. However, even if the objective is to reduce controls from CBs of individual members of the group, the system involves an ICS which has to comply with precise requirements.

In the public consultation, 70% of the citizens agreed that group certification should be allowed in the EU. Stakeholders who supported the proposal were: non-EU public authorities (80%), consumers (74%), researchers (71%), citizens (71%), advisory services (70%) and others (67%). The most significant opponents were private CBs (44%), national associations (37%), farmers (36%) and retailers (31%).

Socio-economic impacts

Group certification is a way to address small farms' concerns, which proved to be effective in developing countries. The potential to develop in the EU depends on farm structures in the different MS. MS with many small-scale farms are Bulgaria, Romania, Poland, Hungary, Italy, Greece and Portugal.

It is expected to lead to further increase in the number of organic farms and in the organic land area.

Environmental impacts

The option is positive for the environment because of the increase in the land area.

Animal welfare

As in option 3

International impacts

Sub-option 3.B allows a smooth move to compliance for the CB import regime. Developing country producers, including those in recognised grower groups, will be able to apply compliance with the EU rules.

⁵⁹ Pilot Project Group certification in Europe, end report, Agro Eco, Ferko Bodnár, May 2008. The pilot project was funded through the "IFOAM-Growing Organic" programme and the "Fund for Sustainable Biodiversity Management" of the Dutch government.

5.2. Simplification and administrative costs

5.2.1. Simplification associated with the options

All options are expected to remove ambiguities and make the legislation more user-friendly, thanks to clearer provisions. Gaps on the scope, on production rules and on controls will be addressed. **Many ineffective provisions are removed** in the three options, but more in option 3 (end of mixed farms, reinforcement of the risk-based approach on controls, etc). More details on simplification areas brought by the different options are provided in paragraph 6, notably in table 6.2.

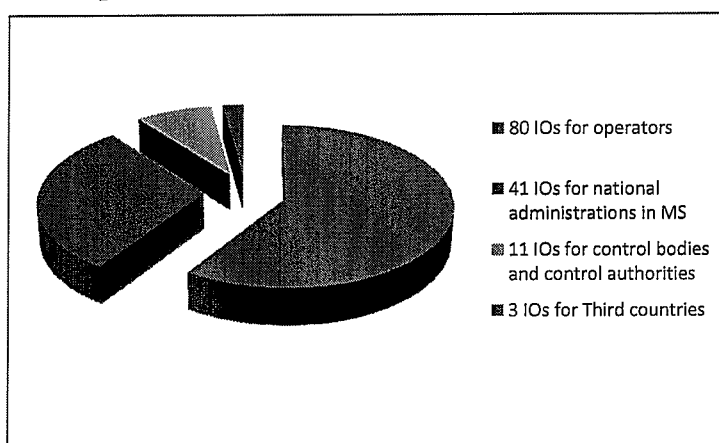
Simplification for small producers has been considered in the course of the impact assessment. By nature an exemption of controls is not compatible with the requirements of product certification. However, a major simplification for the smallest farms is brought by **group certification** (sub-option 3.C), which allows for more proportionate inspection and register-keeping requirements. More details are provided in Annex 15.

These elements, as well as the investigation on administrative costs, have been used to compare the options in terms of efficiency (see table 6.2).

5.2.2. Assessment of administrative costs

Particular attention has been paid to the administrative costs that the legislation imposes on national administrations, operators and CBs. In table 1 of Annex 16, a complete list of **135 IOs** which are imposed by the EU organic legislation and could potentially involve administrative costs was compiled. MS and stakeholders (in AGOF) were consulted on the completeness of the mapping and, at the same time, they were asked to identify and quantify IOs which are the most burdensome for them. IOs relating to provisions which are currently being phased out have not been considered, since they are not part of the baseline scenario. They relate to exceptions (to use of up to 5% organic feed for pigs and poultry, to bring non-organically reared pullets for egg production to organic livestock unit and colouring of eggs) and to the possibility for MS to grant import authorisations.

Graph 5.2.2.1: Number of information obligations



While **80 IOs are imposed on operators**, the total number of IOs imposed on a particular operator largely depends on the type of operations: plant production, animal production, aquaculture, processing, etc. the operator is running. For instance, 10 out of the 80 IOs concern only operators with aquaculture production. The most burdensome IOs are to keep documentary evidence of the need to use (authorised) plant protection

products and fertilisers, the control arrangements and undertaking necessary to enter the organic scheme, to keep specific register of livestock records and to keep documentary evidence in relation to coexistence of organic and conventional production.

Out of **41 IOs imposed on MS**, the most burdensome are, in descending order, to provide statistical data on the organic production in their country, to publish up-to-date lists of operators and to provide a summary report on authorisations of non-organic seeds.

Out of 11 IOs imposed on CBs, the most burdensome are to grant derogations to operators for use of non-organic seeds, to request inclusion in the EU equivalent recognised Third countries CBs list (the first inclusion has been granted for 3 years), to provide an annual report on their activity and to verify the indication of the CB's code number in the label of organic products, which, in practice, has to be checked each time an operator introduces a new product on the market.

IOs related to the obligation to use organic seeds whenever available, i.e. operating the seed database, granting of derogations for non-organic seeds (more than 150.000 derogations granted in the EU annually) and related reporting were highlighted as particularly burdensome by several actors. This authorisation and reporting system is proposed to be removed under options 2, 2.A, 3, 3.A and 3.B.

Details regarding the assessment of administrative costs, including a description of the methodology used and the results obtained is included in Annex 16. It has not been possible to monetarise the administrative costs and the expected savings under the preferred option, because of the large number of IOs involved and incomplete data.

– Option 1 and 1A

These policy options do not entail savings in terms of reduction of administrative costs. It is estimated that the level of costs would remain the same.

– Option 2 and 2A

Important administrative savings are expected through a reduction of 34 IOs. This is due to the fact that the new proposed legislation and production rules would require less record keeping and reporting and because of the ending of a number of derogations and exceptions which are possible under the present legislation.

– Option 3, 3A and 3B

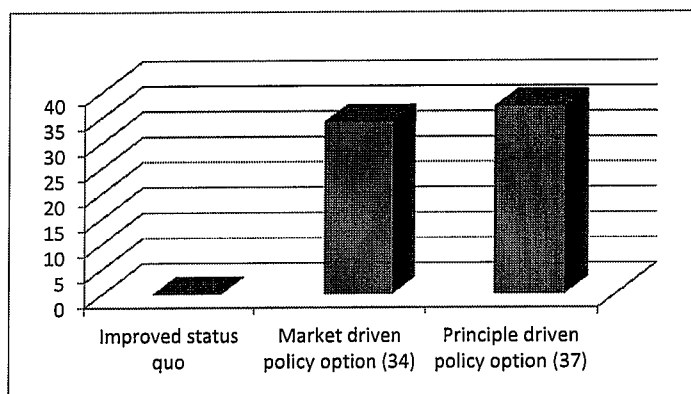
These options are the most favourable in terms of reduction of number of IOs: 37 IOs would be removed. The reduction is mostly achieved by putting an end to various derogations and exceptions which are possible under the present legislation.

A cautious approach has been taken as regard the removal of the mandatory annual inspection. The main objective of the implementation of the risk-based control system is to increase the control frequency on risk-operators; therefore it has been considered that it will entail no savings for the national administrations and CBs.

Option 3.A includes the introduction of an environmental management system which will create an additional administrative burden on processors and traders, since it will be based on an ad-hoc certification system. As mentioned in the impact analysis, this will be

compensated by the increased efficiency and the energy savings, and reduction in burden after the implementation of the system.

Graph 5.2.2.2: Number of IOs removed under the three main policy options



5.3. Conclusions on topics on which the Council had asked a report to the Commission

It can be concluded the following:

- a) On the scope of the Regulation, there would be no EU added value in including organic food prepared by caterers,
- b) The provisions on GMOs should be kept unchanged, since they correspond to a balance between benefits and costs. In particular, a specific tolerance threshold does not appear realistic in view of the costs of analysis. The details are provided in Annex 6.
- c) Issues relating to the functioning of the internal market have been identified:
 - absence of harmonised approach in case of presence of non-authorised substance residues in organic products: it is addressed in all options,
 - use of exceptions to the rules by MS; it is addressed in options 2, 2A, 3, 3A and 3B,
 - same non-compliances leading to different actions in different MS. It is addressed in options 3, 3A and 3B.

6. COMPARING THE OPTIONS – PREFERRED OPTION

The three policy options have been assessed:

- (1) against their potential to achieve the specific objectives and the operational objectives of the review. The results are presented in table 6.1.
- (2) in terms of effectiveness, efficiency and coherence with over-arching objectives. The results are presented in table 6.2.

The **specific policy objectives** are better ensured through option 3.B or 3.A, followed by 3, 2.A and 2, because:

- more **obstacles to the development of organic farming** in the EU are removed with options 3.A and 3.B, thanks to clearer production rules, the removal of exceptions to the rules which lead to the development of organic inputs and to the implementation of the action plan. In addition, option 3.B addresses the case of small producers. However, options 3, 3.A or 3.B could lead some producers to leave the sector at the beginning of the period because of the end of exceptions to the rules,
- **fair competition and the functioning of the internal market** are slightly improved in option 1, notably because it tackles the issue of presence of non-authorised substances. Option 2 goes further, because the exceptions are integrated in the production rules, thus providing a level-playing field among the EU. Option 3 performs better thanks to provisions to harmonise the cases of non-compliances which lead products to lose their organic status and to the move from equivalence to compliance for CBs in third countries, which improves the level-playing field with producers in third countries,
- **consumer confidence** is better addressed in options 3, 3.A and 3.B by addressing several societal concerns and improving the production rules, the control system and the import regime. Consumer confidence is improved to a lower extent in option 2, while 2.A is interesting with the systematic tests for pesticide residues.

The **operational objectives** are better achieved through option 3.B followed by 3.A, 3, 2.A and 2, because:

- In options 2, 2.A, 3, 3.A, 3.B, the removal of exceptions and the reduction in the MS decision level leads to clearer rules, which can be drafted in a single and stand-alone document,
- The implementation of a risk-based control system is better achieved in option 3, 3.A and 3.B, with the removal of the mandatory annual inspection,
- The harmonisation of the approach in case of presence of non-authorised substance residues is addressed equally in all options. Option 2.A performs better with systematic samples and analysis,
- The administrative requirements are simplified in options 2, 2.A, 3, 3.A and 3.B with the end of exceptions to the rules; option 3.B addresses the specific needs of small producers with group certification,
- The single and reliable CB import regime is obtained in options 3, 3.A and 3.B thanks to the move to compliance,
- Options 3, 3.A and 3.B allow a more balanced trade regime thanks to the specific export policy; thanks to stricter rules, the EU will be able to negotiate better with third countries; option 3.B with group certification fits better with a compliance system, since group certification is widely used in third countries,
- The clarification of labelling rules is equally addressed in all options,

- Consideration of societal concerns is not improved in options 1, 1.a and 2, but in 2.B, 3, 3.A and 3.B,
- The transparency and information on the sector are better ensured in options 2, 2.A, 3, 3.A and 3.B with the implementation of action plans,

Table 6.1: summary table – comparison of options in terms of achieving the objectives of the review

Options		1	1.A	2	2.A	3	3.A	3.B
Specific policy objectives	to remove obstacles to the development of organic production in the EU	0	0	+	+	++	++	+++
	to improve the legislation in order to guarantee fair competition for producers and to improve the functioning of the internal market	+	+	++	++	+++	+++	+++
	to maintain or to improve consumer confidence in organic products	+	+	++	+++	+++	+++	+++
Operational objectives	to define clear and unambiguous production rules	0	0	+	+	+	+	+
	to implement a risk-based control system	-	0	0	0	++	++	++
	to harmonise the approach in case of presence of non-authorised substance residues in organic products	+	+	+	+++	+	+	+
	to simplify the administrative requirements in particular for small producers in the EU	0	0	+	+	+	+	+++
	to implement a single and reliable system of recognition of control bodies in third countries	0	0	0	0	+	+	++
	to establish a balanced trade regime	0	0	0	0	+	+	+
	to simplify labelling rules	+	+	+	+	+	+	+
	to integrate evolving societal concerns	-	-	0	++	++	+++	++
	to improve transparency and information on the sector and on organic trade	+	+	++	++	++	++	++

Table 6.2: summary table – comparison of options in terms of effectiveness, efficiency and coherence with overarching EU objectives

	Effectiveness	Efficiency	Coherence with EU objectives
Option 1	Most of the obstacles to the development of organic production remain. Functioning of single market slightly improved. Level playing field for producers not achieved. Consumer confidence improved but short term only.	Administrative burden for national administrations and operators due to the system of exceptions remains. Efficiency of control system not optimized (annual inspections). High resources needed for CB equivalence regime.	Coherence with general CAP objectives good but not improved in this option. Limited simplification. Evolving societal concerns (animal welfare, etc). not reflected.
Option 1.A	Like option 1, with higher positive effect on consumer confidence.	Retailers have to comply with administrative requirements to be covered by the control system.	Like option 1.
Option 2	Few obstacles to the development of organic production removed. Improved fair competition with the integration of possible exceptions as permanent rules. However possible unfair competition with imported products remain. Consumer confidence likely to erode.	Decrease in the costs of inputs. Lighter administrative burden for national administrations and operators thanks to the integration of possible exceptions in the rules. Efficiency of control system not optimized (annual inspections). High resources needed for CB equivalence regime.	Coherence with general CAP objectives improved, notably as far as market-orientation is concerned. Important simplification effect. Societal concerns not deeply addressed.
Option 2.A	Like option 2, but consumer confidence improved thanks to systematic tests on organic products.	Costly analysis required to the operators. Test analysis and litigious cases increase the administrative burden on CBs and national administrations.	Like option 2, with the main consumer concern (no pesticides in organic products) extensively addressed.
Option 3	Many obstacles to the development of organic production removed. Improved fair competition because no more exceptions to the rules and imported products have to comply with EU rules. Consumer confidence improved thanks to stricter rules.	Some farms have to leave the sector or to invest to adapt. Increase in costs of inputs at the beginning of the period. Less administrative burden on administrations and operators, because exceptions are removed. Control system fully risk-based becomes more efficient. Compliance system for CBs entails less administrative burden. Need to re-assess existing equivalence arrangements.	Coherent with CAP objectives improved notably in terms of sustainable management of natural resources. Many societal concerns addressed. Important simplification effect.
Option 3.A	Like option 3, with consumer confidence better improved because the environmental impacts of the whole organic food chain are taken into account.	Like option 3, but with additional administrative requirements on processors and traders to run an environmental management system.	Like option 3. Best option for the sustainable management of natural resources.
Option 3.B	Like option 3, with additional obstacles to the development of organic production in the EU removed.	Like option 3, with less administrative burden on small-scale producers.	Like option 3. In addition, group certification might participate to a more balanced territorial development.

In view of the result of the comparison of options, the preferred option is option 3, including measures proposed in option 1 and in sub-options 1.A, 3.A and 3. B.

7. MONITORING AND EVALUATION

The Commission will monitor the development of organic production in the EU through data collected by Eurostat (see paragraph 2.5.2.1) in the EU. MS are required to provide the Commission annually with the necessary information. The main result indicators in the Common Monitoring and Evaluation Framework of the CAP are:

- Share of organic area in total UAA,
- Share of organic livestock in total livestock.

And the main output indicators are:

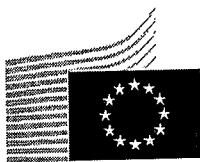
- Organic land area (in conversion and fully converted),
- Number of certified organic operators.

The following complementary indicators will be monitored within the context of this Regulation:

- Livestock (number of organic animals and products of animal origin),
- Crop production and processing (number of operators and value/volume of production by type of economic activity),
- Number of exceptions used and number of exceptions removed,
- Knowledge of, and confidence in the Union organic logo (Eurobarometer survey).

As soon as electronic certification for imported products will be operational, the Commission will also be able to monitor the evolution of imports of organic products. This will allow the evaluation of the impact of the new legislation on countries beneficiaries of EU-cooperation.

The external evaluation has underlined that "the availability of comparable data on costs of production or intra-EU trade, which would be required to assess the quantitative impact of various rules on potential distortion of competition, is very limited" and has recommended "to explore possibilities to establish a monitoring system of the national implementation of the Regulation". It further recommended to take a consistent EU-wide approach in the definition, collection and publication of market data (including costs of production) for the organic sector. Knowing the difficulties to collect data on organic production in the EU, it would appear disproportionate to require the collection of public market data. However, the new European research project "OrganicDataNetwork" started in January 2012 is expected to be a significant step in view of improving market knowledge. The project aims to increase the transparency of the European organic food market through better availability of market information about the sector, thus meeting the needs of policy makers and actors involved in organic markets. The partnership will act as coordinating centre between stakeholders, and will result in a proposal for the establishment of a permanent network to achieve collaboration on statistical issues regarding organic market data.



EUROPEAN
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PART 2/3

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

**Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on organic production and labelling of organic products, amending Regulation (EU)
No XXX/XXX of the European Parliament and of the Council [Official controls
Regulation] and repealing Council Regulation (EC) No 834/2007**

{COM(2014) 180 final}
{SWD(2014) 66 final}

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ANNEX 1: THE ORGANIC SECTOR IN THE EUROPEAN UNION

This Annex aims at describing the most important indicators on the organic farming sector, notably the land area under organic cultivation and the number of operators (holdings, processors and importers). A short description of the EU organic market is also presented. When possible the available data is presented on a 10-year period, from 2000 to 2010 (or 2011 when available).

The source for the data is mostly Eurostat (annual survey and farm structure survey). The market analysis is based on data from "The world of organic agriculture statistics and emerging trends 2013" (FIBL and IFOAM) and on a study from the Organic Monitor¹. The source of the data on aquaculture is mostly from the study on "The current status and future perspectives of European Organic Aquaculture"².

In 2011, more than 9.6 million ha³ were managed organically by more than 235 000 organic producers in the EU⁴. Every year the organic land area has increased by 500 000 ha on average since 2000. In 2011, the organic land area in the EU represented 5.4 % of the total agricultural area.

The total value of the EU organic market was approximately 19.7 billion euro in 2011 with Germany being the biggest market in the EU followed by France, the United Kingdom and Italy.

¹ Organic Monitor: the Global Market for Organic Food and Drink: business opportunities and future outlook (3rd edition, 2010, www.organicmonitor.com)

² Zubiaurre C, 2013, The current status and future perspectives of European Organic Aquaculture. Aquaculture Europe 38 (2), pp14-21 (Based on MSc study University of Barcelona in conjunction with the European Aquaculture Society).

³ Estimation based on Official Eurostat data, the 2011 figures were missing for IE, CY, LU, thus their available data was used from 2010.

⁴ Estimation based on Official Eurostat data, the 2011 figures were missing for IE, CY, LT, LU, and UK, thus their available data was used from the previous year.

1. STRUCTURAL INDICATORS ON THE ORGANIC SECTOR

1.1. Area

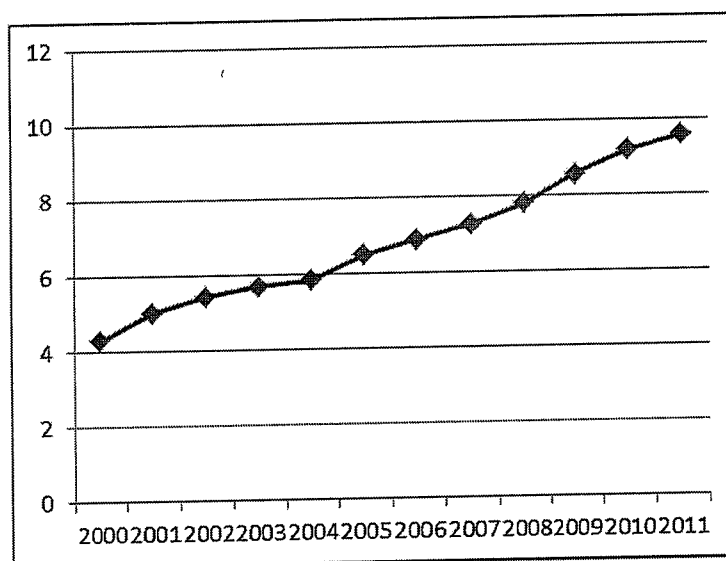
1.1.1. Utilised Agricultural Area (UAA)

The area under organic agriculture has increased significantly in the last years. In the period 2000-2011, the total organic area has increased from 4.3 to an estimated 9.6 million ha (6.7% yearly growth on average).

In absolute terms, the MS with the largest areas in 2011 were Spain (1.8 million ha), Italy (1.09 million ha), Germany (1.01 million ha), France (977 000 ha) and the United Kingdom (638 000 ha). These countries together represent 57% of the EU organic area.

Graph 1 shows the regular increase in the total EU organic land area between 2000 and 2011⁵.

Graph 1. Area under organic cultivation in the EU (million ha) between 2000 and 2011

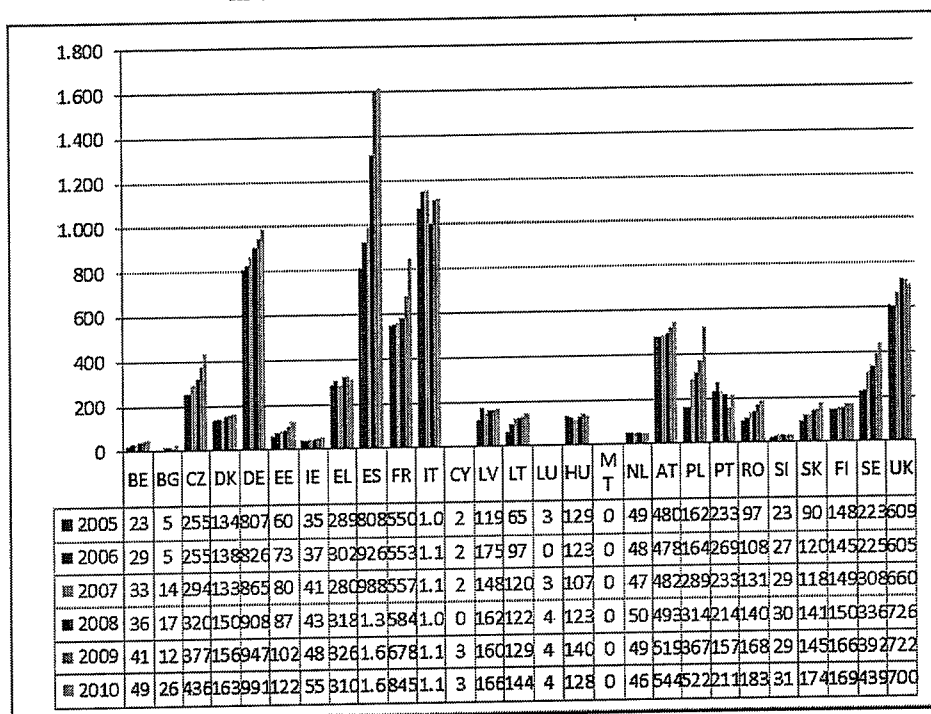


Source: Eurostat

Graph 2 shows the evolution of the organic area at MS level over the period from 2005 to 2010. Most MS and in particular the Czech Republic, Germany, Spain, Poland, France and Sweden, have shown a strong growth in the area of organic farming, while in others like Denmark, Estonia, Lithuania the organic farming area has grown to a lesser extent. Only a few countries did not experience any growth on the same period.

⁵ Total organic land area (ha) (certified and in-conversion area) - total area, including Arable land crops, Permanent grassland (pastures and meadows), Permanent crops, Fallow land as part of crop rotation

Graph 2. Evolution of the organic area (certified organic + in-conversion) in the MS in thousand ha from 2005-2010

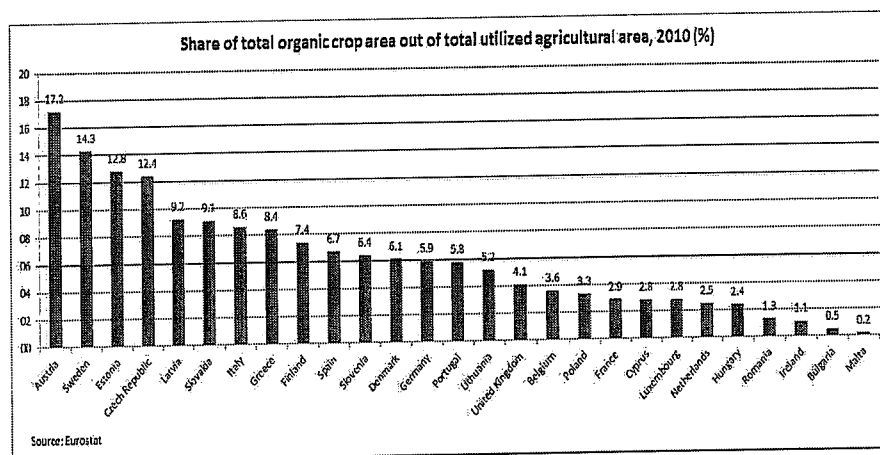


Source: Eurostat (no data for Malta)

1.1.2. Share of organic area

Graph 3 shows that in 2010, Austria with 17.2% was the MS with the highest share of organic land in the total UAA. Sweden followed with 14.3%. Estonia and the Czech Republic had 12.8% and 12.4% respectively. In 13 MS the share was below the EU average (5.4%).

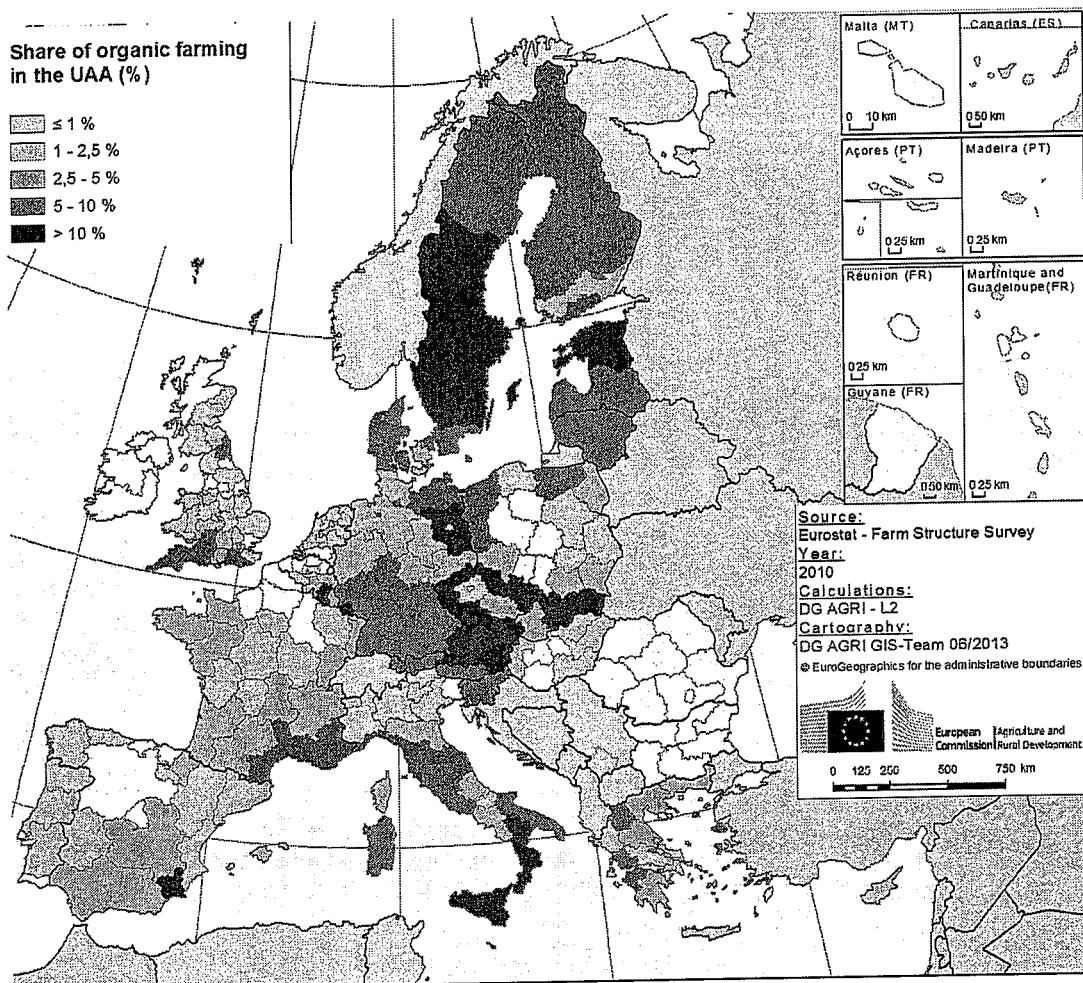
Graph 3. Share of the organic area in the UAA in the EU in 2010 (%)



Source: Eurostat

Graph 4 shows the share of organic agricultural area in the total utilised agricultural area (UAA) at regional level. The highest shares in 2010 were recorded in regions of Austria, Sweden, Estonia and the Czech Republic, which is consistent with the results at national level.

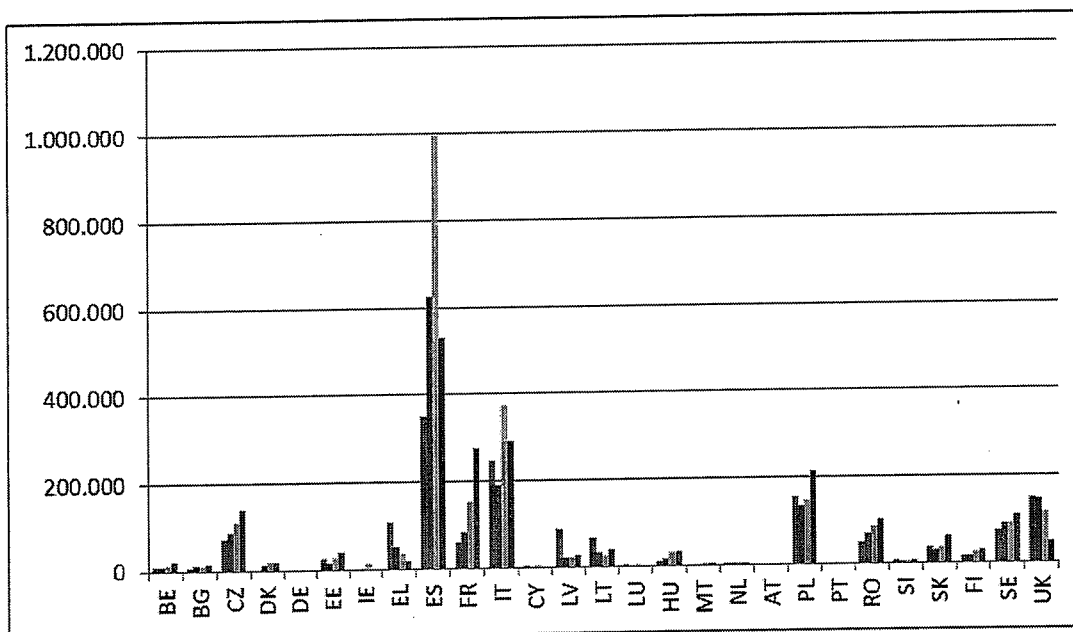
Graph 4. Share of the organic area in the UAA in the EU at regional level, 2010 (%)



Source: Eurostat – Farm Structure Survey

Graph 5 shows the dynamics of the development of the sector with estimates of the area which enters annually the in-conversion process in the organic farming sector⁶. The MS with the highest land share converted to organic was Spain followed by Italy, France and Poland. Over the period 2007-2010 the area entering the sector each year increased, with a notable acceleration in 2008.

Graph 5. Estimated annual area entering the in-conversion process in the EU (ha) between 2007 and 2010



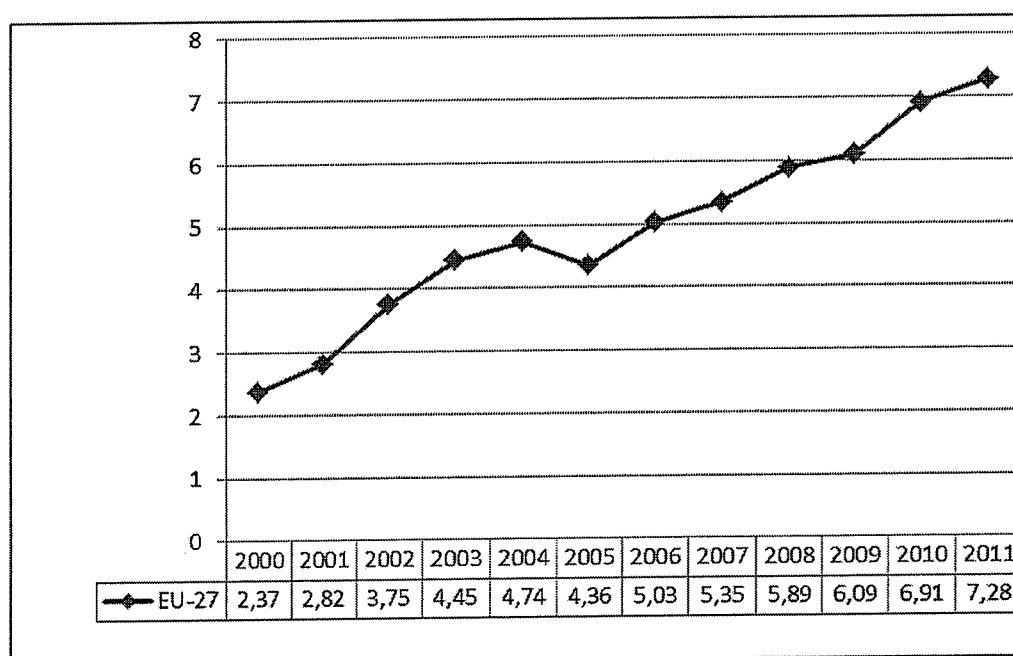
Source: Eurostat

⁶ Conversion means the transition from non-organic to organic farming within a given period of time, during which the provisions concerning the organic production have been applied (Article 2 of Council Regulation (EC) No 834/2007)

1.1.3. Size of organic crop area

Graph 6 shows that since 2000 the organic crop area⁷ has been growing rapidly, it increased from 2.3 million ha in 2000 to 7.2 million ha in 2011. Despite the drop in 2005, the overall growth was higher than the growth of total land under organic cultivation (see Graph 1). The missing data of France for 2005 has caused the drop in the territory of certified organic crop. The missing figure for France is close to 0.5 million ha.

Graph 6. Certified organic crop area in the EU in million ha



Source: Eurostat

⁷ Crops are arable crops (cereals, protein crops, root crops, industrial crops, fresh vegetables, forage plants and other arable land crops) and permanent crops (fruit, berries, citrus fruit, olives, vineyards and other permanent crops).

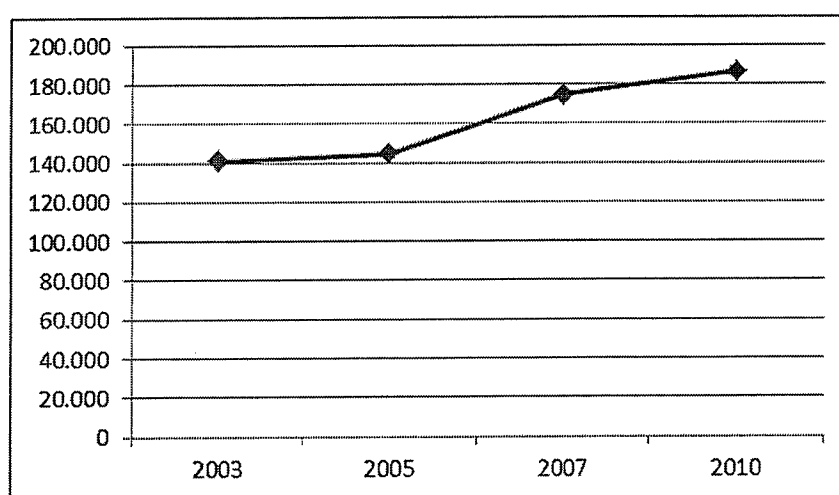
1.2. Organic holdings

1.2.1. Number of organic holdings

The number of organic holdings was estimated at almost 200 000 holdings in 2010 in the EU, which represented 1.55% of the total number of farms. At MS level, the share varied between 0.3% in Romania and 14.4 % in Austria. The share of organic holdings has increased in most MS since 2003⁸.

Graph 7 shows the steady growth in the total number of organic holdings since 2003. It has increased from 140 900 to 186 250 from 2003 to 2010.

Graph 7. Total number of organic holdings in the EU including in-conversion farms (2003, 2005, 2007 and 2010)



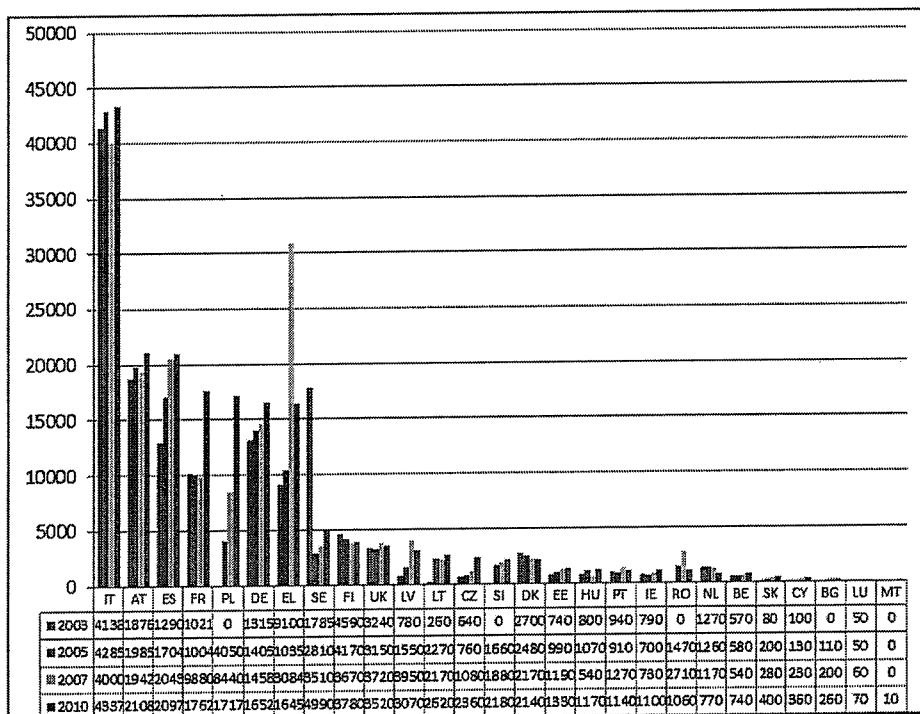
Source: Eurostat

The highest number of organic holdings is to be found in Italy (43 370) followed by Austria (21 080), Spain (20 970) and France (17 620).

Graph 8 shows the evolution of the number of agricultural holdings in the MS between 2003 and 2010. Poland experienced higher growth than any other MS in absolute number between 2007 and 2010, with 8 730 new organic holdings. The evolution of the sector can be linked to different factors, one of them is the support measures provided to the sector, which explains the number of organic holdings has grown exponentially. Due to the benefits of the support measures higher number of farmers started their organic operation than before. Such is the case in Greece for example: organic holdings have trippled between 2005 and 2007, but later halved in 2010. Another factor that explains the evolution is the better environment offering services, vocational training and research. Such is the case in Austria and Germany where steady growth of the number of organic holdings was registered. In parallel, the share of organic holdings in the total number of agricultural holdings increased from less than 1% in 2003 to 1.55% in 2010 (see Graph 9).

⁸ An analysis of the EU organic sector, June 2010 European Commission, DG for Agriculture and Rural Development

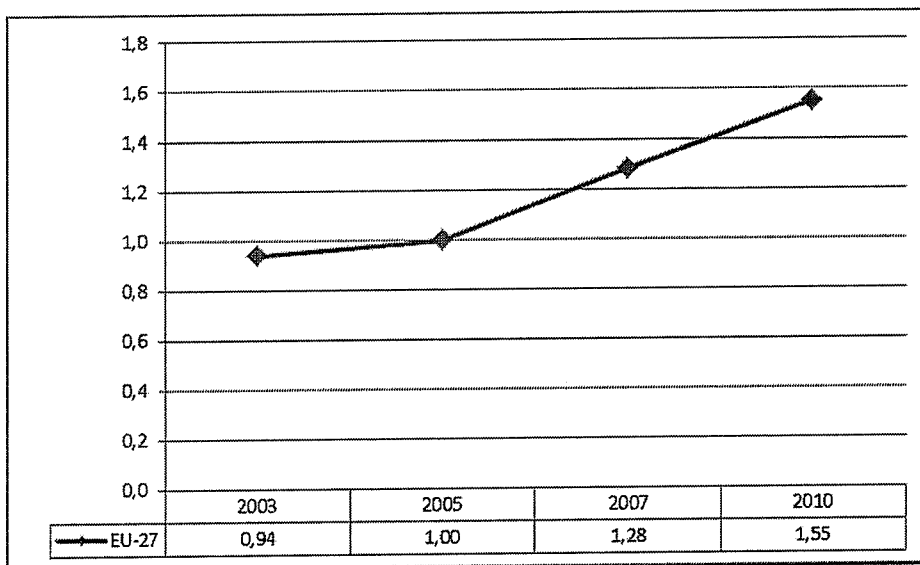
Graph 8. Evolution of the number of organic holdings in the MS (2003, 2005, 2007, 2010)



Source Eurostat. Data is not available for some countries for some years

1.2.2. Share of organic holdings

Graph 9. Evolution of the share of organic holdings in total agricultural holdings in percentage



Source: Eurostat

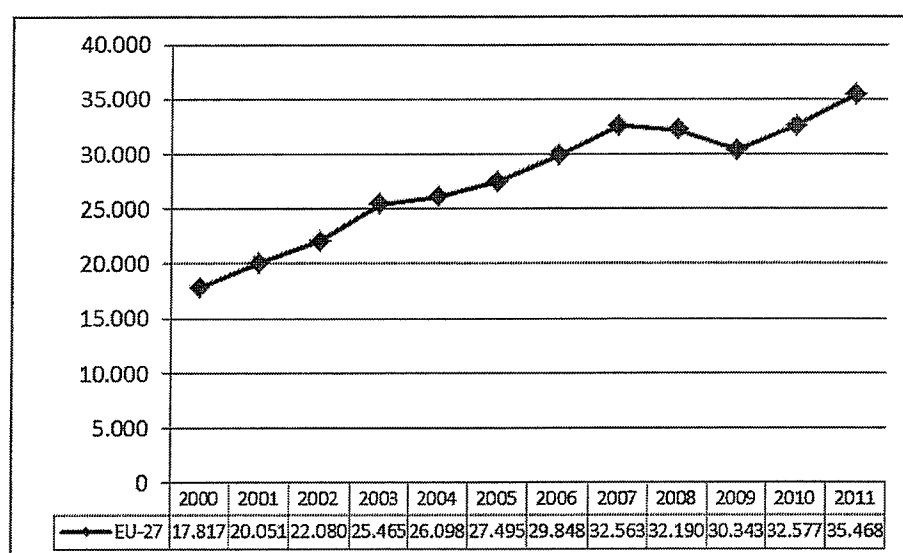
1.3. Organic operators

1.3.1. Registered processors

The number of organic processors in the EU almost doubled in the last decade, from less than 18 000 in 2000 to around 35 500 in 2011 (data are not available for all MS). The number has been growing steadily with a slight drop in 2008 and in 2009 (see Graph 10). The reason might be the slowdown of the world economy or simply a lack of sufficient data for certain countries such as France and Austria.

The number of processors has increased significantly in some MS, like Germany (from 5 571 in 2003 to 8 905 in 2011) or the Czech Republic (from 109 in 2003 to 422 in 2011).

Graph 10. Evolution of the number of processors of organic products between 2000 and 2011 in the EU

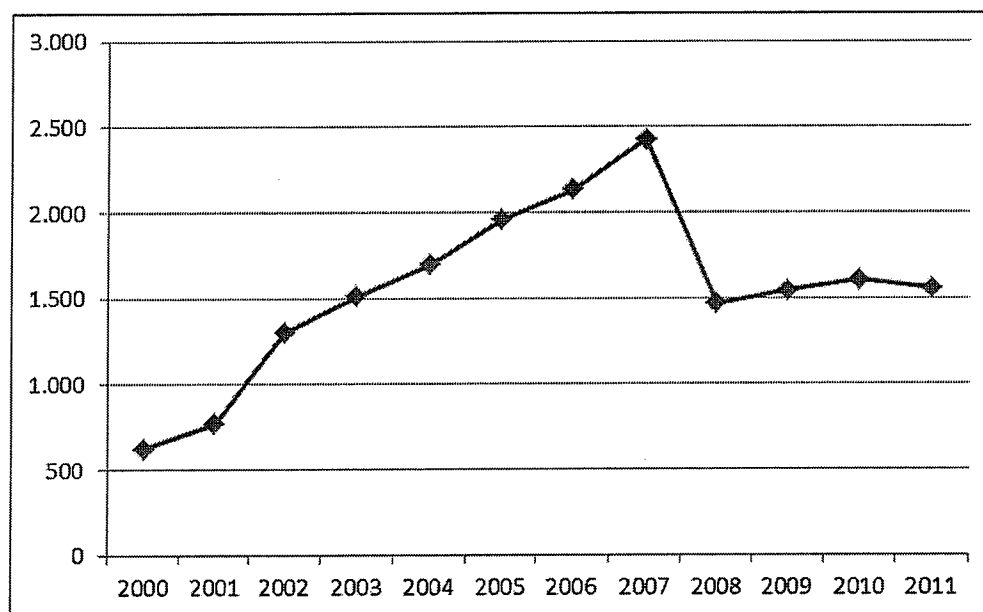


Source: Eurostat (for some years the figures for previous year were applied)

1.3.2. Registered importers

Almost 1.600 organic importers were registered in the EU at the end of 2011 compared to 623 in 2000. Their number increased steadily until 2007 (2.427), but then sharply decreased in 2008 (1.466), as shown by Graph 11. However the data is difficult to analyse because it is incomplete. Similarly to the case of processors, the data of registered importers was missing entirely for some relevant importers such as Austria and France. For Germany the number of importers has sharply fallen from 826 to 242 from 2007 to 2008.

Graph 11. Evolution of the number importers of organic products between 2000 and 2011 in the EU



Source: Eurostat

2. ORGANIC AQUACULTURE

Organic aquaculture is a relatively new sector and EU implementing rules have only applied since 1 July 2010. Data available from Eurostat is quite limited; with 12 MS providing replies in 2010 and 10 in 2011. Most replies relate only to the total number of production units, which averaged 75 in total over this two year period. Salmon and trout are the largest sectors at present and EU production of organic salmon was an estimated 12.540 tonnes in 2012, which was 7.8% of total production. Ireland is the largest producer of organic salmon (9.600 tonnes) followed by the UK (2.940 tonnes). EU production of organic rainbow trout was an estimated 1.717 tonnes in 2012 (in France, Denmark, Ireland and Poland), which was 0.9% of total. Combined organic seabass and seabream production in the EU and Croatia in 2012 (Greece, France and Croatia) was an estimated 1.614 tonnes, an estimated 0.9% of total. Data for organic carp production is not available. Organic shellfish production had commenced since the EU rules were introduced in France, Ireland and the Netherlands. Ireland produced 5.200 tonnes of organic mussels in 2012. France has an estimated 18 organic shellfish units and nine organic seaweed units. There are significant imports of organic aquaculture products from outside the EU.

3. THE EU ORGANIC MARKET

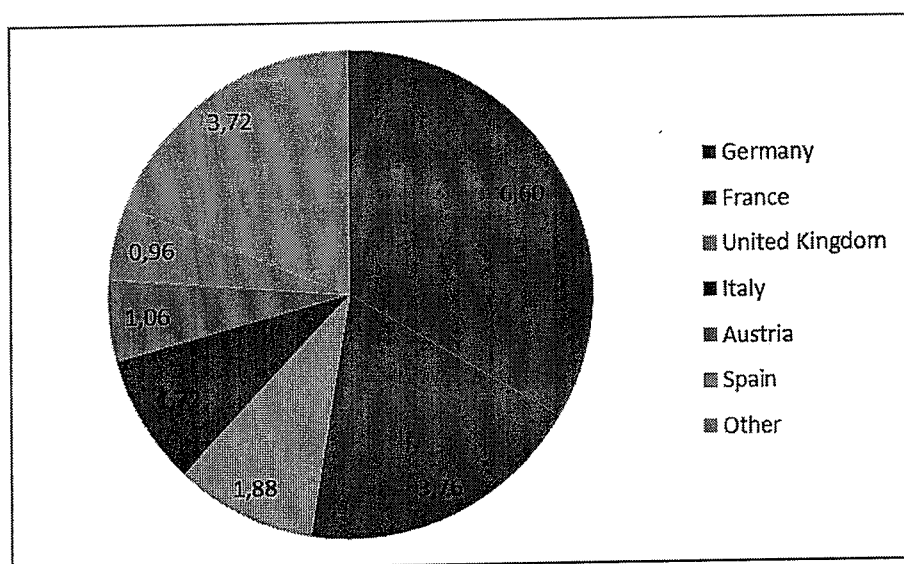
3.1. General aspects

The EU market for organic food products was valued at 19.7 billion euro with a 9% growth rate in 2011. The EU market is the second largest in the world behind the US, home to some of the leading organic food companies.

The financial crisis had a negative impact on many European economies, reducing consumer purchasing power and raising unemployment. After reporting healthy growth rates for several years, revenue growth slowed to 3.5 % in 2009. The German organic market reported a slight contraction, mainly because of lower prices of organic products. Other organic food and drink markets, especially those in France, Sweden and the Netherlands, showed double-digit growth in 2009. The UK market for organic food experienced a 14% contraction in 2009 as consumers curtailed expenditure and retailers rationalised their organic product ranges. The above figures of 2011 prove that the market has regained its healthy growth.

The by far largest organic market in the EU was Germany with 6.6 billion euro in 2011. France held the second place with 3.8 billion euro. This market showed one of the most dynamic growth rates in the past couple of years. The UK organic market is estimated at 1.9 billion euro, while in Italy it is 1.7 billion euro.

Graph 12. The largest organic food markets in the European Union in billion euros



Source: Eurostat and FiBL

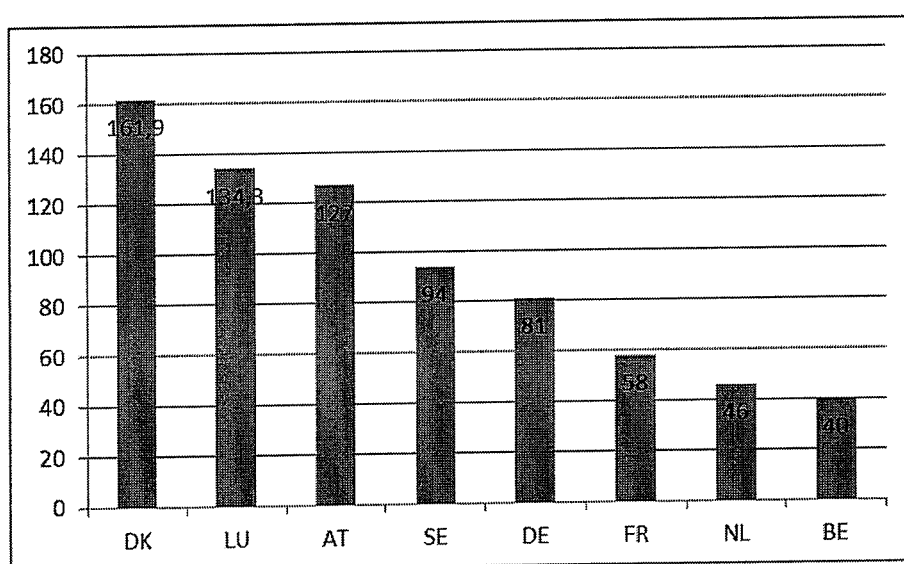
The current organic supply and demand situation in EU MS is also reflected in the numbers of processors and importers, which are mainly located either in countries characterised by a large organic market, a large organic area or both.

The market growth rates are expected to recover as the European economy strengthens. The European organic market is projected to post 7.2% compound annual growth rate, with revenues reaching 30.5 billion euro in 2016⁹.

3.2. Consumer behaviour

Consumer behaviour can provide indication on the outlook of the market for organic farming products. Sales per capita in the MS were particularly high in Denmark (162 euro), Luxembourg (134 euro), Austria (127 euro) and Germany (84 euro). Domestic sales are low in Poland, Romania and Hungary despite the fact that these MS are important producers of organic crops, therefore the production is not intended for domestic consumption.

Graph 13. The 8 highest consumption of organic products per capita (annual per capita consumption in euro)



Source: FiBL

In terms of consumer behaviour, a common characteristic in many European countries is that a small consumer base is responsible for most organic food purchases. In Germany and the UK, researchers found that less than 10% of consumers comprise the bulk of organic food sales. Similar observations are made in other countries like France, Italy, Belgium and Finland¹⁰.

4. CONSUMER CONFIDENCE IN ORGANIC PRODUCTS

The organic market has built on consumer confidence. This part summarises research results on consumer confidence in organic products, which show that consumer confidence is higher with strict production rules and control procedures:

- The CERTCOST¹¹ project highlighted that "consumer trust is a crucial issue in the market for organic food, since consumers are not able to verify whether a product is an organic product,

⁹ The Organic Monitor 2010

¹⁰ Ibid

¹¹ The full set of reports from the CERTCOST projects is available at www.certcost.org

not even after consumption. An instrument to gain consumer trust is third-party certification of the supply-side".

- According to Jahn et al.¹², "under asymmetric information, process-oriented quality characteristics such organic farming, animal welfare, or fair trade raise the question of mislabelling. In the long run, only a reliable control procedure can reduce the risk of food scandal" and "not fully credible standards jeopardize public confidence and lead to market failure on a higher level".
- A study¹³ on a consumer survey conducted as part of the "QualityLowInputFood"¹⁴ (QLIF) research project showed that communicating specific quality attributes represents a promising marketing tool of product differentiation. In addition, a study¹⁵ conducted in five European countries concluded that defining stricter production standards could be a promising strategy for existing certification schemes to differentiate themselves from the mandatory EU logo, which indicates the pertinence of defining stricter production rules in order to raise consumer confidence.
- A study¹⁶ on the State and consumer confidence in eco-labelling conducted in Denmark, Sweden, the UK and the US suggests that public authorities should themselves engage heavily in eco-labelling, because substantial State involvement increases consumer confidence. Consumers would be more likely to trust labelling schemes where the State plays an active and visible role.

¹² The Reliability of Certification: Quality Labels as a Consumer Policy Tool – Jahn et al. *Journal of Consumer policy* (2005) 28: 53-73.

¹³ Consumer attitudes towards organic versus conventional food with specific quality attributes – Stolz et al, *NJAS – Wageningen Journal of Life Sciences* 58(2011) 67- 72.

¹⁴ <http://www qlif.org>

¹⁵ Consumer perception of different organic certification schemes in five European countries - Janssen, M. and Hamm, U. (2011). *Organic Agriculture* 1(1):31-43.

¹⁶ The state and consumer confidence in eco-labelling: organic labeling in Denmark, Sweden, The UK and the US – Kim Mannemar Sønderskov - Carsten Daugbjerg. Department of Political Science, Aarhus University, Denmark. *Agric Hum Values* (2001) 28:507-517.

ANNEX 2: SYNTHESIS OF THE PUBLIC CONSULTATION AND OF TARGETTED STAKEHOLDERS' CONSULTATIONS

This Annex presents a synthesis of the consultations conducted for the review of the EU organic farming policy (Regulation and Action Plan).

1. CONSULTATION PROCESS

Public consultation:

The public consultation ran from 15 January 2013 to 10 April 2013 through an on-line questionnaire. Almost 45.000 replies were submitted to the on-line questionnaire. In addition, about 1.350 additional contributions have been received by the Commission.

The majority (96%) of responses to the on-line questionnaire were submitted by EU citizens, while 4% were sent by stakeholders, the majority of which were companies (57%) and industry associations and NGOs (18%). The main interests represented by the 1 827 stakeholders who replied to the questionnaire were those of farmers (48%); consumers¹⁷ (10%); processors (9%); advisory services (5%); researchers (4%); national associations (3%); traders (3%); public competent authorities/public control authorities/accreditation bodies (3%); retailers (3%); private CBs (2%); public authorities in non-EU countries (0.3%).

Citizens who replied to the questionnaire can be characterised by a relative high awareness of organic production: 83% of them declared to be regular consumers and 15% occasional consumers. The knowledge of the EU organic logo appeared to be high, with 79% knowing the EU organic logo (compared to 24% following 2012 the Eurobarometer's survey).

The respondents were asked to indicate drives for purchasing and consuming organic products. Over 80% of all questioned citizens claimed that the most important rationales behind organic products consumption were concerns about the environment (83%) as well as purity of these products with regard to GMOs (81%) and pesticide and other chemical substances residues. A considerable number of citizens' respondents also emphasized that they purchased organic products because of belief in and support for seasonal and local products (78%) as well as strong conviction that organic farming system is more sustainable than conventional (74%). Approximately 63% of the respondents considered organic foodstuffs as healthier than their conventional counterparts. About half of them underlined that they are motivated to buy organic products because organic production respect animal welfare. Besides, important reasons that encouraged almost half of the questioned consumers to consume organic products are beliefs that these goods are of higher quality (47%) and better taste (43%). In addition, 10% of private consumers, who responded to the questionnaire, consume organic products for other beliefs than these stated above.

The majority of interviewees (78%) indicated that they were prepared to pay more for organic goods. Most consumers also consider that the price premium should not be higher than 10-25 %.

¹⁷ The persons who replied on behalf of a consumer organisation are considered as consumers, while the ones who replied on personal behalf are considered as citizens.

From a geographical point of view, France was overrepresented¹⁸, with 56% of the replies, followed by Italy (15%) and Belgium (10%) (see graph 1).

The full analysis of the public consultation is published on the EUROPA website¹⁹.

In addition to the public consultation, stakeholders have been consulted in various occasions:

Hearings:

The Commission inter-service steering group has listened to 72 stakeholders in 3 hearings: experts, academics and representatives of consumers, producers, retailers, operators, processors, third countries and associations representing third countries, traders, laboratories and researchers, animal welfare organisation, presented their views and were interviewed by the Commission services. They were organised around 3 main topics:

- The EU organic market – internal market and standards - 27 and 28 September 2012.
- Organic production - Controls and Enforcement - in the EU and in third countries - 25 and 26 October 2012.
- External trade in organic products and global issues - 20 and 21 November 2012.

AGOF meetings, some of them enlarged to experts who participated to the hearings:

- 10 December 2012: presentation of the results of the hearings,
- 11 April 2013: Impact assessment analysis on the organic farming review:
 - o Presentation of the preliminary results of the public consultation on the organic farming review.
 - o Analysis of the problem and the objectives of the policy.
 - o Issues related to small farms.
 - o Consultation on policy options.
- 26 June 2013:
 - o Review of EU policy on organic farming (legislation and action plan) : information and discussion on the state of play and next steps
 - o Administrative burden and costs
 - o Consultation on the impacts of the options presented at the AGOF meeting of 11 April.

Special meeting on small farms – 26 June 2013

Issues related to small farms were on the agenda of the AGOF meeting, but the discussion proved to be limited. The Commission Services concluded that a technical meeting with experts

¹⁸ To check whether some particular sub-classes (by country, capacity, attitude, orientation etc.) could introduce bias on average results from the sample, analyses based on groups were carried out: by selecting most relevant classes no distortive effect was proved

¹⁹ http://ec.europa.eu/agriculture/organic/news_en

needed to take place in order to examine further the difficulties faced by small farms to join the organic sector.

The following experts were invited:

- Ms Diane BOWEN – IFOAM International
- Mr Edouard ROUSSEAU - COPA-COGECA
- Ms Ute EISENLOHR – IMO-Institute for Market Ecology (Switzerland)
- Mr Andrea FERRANTE – AIAB-Associazione Italiana per l'Agricoltura Biologica
- Mr Dominique MARION - FNAB-Fédération Nationale d'Agriculture Biologique des régions de France)
- Mr Michel REYNAUD – ECOCERT- Organisme de contrôle et de certification
- Mr Nabs SUMA – Fair Organics Solutions Ltd (apologies, but provided background information)
- Mr Bo van ELZAKKER - AgroEco / Luis Bolk Institute- Advice and development services for sustainable agriculture – (apologies, but sent contribution)

MS consultation

- The Irish presidency sent a questionnaire to MS in January 2013. The replies have been used for this review. In addition, MS have been kept informed on the developments of the impact assessment process and have been asked to contribute, notably on administrative costs, in SCOF meetings. They were also invited to contribute to the public consultation.

In addition, the Commission staff participated to several meetings where the review was discussed, notably to the IFOAM congress in Vilnius in June 2013.

2. MAIN RESULTS BY TOPIC

2.1. Relevance of a review of the legislation on organic farming and policy options

When the consultation process started, the main stakeholders (notably IFOAM EU and COPA COGECA) disapproved the revision process, arguing the recent adoption of the current legislation (2007) and that fundamental legislative changes could have strong negative impacts on the sector. When the discussions on options started, they supported the improved status quo option. However, progressively, most stakeholders have agreed with the need for a more ambitious review. Notably, in a letter sent on 30 December to the Commission, IFOAM EU declared that it "*clearly supports a principle driven development of the organic regulation, but emphasises that the development must ensure both increasing consumers trust and feasibility for the sector to comply with strengthened standards.*"

At the time of the public consultation, several stakeholders expressed their opposition to the review, notably the association Bio Austria.

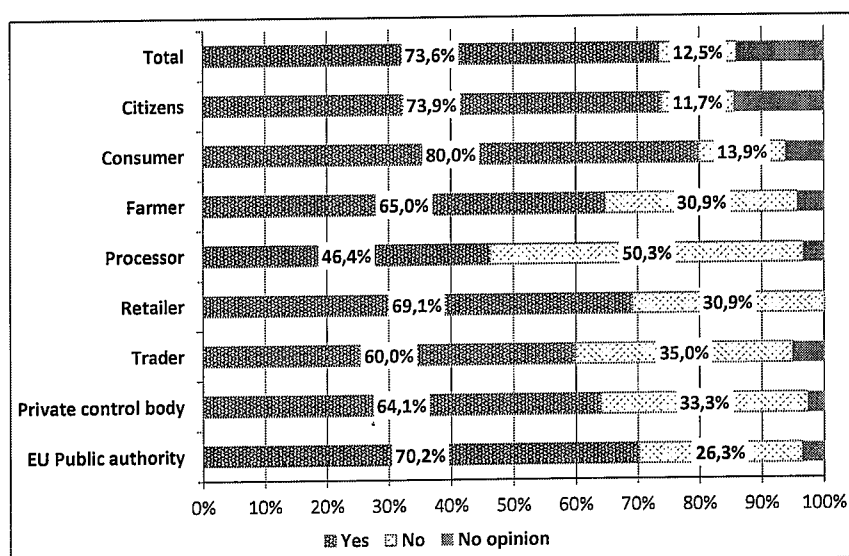
Some stakeholders supported specific options for special reasons. The market-driven option was supported by Eurocommerce and FEFAC²⁰, because feed manufacturers would like the use of 5% non-organic feed in the ratio of pigs and poultry to be permanently authorised. The association highlights that a balanced ratio contributes to animal welfare. The principle-driven option was supported by FNAB and Via Campesina, for its likely positive impact on rural development and on small farms.

2.2. Organic standard

The public consultation showed the wish for harmonised rules at EU level: 74 % of all respondents requested that the European organic standard be strengthened. Around 40% of respondents stated that this should be done by making the rules stricter and/or introducing sanctions (penalties). 22% of interviewees stated that, to make the current European standard more robust, all flexibility should be removed.

The majority of respondents (86%), from most of the countries and representing all categories of stakeholders wished to have uniformity of organic rules in all EU countries for European farmers and other operators.

Online questionnaire: should the European organic production rules be strengthened?



Several stakeholders called for further harmonisation of the legislation on organic production, in several areas notably organic poultry production and organic glasshouse production (COPA, IFOAM EU, Freshfel, Grodan, Danish Agriculture and Food Council, SYVOFA, Bio Austria).

Conversely, a few of them were of the opinion that some flexibility is needed, like Organic Denmark and Interfel. They argued that some regulatory differences can be accepted to take into account the variability of soil and climatic conditions, as well as consumer sensitivity in different MS.

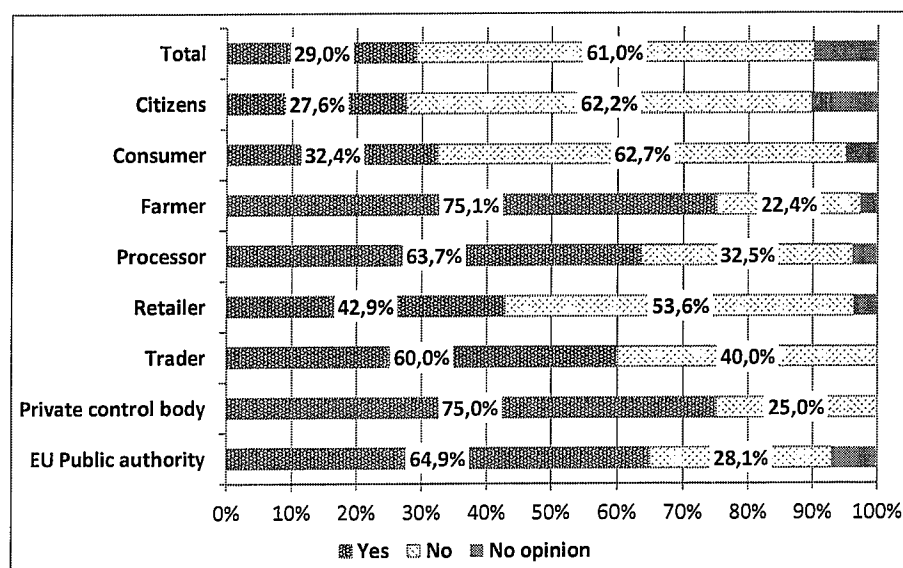
The issue of feed was addressed in the consultation. 49% of respondents stated that organic livestock should be fed with 100% feed from the farm or region. 27% of respondents opted for setting a minimum percentage of feed for organic livestock that should be from the farm or region. 16% of respondents considered that as long as feed is of organic quality, it could come from any location.

The majority of the respondents (66%) indicated that the effective solution for addressing the shortage of organic protein-rich feed in Europe is to introduce in the EU legislation, initiatives to boost European production of organic protein crops. In addition, 61% found that a specific organic protein-crop production strategy should be developed.

2.3. Exceptions and derogations

Most of the respondents (61%) were against keeping exemptions from production rules under specific conditions while allowing the certification of such products as organic. 29% of respondents were of the opposite opinion.

Online questionnaire: should the exemptions to production rules continue?



COPA COGECA was of the opinion that the conditions to grant exceptions must be strengthened and restricted, and must be limited in time. At the final stage, climatic events should be the only ground for derogations. The scheduled end of the derogations must be realistic and the timeframe must be agreed on in advance with the organic farming sector, in order to adapt. ERPA illustrated this issue with the example of poultry and eggs production, where producers invest for 15 to 20 years. Installation of young farmers or the construction of a new poultry building can be envisaged only if the farmer has assurance that the organic rules will not change.

IFOAM EU recommended limiting exceptional rules only to those linked to catastrophic circumstances by phasing out and/or converting them in transitional rules or transparent permanent rules in the new organic regulation. The movement indicated that on many issues, such as seeds & propagation material or protein feed, the regulation alone cannot deliver complete and effective solutions. The support of horizontal policies, further investments and provision of resources and the efforts of organic producers would be needed to ensure real

progress. A new Organic Action Plan could include measures supporting research and investments in the organic sector. According to IFOAM EU, exceptions can be classified under:

1) Current exceptions to be deleted or converted to transitional rules:

- **Use on non-organic animals**
- **Use of non-organic protein feed** of plant and animal origin for livestock (request to prolong status quo until 2018, then review; to limit the exceptions to piglets up to 35 kg, young pullets and chicks; 100% organic feed remains the final aim)
- **Addition of non-organic yeast extract** (not necessary any more)

2) Current exception to be converted to permanent rules in the future Organic Regulation

- **Tethering of animals** (The largest part of tethering systems will disappear in organic farming due to the end of the transitional rules referred to in Art. 95(1) of Regulation (EC) No 889/2008. IFOAM EU recommends to keep and convert into a permanent rule the exemption laid down in Article 39 Regulation (EC) No 889/2008 for small operations. Progress is possible in the major part of organic production whereas some small traditional structures could not be able to move towards a new system since e.g. the stables are in mountainous locations where structural modifications are not possible).
- **Parallel Production** (exceptions for research and educational aims, for production of seeds, propagating material and transplants and for grazing grassland are considered still meaningful and concern only specific production areas).
- **Management of beekeeping units** for the purpose of pollination and use of non-organic beeswax (these two exceptions are considered still critical for the honey production sector. Pollination is in fact a specific and essential practice of bee-keeping and the exception is still needed. The use of non-organic beeswax exclusively for the conversion period should stay provided that the possibility to use non-organic beeswax is linked to very restrictive conditions.)
- **Specific management problems in organic livestock** (exception regarding the final fattening period exclusively for bovines is connected to the climatic conditions in many European regions and should be integrated).

3) The specific case of seeds and vegetative propagation material

- The deletion of possible exceptions to use non-organic seeds or propagating material could have an immediate negative impact on the sector, because the availability of sufficient amount of organic seed and vegetative propagating material cannot be ensured in the near future. **However, the organisation recommended using the current revision process to make further progress** in order to reduce the number of authorisations granted by MS, notably by exploring the feasibility of national lists of varieties for which exceptions are not possible. A new Action Plan is seen as essential to provide tools to encourage "organic breeding and multiplication activities as well as research for this purpose".

Possible inconsistencies with other policies, notably CAP cross compliance, were mentioned.

WECF would like to see a limited number of derogations, where it is about a living organism the supply of which is not sufficient in organic form (seeds).

According to Euro Coop, organic farming should mainly make use of organic seeds and traditional varieties of seeds developed in specific local conditions. Considering that during the last century, 75% of genetically diverse seeds have been lost (according to FAO), Euro Coop favours seed security and the exchange of seeds among local farmers. The promotion of seeds diversification enhances food security and preserves traditional practices.

2.4. Authorisation of substances in organic production

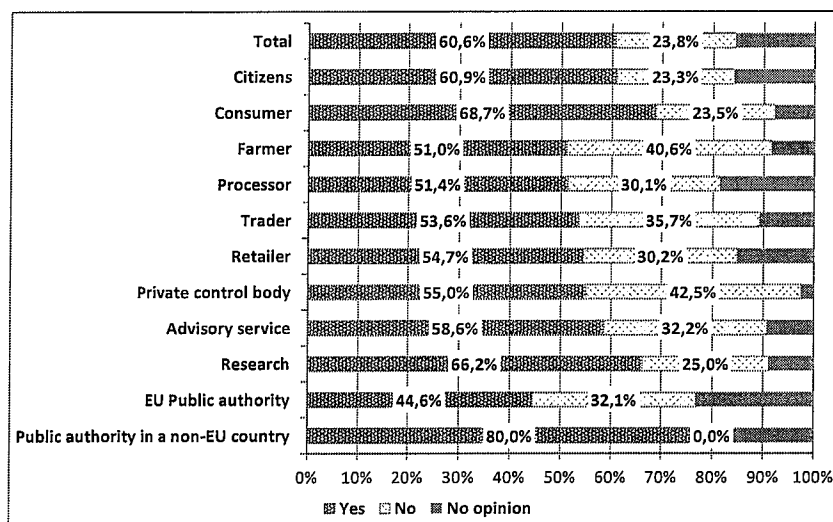
The results of the public consultation show that citizens would like strict rules to be applied in terms of authorisation of pesticides and additives in organic farming. In fact, a majority of them (respectively 73% and 67%) requested that such categories of substances should not be allowed at all in organic production. With regards to fertilizers, feed materials, processing aids and products for cleaning and disinfection, the public demanded that they are evaluated according to strict criteria.

Some organisations showed concerns on the approval of substances (Freshfel, WECF). Freshfel called attention to the lack of harmonisation at EU level in the substance authorisation process, which put at risk the functioning of the single market and the confidence of operators and consumers. A strict procedure for authorising substances (regardless of the substance, from fertilisers to processing aids) is recommended, with rules equally applicable across Europe. Interfel suggested the authorisation process to be fully part of the legislation on organic farming.

2.5. Sustainable use of energy and management of environmental impacts

With regard to environmental performance, a large number of respondents (61%) to the public consultation requested the enforcement of an obligation for processors and traders to implement an EMS to measure and evaluate their environmental performance and impacts in addition to other European requirements.

Online questionnaire: do you think that producers and traders should be required to implement an EMS to measure and evaluate their environmental performance and impacts?



IFOAM EU recommended obliging processing and trade companies to implement an EMS. Farms and possibly small operators should be exempted. In a first step a primary simple EMS should be put in place by operators involved in processing and trading activities, based on the EMAS structure. IFOAM EU clarified that consumer expectation was not the only driver for this proposal, since one objective was also to avoid that the Eco-Label extends its scope to the food and drink sector.

This proposal was supported by several stakeholders, like the Bund Ökologische Lebensmittelwirtschaft, according to which *"consumers expect that the production of organic food is sustainable at its whole. Therefore organic food processing could not only be defined by ingredients and processing methods. Operators have to improve their environmental performance too."* BEUC indicated its support for the inclusion *"of more sustainability and environmental criteria (climate, packaging, transportation etc.) in the criteria for organic production, so that organic products with no doubt is the most environment-friendly choice"*.

Other organisations called for a cautious approach in the implementation of an EMS, notably ERPA, according to which implementing an EMS would be very difficult for small organic farmers and it would provide dissuasive administrative burden. It considered environmental performance as the result of organic production standards. WECF agreed with the introduction of EMS, if the application is balanced and realistic.

2.6. Animal welfare

In the public consultation, more than 60% of respondents strongly insisted on strengthening animal welfare standards for all types of agricultural production systems. A third of respondents (34%) underlined that organic farmers should be obliged to comply with specific rules for animal welfare and 23% considered that animal welfare standards in organic farming should systematically be higher than in conventional farming.

IFOAM EU agreed there is still room for improvement in certain kind of organic livestock production. COPA COGECA was the opinion that more harmonisation in the way animal

welfare standards are interpreted in MS is necessary in order to avoid unfair competition among producers, notably in the organic poultry meat production sector.

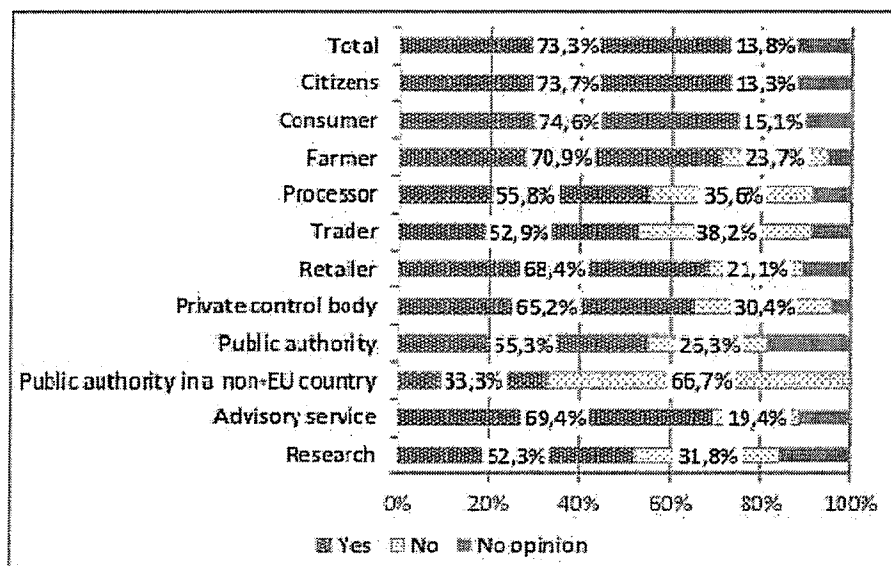
Detailed requests and opinions of animal welfare organisations are presented in Annex 14.

2.7. GMOs

More than 90% of the respondents to the online consultation, from almost all countries, representing all groups of stakeholders as well as regular and occasional organic goods' consumers stated that 'organic', by definition, means 'GMO-free' and is a critical reason for purchasing these products. This was corroborated by a high number of free contributions from EU citizens.

The majority of respondents (68%), from all represented countries and also all types of consumers irrespective of the regularity of their consumption of organic products (70-80%), supported having the same labelling rules for organic products as for conventional products with regards to GMOs.

Online questionnaire: should the labelling threshold for accidental presence of GMOs be lower than for conventional products?



While recalling that organic farming does not allow the use of GMOs, COPA COGECA stated that an accidental GMO contamination in organic products can never be completely ruled out. The threshold of the adventitious presence of GMOs set out in horizontal legislation was determined based on an analysis of potential risk and an economic analysis. The producers do not see a justification to establish different thresholds for different production systems. IFOAM EU stated that, while such a threshold would not solve the problem, it would imply even higher costs for testing and certification on organic producers, while not significantly changing the situation for consumers. These views were confirmed by the contribution from the European Plant Science Organisation (EPSO). Euro Coop pointed out that the risk of contamination of organic products by GMOs is only significant in countries whose government has authorised the cultivation of GM crops on a commercial scale. In such countries, organic farmers run the risk of having their crops contaminated through cross-pollination, with possible heavy economic consequences.

Some organisations requested a lower GMO threshold for organic products: Interfel, WECF (but for all products including conventional), SYNABIO (a lower threshold for organic products for food (0.1%) while keeping the current threshold (0.9%) for organic feed products).

EUROPABIO had opposite views and stated that the incompatibility of GM and organics is unfounded. Provisions included in Council regulation (EC) No 834/2007 were qualified as "ideological statement". Certain GM crops would be able to fulfil the organic requirements very well, like the insect resistant GM crops which require less insecticide spraying.

2.8. Labelling, organic logo, confusion with other logos and Eco-label

The European organic logo was well-known by the public that took part in the public consultation (79%), irrespective of the country of origin or category of stakeholders. The majority of all respondents regardless of the regularity of their consumption of organic products indicated that the two main ways to recognise an organic product was the presence of the national organic logo (66%) and of the European organic logo (66%). In addition, a large number of respondents claimed that they purchase organic products directly from an organic producer without any kind of packaging or labels or by finding the word "organic" on the label.

The issue of confusion of logos, first of all with national and private organic logos, was highlighted by several stakeholders. According to BEUC, *"the ideal would be to have ONE label = the EU Label, and we should work towards that. But for the present market situation, trust in national organic labels is so high that we need them as well for the coming years."*

FRESHFEL also warned against the confusion of labels and pointed out the proliferation of "quality" logos, besides the already large range of private brand logos available on the market and informing consumers (PGI, PDO, Fair Trade or even in the future possible logos for European promotion schemes or for "local" products). According to FRESHFEL, *"a proliferation of logos is bringing more confusion to consumers or dilutes the efficiency of the message. A clear logo and the indication of the word organic work best for the identification of organic produce on the market despite that at retail level, organic fresh produce are often confined in a specific section of the supermarket shelf. Some of our members call for a simplification of the logo obligation and one should avoid a double labelling obligation."*

MS representatives in the Council showed deep concerns about the confusion of the organic scheme with other labels, **notably with the Eco-Label**. Spain declared: *"We detected incompatibilities between the EU regulatory framework on organic farming and Regulation (EC) No 66/2010 (...) on Eco-Label. We consider it was not appropriate to extend (...) its scope to food and drinks, although it has not been applied yet. The main reason is that we consider this term incompatible with the term reserved to organic farming..."* and Ireland: *"The organic label based on a robust control system is the core basis of consumer guarantees and confidence in the system. It is important that the labelling of organic products is unambiguous and such that it is not confused with other labels e.g. Eco-Label (...) The premium price of organic products attracts unscrupulous operators whose fraudulent activities completely undermine the sector."*

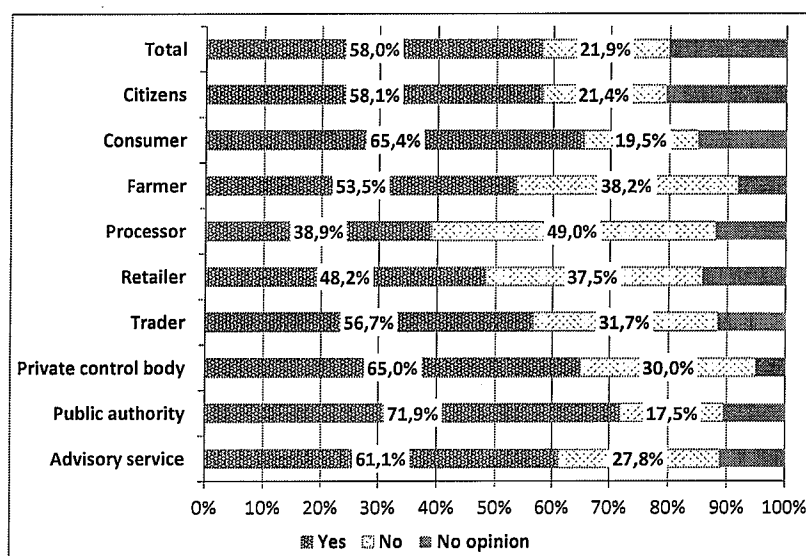
According to IFOAM EU, the use of the Eco-Label on the labelling of organic products would lead to food products labelled with EU organic leaf and/or Eco-label logo and would lead consumers into confusion and to the idea that organic is not environmental-friendly. This was supported by the Bund Ökologische Lebensmittelwirtschaft, which recommended *"defending organic labeling as a labeling of an integrated sustainable system against consumer misleading labels as Eco-label, Animal Welfare, Origin Labeling"*.

2.9. Improvements in the control system

Consumers trust organic products and insist on efficient controls: 71 % of all respondents to the online consultation, from almost all countries, and representing almost all categories of stakeholders as well as regular and occasional consumers of organic products indicated that they trust organic products.

However, more than half of the interviewees (58%), from almost all countries strongly required to improve the European control system for organic products even if it means an increase in prices. The vast majority of respondents (more than 70%), opted for two improvements, namely better controls on imported organic products and at all levels of the production chain. 50% of the respondents are in favour of the creation of a European database listing all certified organic operators in Europe. More than one third (i.e. 37% of the respondents) were in favour of the development of electronic means to ensure traceability.

Online questionnaire: should the control system of organic products sold in Europe be improved?



The most consensual suggested improvements to the control system in the free contributions from stakeholders were: better exchange of information on cases of non-compliance, more harmonisation among MS, more supervision by the Commission (regular audits), implementation of electronic certification (at least for imports), a harmonised system of sanctions and adequate controls on imported products.

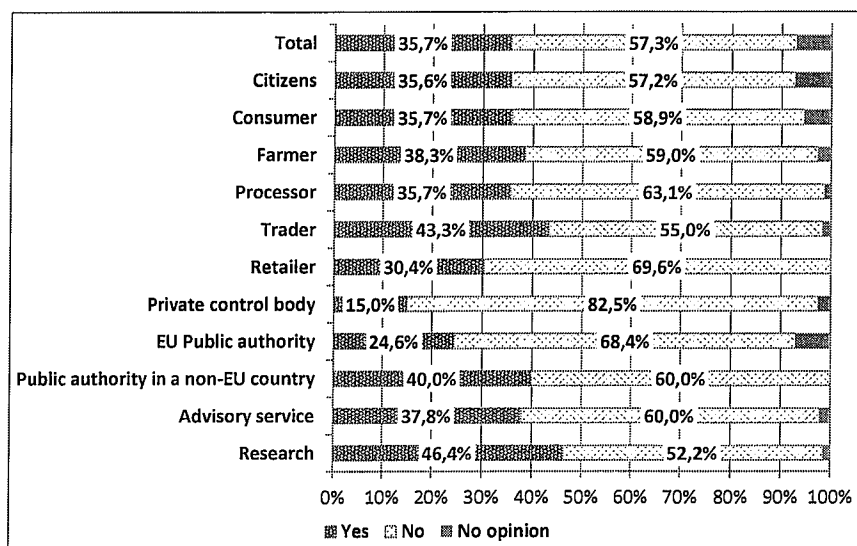
2.10. Move towards a risk based approach in the control system

In the public consultation, half (22269) of the respondents knew, but the second half (22577) did not know that organic operators are controlled at least once a year. There was a similar level of awareness among consumers, irrespective of the regularity of their consumption of organic products.

The majority of respondents (57%) disapproved the idea of lowering the number of inspections for organic operators with a proven track record of abiding to the rules. To the contrary, a

significant percentage (36%) of the respondents was in favour of a risk-based regularity of organic operators' inspections.

Online questionnaire: would you agree that organic operators with a proven track record of abiding by the rules could be inspected less often, for instance every 2 or 3 years?



Several MS declarations in the Council were in favour of a move towards a risk-based control system: *"In the process, it should be possible to implement the risk-orientation of controls more clearly."* (Germany); *"The frequency of inspections (...) may be reduced to less than one year in special circumstances."* (Italy); *"Details on the risk-based inspection should not be regulated at EU level, as the conditions and the risks accordingly vary from state to state and according to the type of operators and their produce (...) To achieve efficiency in the control system, the requirements for the annual physical inspection should be waived. This would give possibility to allocate resources for more controls among operators and products of high risks and cross-inspections."* (Finland); *"With a fully risk-based approach, the requirement for one physical inspection yearly could be deleted."* (Sweden).

The stakeholders in favour of more risk-based approach in the control system were FiBL (Research Institute for Organic Agriculture), according to which the focus should be put on 10 % of operators with risk of irregularities; the burden for compliant operators should be reduced by removing the obligation for a mandatory annual inspection. DakKS (National Accreditation Body for Germany) pointed out the need to intensify risk-oriented controls, in particular in third countries. The Finnish Food Safety Authority (Evira) considered that lowered inspection frequency should be an option for the future; additional inspections should focus on higher risk operators.

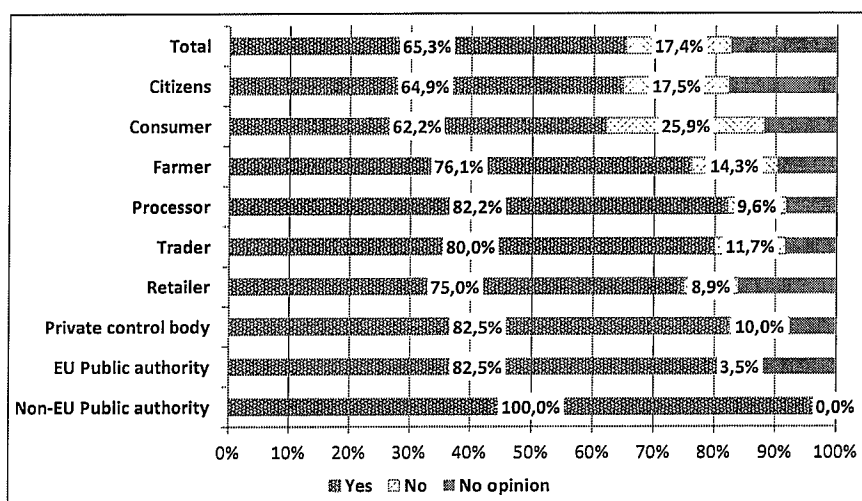
Several stakeholders expressed they would like the obligatory annual inspection to be maintained, notably ERPA, SYNALAF.

2.11. Trade with third countries

The majority of respondents (65%) to the online consultation, from all countries, representing all capacities and categories of stakeholders and irrespective of the regularity of their consumption of organic products, favoured the opening of the non-EU markets to EU organic products.

According to 72% of the respondents, the most relevant objective for the EU negotiations trade agreements for organic products was to support the development of more sustainable and eco-friendly agricultural practices in other countries. The second objective of great significance to respondents was to encourage organic farmers and other operators from developing countries to expand their production and exports of organic products (52 %).

Online questionnaire: do you agree that non-EU countries exporting to the EU should open their market to organic products produced in EU countries?



COPA has underlined that the consumption of organic products from the EU currently outstrips EU production of organic products, and today some demand is covered by imports. COPA considers important that the EU equips itself with instruments which will guarantee the development of organic production in the EU in order to meet EU consumers' demand. COPA also calls for a strategy to reach a balance between the EU and its trade partners, in order to develop export capacity of high added value EU organic products. There is a need to identify the most promising markets. Promotion campaigns would be considered an asset. IFOAM EU also mentioned that many MS are major exporters of organic processed food and feed and are interested in the new growing market. Freshfel underlined the EU has a great role to play in international organic trade, as matching demand on some markets implies trade (e.g. organic bananas on the German market are 100% imported from third countries) and indicated its support to the Commission efforts towards mutual recognition with third countries, provided trade is sustained behind the agreement on such recognition. It noted in the case of the EU-USA deal on mutual recognition that EU organic apples and pears cannot be shipped, given the lack of plant health protocols accepted by the USA. The same can be observed with New Zealand, Israel etc. where trade flows remain hindered by SPS matters preventing the export of EU fresh produce, being either conventional, IPM or organic.

Several organisations (Freshfel, FRUCOM) considered that the system of recognition of control bodies for the purpose of equivalence is a positive move towards simplification and less bureaucracy to import organic products. But "the framework needs to be matching operational perspectives and provide trust for operators". Therefore, there were calls to extend the lists of recognised third countries and recognised control bodies.

Some contributions highlighted that control costs are lower for local products than for imported products and suggested to support local products on this ground (WECF).

2.12. Controls of imported products: equivalence vs compliance and risk of unfair competition

According to several stakeholders, an effort is needed on controls on imported products. COPA COGECA stated the controls on organic products produced in third countries should be at least as rigorous as those in the EU, in order to ensure fair competition against products from third countries and to secure consumer confidence, even if that would lead to an increase in their price. It recommended paying *"greater attention to the rules on mutual recognition set out in agreements with third countries where standards are recognised as equivalent in order to guarantee that imported products adhere to production and control standards which are as strict as those for EU organic products. Greater vigilance is also essential regarding the equivalence system for control bodies for imports from non-recognised third countries where we consider that the supervision guarantees made by the European Commission are lacking."* Freshfel mentioned the need for a clear environment to create a level playing field among operators and confidence and indicated some loopholes which needed to be clarified to enhance trade opportunities (notably the aspects of cross contamination and of share of responsibilities between the Commission, MS and CBs).

Issues with imported products were reported by a representative from an informal group of importing MS, who participated in the hearings. This informal group has accumulated experience in dealing with import authorisations and has closely followed the implementation of the CB recognition system. The representative mentioned concerns over non-compliance product cases not being dealt with, problematic cases of products certified by different CBs from a non-equivalent country, cases where the correct assessment was in doubt (in one case, an inspection of a 30.000 ha operation took only two days). He also mentioned the following issues: *"Imports that arrive via a complex route under equivalent CB cause problems"/ "Multiple operators on one certificate, a lack of control over the chain of provenance, and more than one CB for one operator with little communication between them, lack of risk-based inspections at operators are major concerns."* *"Reduced conversion period is a major concern; this allows operators to move in and out of the system or to use natural forest areas without proper control, CBs wish to offer these in order to obtain customers."* *"Major operators have greater power than the CBs"*. It was recommended to concentrate on problem products such as grain, oilseeds, bananas, soya, other animal feed and other bulk products,

A trader in organic products reported in the hearings, *"Integrity of imported organic products is easily questioned and control is difficult"*. *"Residue testing is now a major identifier for the integrity of organic produce, but the results are never black and white and widely interpretable"*.

According to the French processing industry association SYNABIO, *"for processed products... the risk of distortion of competition is objective. It is notably linked to additive and processing aid lists, to the use of aroma ... differently handled in different standards"*.

Cases of unfair competition have been directly reported to the Commission, for instance the following reported by a CB applying the equivalence regime in third countries:

"While Regulation (EC) 889/2008, Art 36(2) (b) determines that periods prior to officially starting the conversion period may be retroactively recognised only if the respective fields "were not treated with products not authorised for organic production", and competent authorities in the EU agree that this includes the use of chemically treated seeds, the equivalent standard developed by the CB X does not require a field to undergo a new conversion period after sowing chemically treated seeds." ; "it is obvious that a farmer in the EU who has to undergo a three

year conversion period is subject to very significant economic disadvantages compared to farmers in third countries who have to undergo only a one year conversion period". "...each certification body is under continuous pressure to downgrade its "equivalent" standard, in order to avoid losing clients".

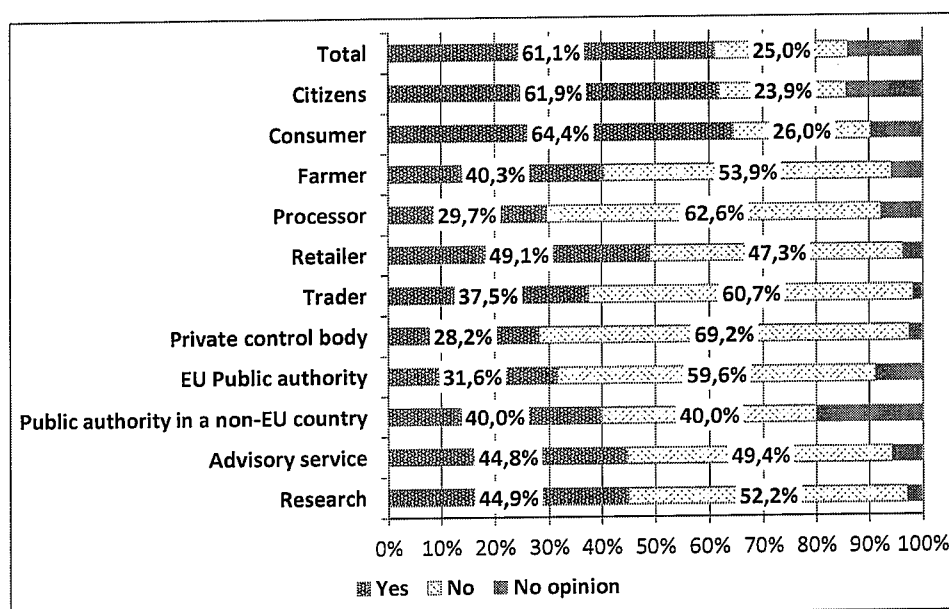
But some stakeholders like Euro Coop or FRUCOM consider the supply of organic food products not sufficient. It prevents the growth of the organic sector and increases the final price of organic products. They would like to see imports of organic products to be facilitated, and therefore recommend the EU to continue to favour equivalence against compliance.

2.13. Presence of non-authorised substance residues in organic products

Proposition of systematic testing

In the public consultation, 61% of the respondents wished for all organic products to be tested for pesticide residues. 25 % of the respondents were against.

Online questionnaire: should testing organic products for pesticide residues be made compulsory?



According to COPA and other stakeholders, the risk of adventitious contamination of organic products by non-authorised substances, mainly pesticides, can never be completely ruled out, despite the precautionary measures taken by organic producers. However the lower level of contamination of organic products, compared with conventional products has been underlined several times. A systematic testing for pesticide residues in all organic products was deemed inappropriate by many organisations: COPA, IFOAM EU, FRESHFEL, ERPA, SYNALAF, Soil Association. There was a consensus among producer organisations on the fact that testing for pesticide residues should remain one of the possible instruments to control organic products, which can be combined with other investigation tools. One stakeholder pointed out that the parameters for testing all products would be difficult to define (would it be applied just at the farm level, at each processing step, for each consignment, and with what quantity limit and for which pesticides?).

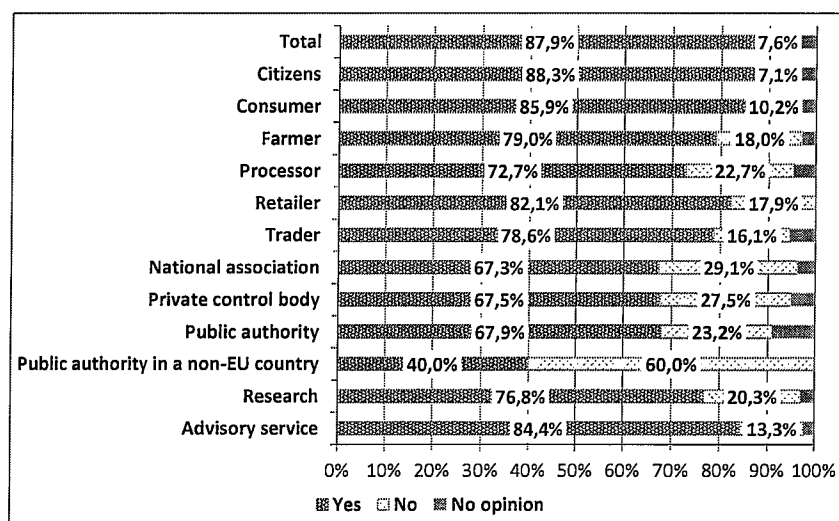
Issue of presence of pesticide residues in organic products tackled differently according to MS

The issue has been brought in the Council debates by several MS representative, like Sweden: "MS tackle findings of residues differently. This creates unfair competition." Or Italy: "The application in the MS of different (non-authorised substances) residue levels, beyond which the product cannot keep its organic status, can create barriers to trade."

The issue has also been mentioned by several stakeholders as one ground for unfair competition. FRESHFEL mentioned possible distortion of competition and uncertainties which are notably detrimental for perishable products: "FRUCOM believes that the European Commission should harmonise at EU level the way MS deal with cases of cross-contamination in order to prevent trade distortion amongst MS".

Threshold for organic products:

Online questionnaire: should the level of pesticide residues for organic products be set at a lower level than for conventional products?



The stakeholders were shared between the ones who could accept a lower threshold for organic products and the ones who don't see the justification for that. The level based on the Baby food-law seems the most appropriate to several stakeholders (notably IFOAM EU, FRESHFEL).

2.14. Small farms' issues and group certification

Issues faced by small-scale farmers have been shown in several free contributions to the public consultation, notably on certification costs: "I am a small scale (4 hectare) organic grower, mainly old varieties of apple, soft fruit and some vegetables. The annual fee charged by ... for inspection is £560. This is sometimes more than my profit for the year... If I had 4,000 hectares, the certification cost would be £900!! We, along with many other small scale organic producers will be forced out of organic production in the next 2 or 3 years. ... a typical annual inspection takes about 45 minutes."/ "There should be help for small farms to be able to certify their farms as organic, as now very small farms cannot afford it."/ "There are too many small farms, which cannot afford the control costs."/ "Costs of certification should be lowered to promote small organic farming concepts."

Excessive administrative burden was also highlighted: *"Primarily, the review should prioritise small-scale and local production as opposed to large-scale and intensive production. This includes minimising the burden on farmers in terms of paper-work... There should be incentives for switching to organic production focused on the education of the next generation of farmers in organic methods. This includes providing investment in training at school, college and life-long learning in how small-scale and local production is the only realistic long-term prospect for agriculture."/* *"Our holding is 70ha. Small farmers are disproportionately burdened with paperwork and form filling in relation to their financial turnover. The EU must address this problem as it is a real disincentive to farm on a small scale and it is at that level that the best wildlife, community and environmental benefits can be gained. You need to move to a far more flexible system of regulation that respects the value of small producers."*

In the meeting with experts, the following topics were discussed: definition of small farms, possible simplified requirements for small farms and group certification (including experiences in third countries).

The issue of definition appeared complex and opinions on what a small farm is varied. Several criteria were discussed, which could be combined: income, labour, size (possibly linked to the type of production). The situation can vary according to MS (and third countries) because of different levels of development. Some experts thought the definition should be left to MS or regions; others believed there should be one single definition for the whole EU. The advantages and drawbacks of a definition based on the relationship between turnover and certification cost, often used in third countries, were discussed. This can be an incentive for certifiers to adjust their fees according to specific situations.

Simplification: participants agreed that the administrative burden is too high. A suggestion was made to have a single administrative document giving a full description of the farm and to be updated once a year.

Group certification: one expert was of the opinion that the current control system has reached its limits and is not able to deal with high numbers of farms. Today the implementation of the system is not able to offer the required guarantees on the products. One example, the control before harvest is not carried out (too many farms should be visited in a few days). It would be useful to introduce social control. It could be achieved while taking into account social relations, rural communities and rural development. Integration of a group by a private operator is not necessarily the right solution.

Another expert highlighted the territorial dimension of group certification. Facilitating the conversion of small farms to the organic farming scheme could benefit to entire regions. For instance, in mountain areas, hundreds of farms apply farming practices close to organic farming but they are not in the system because of cost and administrative issues. Group certification can be an answer.

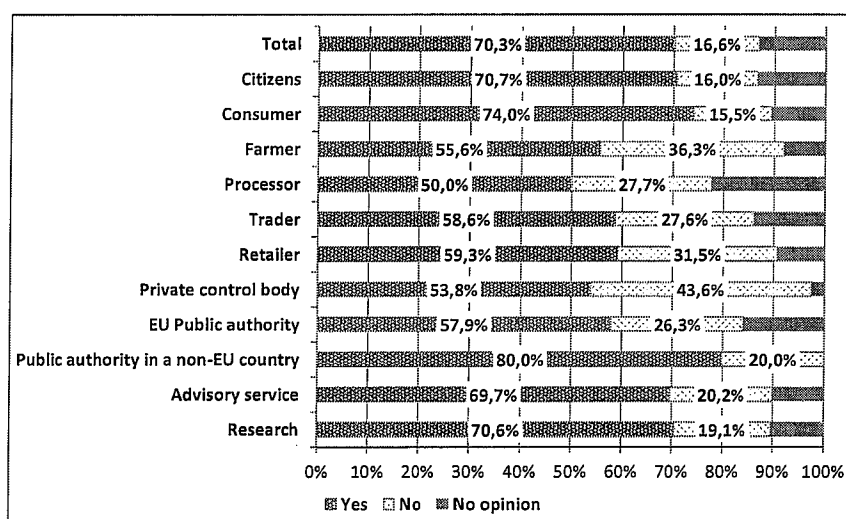
Some experts suggested to use RD funds for the set-up of internal control system needed that groups have to apply. A link could be made between RD and organic farming for this particular question.

One expert was of the opinion that group certification is not always cheaper than individual certification and suggested that the best answer to the problem may be to provide small farms with access to subsidies to cover the cost of certification. The internal control system has to be managed and cannot replace the external control system.

Experience in third countries: Group certification is not limited to developing countries. Canada and Korea have adopted such system. In Canada there is no limit in size and group certification is allowed for retailers but not for processors. In developing countries, group certification is generally cheaper than individual certification in particular because of lower labour costs of local staff managing the internal control system. The effects of group certification go beyond economic benefits and include improvements in the fields of training, education, poverty alleviation, etc. There are not always quantitative criteria to define small farmers in third countries.

In the public consultation, 70% of the respondents favoured the idea of permitting group certification in the EU, which is allowed for organic farmers in some non-EU countries. There were only 17% of responses against group certification.

Online questionnaire: do you think that group certification should be allowed in the EU?



COPA was against group certification: "Group certification is not compatible with the current mandatory annual on-site inspections. As a result, it should not be authorised in the EU."

According to Euro Coop, an effective way to encourage European organic production would be to offer a public and free of charge certificate for small farmers (possibly financed by RD funds), considering that they are also those contributing to the development of rural communities. The association Italia Nostra suggested that small producers, while being controlled, could be exempted from the obligation of labelling their products as organic, for the sake of simplification.

Other organisations were in favour of group certification: Slow Food, Soil Association, WECF (but only in specific cases: in peri-urban areas, mountains, picking).

2.15. Information and promotion

A vast majority of respondents (94%) to the online questionnaire required more information on organic products. The need for more information on organic products was expressed by respondents from every single country, category of stakeholders as well as consumers. A large number of respondents (59%) stated that they did not know about existence of such the EU's organic farming web-site.

2.16. Research and innovation

The respondents to the online questionnaire identified four areas which should benefit from more research and innovation into the organic food and farming sector, namely "Economic and social dimension of organic farming" (58%), "Seeds and plant propagating material adapted to low-input agriculture" (52%), "Local production of protein in-rich crops" (48%) and "Waste management".

Soil association: Research should be directed at improving the sustainability and self-sufficiency of organic production, and at addressing the limiting factors to better and more organic farming. There is no need for research into GMO co-existence – what is required is a proper and strict regime that ensures a similar level of control, traceability and accountability as the organic system already imposes, so that GMOs do not escape and contaminate non-GM production and the perpetrators can be identified. The specified areas for research rightly focus on applied research to deliver short and medium term benefits to farmers and growers, which will build increased resilience and security into food production. Nonetheless, there is also a need for more fundamental research and within the unspecified 'other areas' should be improved understanding of pests and diseases. Organic farming is the leading edge of agriculture (e.g. energy efficiency, carbon sequestration, soil stabilisation, animal welfare, nutrient recycling, pest and disease management) and has strategic importance in delivering the objectives of the Common Agricultural Policy. Knowledge, techniques and innovations developed through research into organic systems can also have a significant positive impact on all systems of farming. Therefore, there should be a specific organic research budget and it should be several times more than would be indicated by the proportion of organic land, for the above reasons. Adoption of ecological principles into organic farming means adaptation to local environmental conditions. The distribution of research budgets should reflect this systems diversity, the understanding of which is fundamental to building resilience into food production.

3. PRESENTATION OF THE MAIN STAKEHOLDERS

This chapter presents the stakeholders (interest groups, civil society organizations) represented in AGOF.

IFOAM EU Group is a European umbrella organisation, which advocates for the development and integrity of European organic food and farming. It has more than 160 member organisations that cover the organic food chain and beyond: from farmers and processors, retailers, certifiers, consultants, traders and researchers to environmental and consumer advocacy bodies. IFOAM has chaired the AGOF for the last two years.

EOOC, the European Organic Certifiers Council comprises control bodies for organic production, which are interested in cooperation and exchange of information.

Producers

COPA-COGECA is the union of COPA, the Committee of Professional Agricultural Organisations, historical European representative organisation for farmers established in 1958, and COGECA, European umbrella organisation of the agricultural cooperatives of the European Community created in 1959.

CEJA is the European Council of Young Farmers representing the interests of Europe's young farmers.

ECVC, the European Coordination Via Campesina includes organisations that formerly gathered in the European Farmers Coordination (CPE 1986-2008) and other farmers' and agricultural workers' organisations of several European states. The principal objective of ECVC is to shape food and agricultural policies based on more legitimacy, fairness, solidarity and sustainability.

ERPA, the European Rural Poultry Association defends, supports and develops the production of rural poultry in the European Union.

Trade

CELCAA, the European Liaison Committee for Agricultural and Agri-Food Trade is an umbrella organisation representing at European level associations and companies active in the sector of agricultural and agri-food trading.

EUROCOMMERCE represents six million retailers, wholesalers and other trading companies. Its members include national commerce federations in 31 countries, Europe's 27 leading retail and wholesale companies as well as federations representing specific sectors of commerce.

Fair Trade Advocacy Office strives for fair trade and trade justice with the aim to improve trading conditions for the benefit of small and marginalised producers and poor workers in developing countries.

Industry:

FoodDrinkEurope facilitates development of the environment for the European food and drink companies. It represents its members that are national federations, sector associations, as well as food and drink companies in the European Union.

Consumers

BEUC, the European Consumer Organisation is an umbrella organisation of 41 independent national consumer organisations from 31 European countries.

Euro Coop is the European Community of Consumer Co-operatives, whose members are the national organisations of consumer co-operatives in 18 European countries and 1 non-European member.

Environmental organisations

EEB/BEE (European Environmental Bureau) works on environmental questions at the European level.

WWF-EPO (the World Wide Fund European Policy Office) is the political advocacy center of WWF at the European Union level.

BIRDLIFE is a global partnership of conservation organizations that strives to conserve birds, their habitats and global biodiversity.

LE FORUM EUROPEEN POUR LE PASTORALISME ET LA CONSERVATION DE LA NATURE (European Forum on Nature Conservation and Pastoralism (EFNCP)) was

established in 1988 as a Europe-wide network which raises awareness of the importance of low-intensity farming for nature conservation.

Animal welfare organisations

Eurogroup for Animals is a leading organization advocating for better animal welfare conditions at European Union level.

Compassion in World Farming is a campaign based organisation to fight for better conditions for animals.

3.1.

ANNEX 3: MAIN INSTRUMENTS OF THE COMMON AGRICULTURAL POLICY (CAP) SUPPORTING THE ORGANIC FARMING POLICY

1. THE CURRENT CAP IN A NUTSHELL

Over the last two decades, the CAP has undergone a substantial reform process, which reflects the changing societal concerns related notably to the environment, food quality and safety, territorial balance, as well as to the evolving needs of the EU economy. As a result of this process, the CAP provides today the general framework to address competitiveness and sustainability challenges of agriculture and rural areas across the EU territory. This framework takes the form of two complementary pillars.

Pillar I – market and income policy – includes instruments related to the functioning of agricultural markets and the food supply chain and to direct payments conditional upon statutory management requirements and good agricultural and environmental conditions. Combined, these measures provide a fundamental layer of support to EU farmers, creating the basis for keeping sustainable farming in place throughout the EU. Pillar I measures are mandatory for MS and, apart from very few exceptions, there is no co-financing.

Pillar II – rural development policy – includes measures that aim at improving the competitiveness of the agriculture sector, delivering specific environmental public goods and promoting the diversification of economic activity and quality of life in rural areas. These measures are largely voluntary, contractual in nature, co-financed and delivered within a strategic framework which links policy action to European, national, regional and local needs.

2. ORGANIC FARMING IN THE CONTEXT OF THE CAP

For more than 20 years, European policies for organic farming have been developed on a number of levels. The first scheme specifically targeted at organic farming was introduced in Denmark in 1987, shortly followed by other countries. As part of the MacSharry reform of the CAP in 1992, the introduction of agri-environment programmes provided a unified framework for supporting conversion to and maintenance of organic production across the EU. Today there are a wide range of different policy measures in EU MS that are financed by different funding sources and that address organic farming in different ways: with specific provisions (e.g. higher payment rates for organic farming), with partly specific provisions (e.g. higher payment rates for organic and other specified types of farming) or where organic farming is at least mentioned specifically (e.g. as one of a number of target groups) but without any specific provisions. In the following, based on the results of a previous study (Sanders *et al.*, 2011), the support measures applied to organic farming are briefly described. There is also a description of the measures proposed in the framework of the upcoming CAP reform.

3. SUPPORT MEASURES ADDRESSING ORGANIC FARMING UNDER THE CURRENT CAP

3.1. Rural Development Policy

According to the Community Strategic Guidelines for Rural Development, MS are encouraged to make use of the contribution of organic farming to the environmental and animal welfare objectives of the CAP. Most EU countries have followed this recommendation and provide specific area payments for organic farming under Axis 2 (Improving the environment and the countryside) of their rural development programmes. In addition, some MS have, to a varying degree, also implemented policy measures addressing organic farming under Axis 1 (Improving the competitiveness of the agricultural and forestry sector) and Axis 3 (Improving the quality of life in rural areas and encouraging diversification of the rural economy).

3.1.1. Support under Axis 1: Improving the competitiveness of the agricultural and forestry sector

In 22 MS or their regions, organic farming was addressed in one or several of the following 6 RDP measures under Axis 1 in the period 2007-2011.

- **Setting up of young farmers** (Measure 112): In the Czech Republic, applications are selected on the basis of a point system, where organic farmers receive extra points. In three Spanish and two Italian regions, organic farmers receive higher payment rates than conventional farmers. Furthermore, in some regions in Italy and Spain organic farming is mentioned as a reason for intervention or as one of several target groups.
- **Modernisation of agricultural holdings** (Measure 121): In Flanders (Belgium), Madeira (Portugal) and North Rhine-Westphalia (Germany) higher grants are given to organic farmers investing in agricultural holdings to improve the overall performance of the farm; in Austria this is limited to organic livestock farmers investing in farm buildings. Organic livestock farmers along with other groups of (non-organic) farmers receive higher investment grants in Mecklenburg-Western Pomerania and Bavaria (Germany). In Bulgaria, organic farmers receive the same level of support as non-organic farmers; however a minimum of 5 % of the Measure 214 funds is reserved for investments required for conversion to organic farming. Higher evaluation scores are given for applications related to organic farming in Cyprus, Czech Republic, Latvia and Slovakia. Furthermore, various countries have mentioned organic farming as one of several target groups, but it is not clear what direct advantage for organic farmers this implies.
- **Adding value to agricultural and forestry products** (Measure 123): In Bavaria (Germany) and Slovenia, projects related to organic food production, processing or marketing receive higher support rates. In Estonia, a sub-scheme specifically targets organic farming as well as conventional dairy farmers referring to specific circumstances of the organic and dairy sectors. Rather than higher grants, a higher priority is given to projects related to organic farming under the selection schemes in Cyprus, the Czech Republic, Latvia and Slovakia. A tiered support scheme is used in Austria and in two regions in Spain to determine the level of support within which organic farming is one criterion among others to be eligible to receive a top-up grant. In Bulgaria, Denmark, Hungary, Malta, Romania and some regions of Spain,

organic farming has been defined as a (particular) target group or reason for intervention, but no special provisions are made for organic farming.

- **Participation of farmers in food quality schemes** (Measure 132): MS have adopted different approaches to refund certification and inspection costs of organic farmers. Several countries/regions use Measure 132 to cover parts of the certification and inspection cost incurred by farmers (Austria, Belgium, Cyprus, Estonia, Greece, Malta, the Netherlands, Poland, Portugal, Slovenia, most regions of Italy and Spain as well as parts of the UK). Flanders and Wallonia (Belgium) as well as Greece introduced support schemes for organic farmers in 2011. These schemes are usually also open to farmers participating in other approved quality schemes.
- **Information and promotion activities** (Measure 133): In some MS, Measure 132 is combined with Measure 133, which supports information and promotional activities for products or foodstuffs covered by approved quality schemes. In Malta and Estonia, only organic producers may receive support through Measure 133. Other countries offer no special provisions for organic producers.
- **Setting up of producer groups** (Measure 142): In Slovenia, financial support is given to organic farmers who set up producer groups and therewith strengthen the institutional structure of the primary sector. This measure is however not exclusively targeted at organic. Farmers producing other special agricultural products (e.g. food labelled as Protected Designation of Origin (PGO) or Protected Geographical Indication PGI)) are also eligible for aid.
- In addition to the measures described above, many MS have implemented specific training courses or advice for organic farming under Measure 111 (Vocational training and information actions) and/or Measure 114 (Use of advisory services). Since both activities are also relevant for conventional farmers, organic farming is, in most cases, neither addressed nor mentioned under these measures. Similarly, Wales uses Measure 124 (Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector) to improve supply-chain links. Whilst the measure itself does not address organic farming, it is used to finance a project which is highly relevant for organic sector development in Wales.

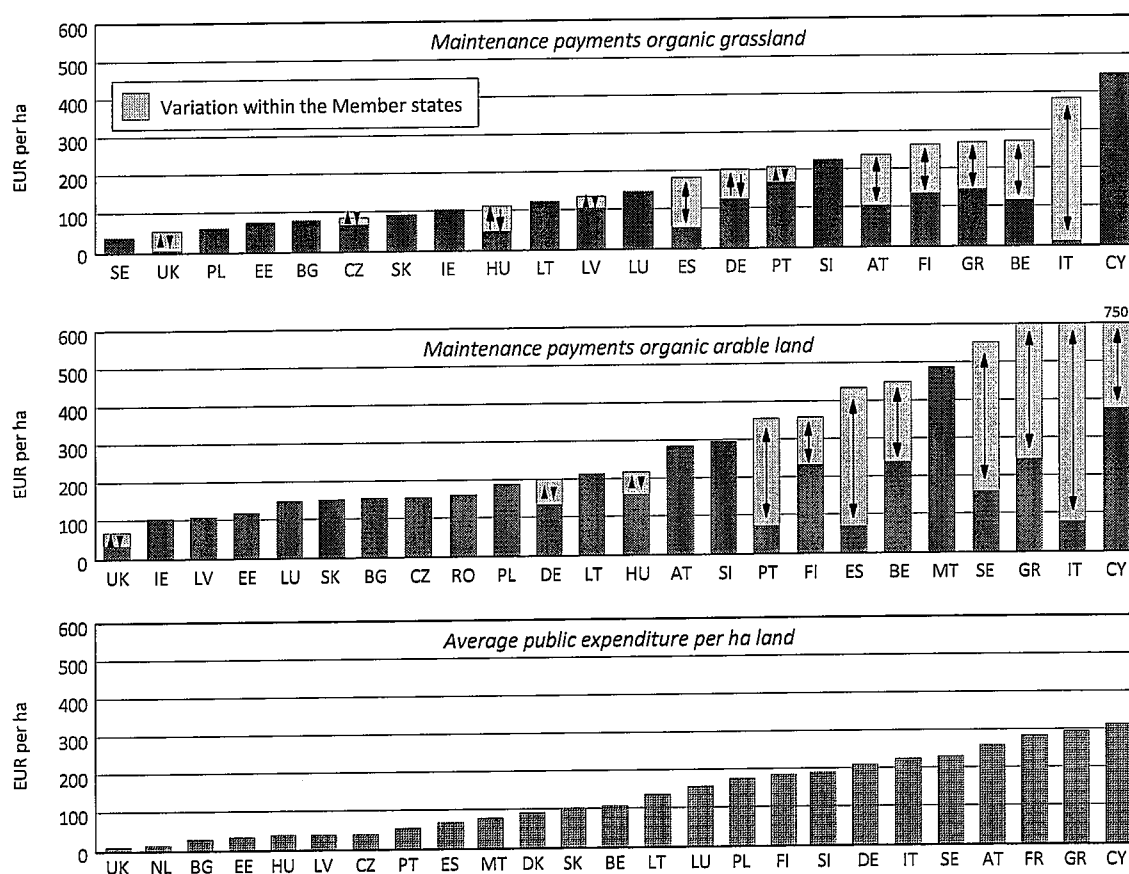
3.1.2. Support under Axis 2: Improving the environment and the countryside

In 25 MS or their regions, organic farming is addressed in one or both of the following two RDP measures under Axis 2 in the period 2007-2011.

- **Agri-environment payments** (Measure 214): For organic farming agri-environment payments are undoubtedly the most important support measure of the rural development programmes. With the exception of the Netherlands and France, all MS have implemented specific area payments for organic farming in the framework of national/regional agri-environmental schemes (Measure 214) to compensate for additional costs and/or income foregone resulting from organic management. Differentiation of seven land types is used including arable land, grassland, vegetables and herbs, greenhouse crops, perennials and orchards, vineyards, and olive trees. There are large variations in the payment rates for the same land type across countries. For example, maintenance payment rates per hectare for grassland varied between EUR 39 and EUR 450 across the EU (Figure 1). Even greater variations were observed for conversion payments. Differences in payment rates are the result

of a number of factors including different payment differentiations within the broader land types (e.g. a specific cereal payment is likely to lead to a higher payment rate than an average arable payment), different economic assumptions and different cost and income foregone components in payment calculations.²¹ Policy priorities, budget allocations and constraints, consideration of different bio-physical land characteristics and the inclusion of (area-based) livestock payment components are also factors.

Figure 1: Maintenance payments in 2011 and average public expenditure per ha in 2008-2009 in EU MS



Source: Sanders et al. (2011)

High payment rates do not necessarily guarantee a high level of support for organic farms. Scheme access problems, as reported from several MS, can reduce the positive impacts of high support payments. Average public expenditure for organic support payments under the agri-environmental measure per certified organic hectare varied between EUR 7 and EUR 314 for the period 2008 to 2009. On average, public expenditure amounted to EUR 163 per hectare for the

²¹ According to Reg. (EC) 1698/2005 payment rates shall cover additional costs or income foregone resulting from organic management (i.e. only those commitments going beyond the relevant mandatory requirements established by EU or national legislation). The level of payments is defined by Member States based on the following parameters: differences in yield, production costs, prices and transaction costs. Usually Member States define a typical regional organic farm and a conventional reference farm to calculate the additional costs. As reported by Sanders et al. (2011) not all countries/regions compensate 100 % of the additional costs. In most countries which do not compensate 100 % of the additional costs, there are large variations between individual crops or land use types. Since additional costs are calculated on the basis of a typical farm, low compensation levels do not necessarily mean that all farmers are only partially compensated. The real implications of compensation levels depend very much on the selected organic and conventional reference farms.

EU-27 (excluding Ireland, Romania and England). Substantial differences between the MS also exist in the design and application of eligibility criteria and requirements such as payment limits, stocking rates and additional scheme requirements beyond organic standards which are not necessarily reflected in the payment rates.

It is important to note that a wide range of options for combining organic with agri-environmental payments exists across most MS covering nearly all the key agri-environmental themes. "Topping up" organic support payments through other agri-environmental payments utilises the comparative advantages of organic farms in providing environmental benefits and public goods, and grants additional financial support to organic farms.

- **Animal welfare** (Measure 215): Cataluña (Spain) provides additional support for organic livestock farmers under Measure 215 aiming to cover additional costs or income foregone due to commitments regarding feeding facilities or free outdoor access. In some other countries, specific organic livestock payments are integrated in Measure 214.

3.1.3. Support under Axis 3: Improving the quality of life in rural areas and encouraging diversification of the rural economy

In the Czech Republic, organic farming was addressed in two RDP measures under Axis 3 in the period 2007-2011:

- **Diversification into non-agricultural activities** (Measure 311)
- **Encouragement of tourism activities** (Measure 313).

Both measures aim to diversify the rural economy through grants for the introduction or expansion of activities related to local services, products, trade and tourism. Similar to provisions made for Axis 1 measures, projects related to organic farming are awarded higher points in the Czech Republic which may increase the likelihood to receive support. References to organic farming are also made in Hungary under RDP measure 313.

3.2. Market and income policy

Besides rural development programmes, some EU MS provide financial support for organic farmers in the framework of Article 68 of Regulation (EC) 73/2009 as well as top-ups in the Common Market Organisation for fruit and vegetables.

The EU rules for direct support schemes under the CAP Pillar 1²² allow MS to support specific types of farming and quality (so-called 'Article 68 measure'). France is using this measure – instead of RDP Measure 214 (agri-environment schemes)²³ – for conversion and maintenance payments for organic farming. Romania is following a dual approach: while maintenance payments are paid under RDP Measure 214, Article 68 is used to finance conversion payments. In Denmark, the current RDP extensification scheme under Measure 214, which provides area payments for organic farmers, is stepwise replaced by a similar Article 68 measure. In addition Greece, Italy, Spain and Sweden have also implemented specific support to farmers for

²² Schemes are based on Council Regulation (EC) 73/2009 establishing common rules for direct support schemes for farmers.

²³ For the contracts concluded by 2010/11 France implements maintenance and conversion payments for organic farming under Axis 2 of its rural development programmes through agri-environment payments (Measure 214). These payments will continue to be carried out until the end of the contracts, having a duration of 5-7 years.

improving the quality of agricultural products. These schemes are targeted not only at organic farmers, but also at farmers participating in other food quality schemes.

The Fruit and Vegetables Regime of CAP Pillar 1 aims to increase the use of environmentally-friendly cultivation and production techniques. To receive a grant, producer organisations have to prepare an operational programme in which they describe how their activities contribute to the specific national goals defined in the national strategies for sustainable operational programmes. Specific provisions are made for organic producer organisations. The Community co-financing rate for organic production in the operational programmes is 60 % of the eligible costs (usually 50 %) with a maximum financial contribution of 4.1 % of the total value of marketed produce. In general, support for the environmental actions covers additional costs and income foregone resulting from that action. Several MS have, however, made country-specific provisions regarding the type of eligible costs related to organic farming. In Belgium, Ireland, the Netherlands and Sweden, only expenditure for specific equipment or means of production is eligible for aid (e.g. for packing and storing of organic products, use of organic dung and compost, etc.). Support for training and advisory costs are granted in Germany and Austria. The Czech Republic provides support for planting new organic orchards. In Spain, financial support is either given as a per-hectare payment or is based on invoices for specific cost items.

4. OTHER NATIONAL OR REGIONAL ORGANIC SUPPORT MEASURES

MS and regions have also introduced a wide range of other national and/or regional policy instruments not (co-)financed by the EU (see Figure 2). Examples include financial support for producing, processing and marketing organic products, a range of communication policies as well as support for research projects related to organic farming. In many cases, the identified measures have some similarities to those implemented under rural development programmes. This is particularly the case for investment aids, marketing aids and support for training programmes and advisory services. Some of them could probably also be financed under the RDP Measures 111, 114, 121 and 123. Clearly, some MS forgo the opportunity of co-financing these measures through the EU in order to retain greater flexibility in programme planning and implementation or to avoid reporting duties.

Figure 2: Overview of identified national or regional public measures addressing organic farming which are not (co-) funded by the EAFRD or EAGF in 2007-2011

	Farm investment	Marketing & Processing	Certification & Regulation	Training & Advice	Information & Education	Public procurement	Promotion campaigns & events	Institutional support	Research	Others
AT										
BE										
BG										
CY										
CZ										
DK										
EE										
FI										
FR										
DE										
GR										
HU										
IE										
IT										
LV										
LT										
LU										
MT										
NL										
PL										
PT										
RO										
SK										
SI										
ES										
SE										
UK										

 Public support measures not (co-) financed by EAFRD or EAGF available in the whole country
 Public support measures not (co-) financed by EAFRD or EAGF available only in certain regions

Source: Sanders et al. (2011)

5. ORGANIC ACTION PLANS

National or regional organic action plans provide a strategic instrument to coordinate different supply-push and demand-pull instruments tailored to local conditions. In total, 17 national and 10 regional action plans or similar support schemes that have been implemented since 2007 were identified in EU MS (Table 1). In many cases, action plans bundle CAP measures and complementary national/regional measures not (co-) funded by the EU. The action plans differ substantially with respect to policy targets, running period, types of actions specified, financial resources, number of previous action plans, and initial year of implementation reflecting different support strategies and developmental stages of the EU's national/regional organic sectors.

Table 1: Overview of organic action plans or similar support schemes in EU MS implemented in 2007-2011

EU Member States	Running period	Number of previous actions plans	Year of implementation of the first action plan	Quantitative targets		Target year
				Share of organic land area in the total UAA	Share of organic food in the total food market	
AT Austria	2011 - 2013	4	2001	20 %	-	2013
BE Flandern	2008 - 2012	2	2000	-	-	-
BG Bulgaria	2007 - 2013	0	2007	8 %	-	2013
CY Cyprus	-	-	-	-	-	-
CZ Czech Republic	2011 - 2015	1	2004	15 %	3 %	-
DK Denmark	2011 - 2013/15	2	1995	14 %	-	2020
EE Estonia	2007 - 2013	0	2007	ca. 3 %	3 %	-
FI Finland	2007 - 2015	-	2007	-	-	-
FR France	2011 - 2013	1	2008	6 %	-	2012
DE Germany	since 2002	cont.	2002	-	-	-
GR Greece	-	-	-	-	-	-
HU Hungary	-	-	-	-	-	-
IE Ireland	2008 - 2012	0	2008	5 %	-	2012
IT Italy	-	-	-	-	-	-
LV Latvia	2007 - 2013	1	2007	10 %	-	2013
LT Lithuania	-	-	-	-	-	-
LU Luxembourg	2009 - 2011	0	2009	ca. 5 %	-	-
MT Malta	-	-	-	-	-	-
NL Netherlands	2008 - 2011	2	2001	-	-	-
PL Poland	2011 - 2014	1	2007	ca. 4%	-	2014
PT Portugal	-	-	-	-	-	-
RO Romania	-	-	-	-	-	-
SK Slovakia	2001 - 2013	1	2006	5 %	-	-
SI Slovenia	2005 - 2015	1	2007	20 %	10 %	2015
ES Spain	2007 - 2010/11	0	2007	-	-	-
SE Sweden	since 2007	-	-	20 %	-	2010
UK	Scotland	1	2007	-	-	-
	Wales	-	-	-	-	-

Source: Sanders et al. (2011)

6. SUPPORT MEASURES ADDRESSING ORGANIC FARMING IN THE FUTURE CAP

The CAP framework explained under section 1 above responded to the challenges EU agriculture faced during the past two decades. However, for the policy to remain relevant, the framework under which it functions has to prove itself capable also to address the evolution which EU agriculture is expected to face in the current decade: economic, environmental and climate change pressures as well as the territorial aspects of the policy.

In this context, the Commission adopted in November 2011 legal proposals to reform the CAP for the period 2014-2020. They aimed to fulfil the three broad objectives of the future CAP, i.e. "Viable food production", "Sustainable management of natural resources" and "Balanced territorial development".

It was proposed to adapt the current CAP framework along the following lines:

- Gearing the CAP measures towards increasing the productivity and the competitiveness of the agricultural sector by:
 - improving the functioning of the advisory system and creating networks (of farmers, advisors, researchers, food operators, consumers etc.) for knowledge creation and transfer and favouring innovative approaches in granting funding for projects for rural development measures
 - encouraging pro-competitive joint action among farmers in order to foster efficient use of resources, product development and marketing
 - provide incentives to use risk management instruments and active prevention strategies
- Improving the environmental and climate change performance of the CAP by:
 - increasing the number of agricultural areas which are under agricultural practices providing environmental and climate action benefits and encouraging the take-up of more advanced agri-environmental measures by MS and farmers;
- Enhancing the effectiveness and efficiency of the policy by:
 - rebalancing the direct payment support to better reflect income support objective and environmental performance
 - reducing the disparities in direct payment support levels between MS and farmers.

After almost two years of negotiations between the Commission, the European Parliament and the Council, a political agreement on the reform of the CAP was reached on 26 June 2013²⁴. A number of instruments agreed for the next programming period have a significant potential to increase the development and visibility of the organic farming sector.

²⁴ http://europa.eu/rapid/press-release_MEMO-13-621_en.htm

6.1. Rural development policy

In the context of the RD policy for the period 2014-2020 as agreed among the institutions, a farmer engaging in organic production will be able to receive support through a number of measures, among which the following ones:

- knowledge transfer and information actions (article 15), covering participation in training activities,
- advisory services, farm management and farm relief services (article 16), for the use of advisory services,
- quality schemes for agricultural products and foodstuffs (article 17), covering certification costs for new participation in organic food quality schemes,
- investments in physical assets (article 18),
- farm and business development (article 20), granting business start-up aid for the development of small farms,
- agri-environment-climate (article 29), when an organic farmer undertakes an environmental or climate commitment not supported under article 30,
- organic farming²⁵ (article 30), compensating for additional costs, income foregone and transaction costs when converting to and/or maintaining organic farming practices in line with Council Regulation 834/2007,
- animal welfare (article 34), for commitments going beyond mandatory standards and not already covered by article 30,
- cooperation (article 36), which supports the development of innovative products, processes, practices, technologies, and cooperation approaches among actors of the food chain.

It will be up to the MS or regions to include in their RD programmes the measures they consider relevant for supporting organic farming and to set out how these measures can be combined with one another in order to avoid double funding and to ensure complementarity/synergy between them.

6.2. Market and income policy

For the period 2014-2020, besides maintaining a basic direct payment for farmers (including organic farmers), the EU institutions have agreed to introduce a **strong greening component** into the first pillar to ensure that all EU farmers in receipt of support go beyond the requirements of cross-compliance and deliver environmental and climate benefits as part of their everyday activities. Thirty percent of direct payments will be tied to the 3 compulsory greening practices (i.e. crop diversification, establishment of ecological focus areas, maintenance of permanent grassland).

In order to avoid penalising farmers that already address environmental and sustainability issues, the agreement foresees a "Greening equivalency" system whereby the application of

²⁵ During the 2007-2013 programming period, support for organic farming was part of the compulsory agri-environmental measure. For the programming period 2014-2020, it has been proposed to establish a specific voluntary Organic farming measure. This is to recognise the importance of organic farming in contributing to various rural development objectives and priorities.

environmentally beneficial practices already in place are considered to replace the basic requirements. For example, **organic producers will have no additional requirements** as their practices are shown to provide a clear ecological benefit. For others, agri-environment schemes may incorporate measures that are considered equivalent. The new regulation contains a list of such equivalent measures. To avoid "double funding" of such measures, the payments through rural development programmes must take into account the basic greening requirements.

The current "article 68" measure is not prolonged in the next programming period.

In receiving support from several of the measures outlined above, a farmer will be able to achieve more easily the objectives of the organic farming regulation, i.e. establish a sustainable management system for agriculture, produce products of high quality and respond to consumers demands for goods produced using processes that do not harm the environment, human health, plant health or animal health and welfare.

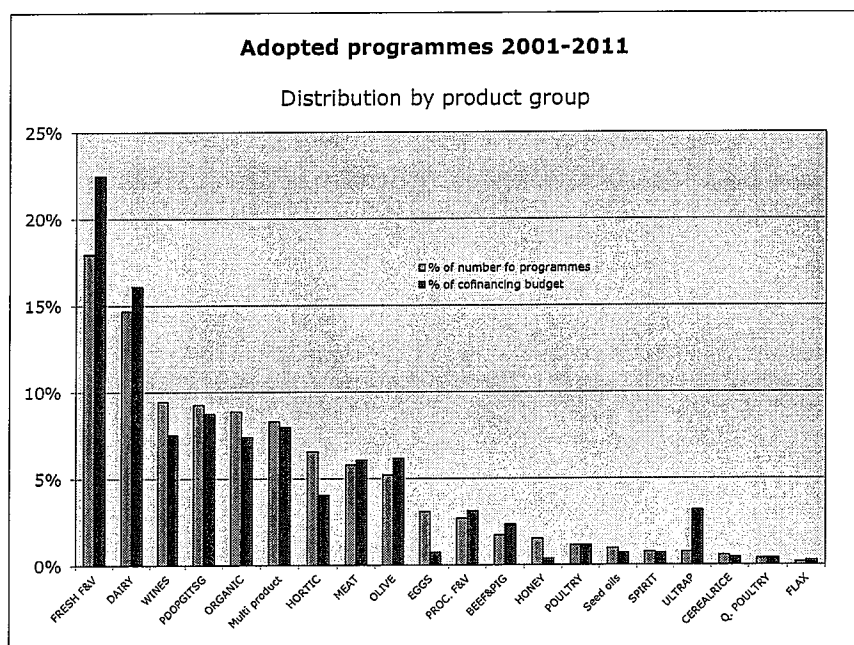
ANNEX 4: INFORMATION AND PROMOTION ON ORGANIC FARMING AT EU LEVEL

The possibilities of financing information, communication or promotion actions in the organic sector are listed below:

1. COFINANCED INFORMATION AND PROMOTION CAMPAIGNS

Through the Council Regulation (EC) n°3/2008 on information provision and promotion measures for agricultural products on internal market and in third countries, the organic sector is eligible to the EU promotion scheme on internal market and in third countries. It is a horizontal policy covering almost all agricultural sectors and emphasising the general characteristics and added value of the CAP such as quality, safety, health, labelling, specific production methods, respect for the environment, animal welfare. The assistance is normally given to professional producer organisations, for example associations representing specific agricultural products, or associations promoting particular approaches to agriculture, such as organic farming. The European Commission allocates **roughly €50 million annually** in financial support.

Between 2006-2010, a total amount of 35.7m€ was spent in promotion activities in the organic sector (17.9m€ under EU co-financing), spread in 15 programmes representing 7.18% of the total programmes. This % is comparable to the amount spent on programmes for the promotion of other products under EU quality schemes (Protected Designations of Origin, Protected Geographical Indications and Traditional Specialities Guaranteed).



Source: DG AGRI, Unit D4

2. INFORMATION AND PROMOTION ACTIONS DIRECTLY MANAGED BY DG AGRI

2.1. Own DG AGRI campaigns through the Council Regulation (EC) n°3/2008 on information provision and promotion measures for agricultural products on internal market and in third countries

In 2004, the European Action Plan for Organic Food and Farming set out 21 initiatives to achieve the objectives of developing the market for organic food and improving standards by increasing efficacy, transparency and consumer confidence. **Action 1 referred to the promotion of the organic sector:**

"Introduce amendments in Council Regulation (EC) No 2826/2000 (internal market promotion) which would give the Commission greater possibilities for direct action in order to organise information and promotion campaigns on organic farming. Launch a multi-annual EU-wide information and promotion campaign over several years to inform consumers, public institutions canteens, schools and other key actors in the food chain about the merits of organic farming, especially its environmental benefits, and to increase consumer awareness and recognition of organic products, including recognition of the EU logo. Launch tailored information and promotion campaigns to well-defined types of consumers such as the occasional consumer and public canteens. Increase Commission cooperation efforts with MS and professional organisations in order to develop a strategy for the campaigns."

As follow up of Action 1 of Action Plan **a promotion campaign on organic food and farming was launched in 2008, with a budget of € 3 million (over 3 years)** and covering all 27 MS. Its results were very positive because albeit its limited budget, simple and effective marketing and information tools were offered to a number of different target groups (see detailed report COM(2010) 692 final). Within the campaign, **a multilingual website www.organic-farming.europa.eu** was developed in 22 languages, offering a wide range of information on organic farming to different target groups, including organic and conventional farmers, stakeholders' organisations, final consumers and their associations, students, and children. The website is also used as a **platform for distributing promotional material** from a "toolbox" available free of charge in 22 languages to anyone wishing to promote organic food and farming in the EU.

The website provides information on organic farming in general, EU policy in the fields of environment, animal welfare, consumer confidence, and relevant institutions in the field of organic farming. After the launch of the website, the focus was shifted to the promotion of this campaign all over Europe to stakeholders, which were the primary target group of the campaign. In this perspective, **the campaign was introduced at 17 promotional events all over Europe.**

The development of the promotional campaign has been closely monitored by an expert group (made up of both governmental and private members) for the promotion of organic farming. National experts followed the development of the content of the website and the toolbox and helped with the revision of texts made available to the public on those supports.

Evaluation has shown that the tools are accepted and used by the target groups, especially in countries where the sector is less developed and there are fewer initiatives at national level. Various co-financed programmes for the promotion of organic products have made use of this new material developed within the campaign. This allowed the programmes to be run with a

smaller budget than would have been possible otherwise, as they did not have to bear the cost of financing the development of new promotional material.

The statistical data on website traffic were also very positive. The website during that period was the most visited of all DG AGRI sub-sites on Europa, with on average 70-80 000 visits per month and 15 000-30 000 downloads of material. During 2009, the website was visited 1 070 000 times (this figure represents 63 % of the total visits to the whole of DG AGRI's site). By scoring high on major search engines, the website has become a point of reference for all those looking for information on organic food and farming.

Current review of the existing EU information and promotion policy of agricultural products

The organic sector will benefit from the current revamp of the information and promotion policy of agricultural products, not only thanks to a budget increase compared to the € 60 million dedicated in 2013 but also because organics have been identified as one of the key themes of interest for the European Union for which information actions are needed. Moreover new elements of the promotion policy to be put in place such as the highlight of the European dimension (through the encouragement of multi-country and multi-product initiatives) as well as the introduction of a European strategy to better target the promotion programmes to specific markets, populations, themes, products or sectors will contribute to various synergies of the organic sector stakeholders at European level.

2.2. Via the Council Regulation (EC) n°814/2000 on information measures relating to the CAP

One project submitted by IFOAM EU was financed in 2011. Its total budget amounted to 139.549€ (50% of eligible costs and 10.000€ for staff costs).

Various issues relate to the organic logo, which is dealt with on a separate fiche. Nevertheless, problems linked to the logo have been included in the present paper (Promotion and information fiche), the logo being the backbone of a promotion policy of organic products.

ANNEX 5: RESEARCH AND INNOVATION IN ORGANIC FARMING

1. EU RESEARCH FRAMEWORK PROGRAMME

During the past 12 years, the European Commission contributed over €150 million to almost fifty research projects on low-input and organic agriculture.

Close interaction between various actors in the organic sector, specifically within the Technology Platform Organics²⁶, resulted in development of a highly relevant research agenda. In acknowledgment of its important role, in July 2013, TP Organics was considered by the European Commission services to fulfil the criteria for recognition as a European Technology Platform (ETP), and is therefore included in the publicly available list of recognised ETPs on the European Commission website²⁷.

The completed and on-going research projects within the low-input and organic subject area have significantly contributed to the development of this sector by, for instance, improvement of organic regulation (e.g. ORWINE²⁸), provision of a wide range of methods for markets' assessments (e.g. OrganicDataNetwork²⁹) as well as enhancement of the productivity by creation and implementation of innovative production methods (e.g. QualityLowInputFood – QLIF³⁰ or LowInputBreeds³¹).

Horizon 2020³² is a financial instrument implementing the Innovation Union³³, a Europe 2020^{34,35} – flagship initiative aimed at securing Europe's global competitiveness. Running from 2014 to 2020, the EU's new programme for research and innovation is part of the drive to create new growth and jobs in Europe. Horizon 2020 reflects the policy priorities of the Europe 2020 strategy and addresses major concerns shared by citizens in Europe and elsewhere. It covers activities from research to market with a new focus on innovation-related activities and will include establishment of links with the activities of the European Innovation Partnerships. To address the challenges of the present and future, funding will be focused *inter alia* on the following Societal Challenges, which are of great relevance for organic farming, namely:

²⁶ <http://www.tporganics.eu/>

²⁷ http://cordis.europa.eu/technology-platforms/individual_en.html

²⁸ Organic viticulture and wine-making: development of environment and consumer friendly technologies for organic wine quality improvement and scientifically based legislative framework, STREP (Specific Targeted Research or Innovation Project) Contract no.:022769, Sixth EU Framework Programme, Priority 8.1 - Policy-oriented Research (SSP), Area 1.2, - Task 1: Organic viticulture and wine processing, Project Coordinator: AIAB

²⁹ http://ec.europa.eu/research/bioeconomy/agriculture/projects/organicdatanetwork_en.htm

³⁰ http://ec.europa.eu/research/research-for-europe/agriculture-quality-low-input-food_en.html

³¹ http://ec.europa.eu/research/bioeconomy/agriculture/projects/lowinputbreeds_en.htm

³² http://ec.europa.eu/research/horizon2020/index_en.cfm

³³ http://ec.europa.eu/research/innovation-union/index_en.cfm

³⁴ http://ec.europa.eu/europe2020/index_en.htm

³⁵ Communication from the Commission - Europe 2020 - A strategy for smart, sustainable and inclusive growth - COM(2010) 2020 of 3 March 2010

- Food security, sustainable agriculture, marine and maritime research and the bio-economy.

The research agenda for the next 7 years is under preparation. The Societal Challenges and the way to address them are of utmost importance in this exercise, which among others encompasses the identification of research and innovation goals that will leverage the organic sector's contribution to healthy planet and healthy food production and enhancement of sustainability in the wider agricultural field.

2. EUROPEAN INNOVATION PARTNERSHIP 'AGRICULTURAL PRODUCTIVITY AND SUSTAINABILITY' (EIP)

Knowledge management and exchange is of primary importance to low-input and organic systems. The diverse nature of organic farming makes it difficult to exchange knowledge between researchers, producers and other stakeholders. The newly developed European Innovation Partnership for 'Agricultural Productivity and Sustainability' will provide a vast array of opportunities to address this issue and boost multidimensional cooperation between the research community and farming practice.

Given that the aim of the EIP is to foster a competitive and sustainable agriculture and forestry that "achieves more from less" and works in harmony with the environment, organic farming can easily find its place in the EIP set up and take a great advantage of it.

The innovation model under the agricultural EIP goes far beyond speeding up transfer from laboratory to practice through diffusion of new scientific knowledge (referred to as a "linear innovation model"). The EIP adheres to the "interactive innovation model" which focuses on forming partnerships - using bottom-up approaches and linking farmers, advisors, researchers, businesses, and other actors within so-called Operational Groups. This will generate new insights and ideas and mould existing tacit knowledge into focused solutions. Such an approach will stimulate innovation from all sides and will help to target the research agenda.

For funding concrete innovative actions, the agricultural EIP will be implemented through actions that are mainly supported by two European Union policies:

- Rural Development Policy provides co-funding for innovative actions of "Operational Groups". The key measures include 'cooperation', 'knowledge transfer and information actions', 'advisory services', 'investment in physical assets' and 'farm and business development'. In addition, the Rural Development Policy will provide the means for setting up an EIP network facility at EU level.
- EU Research and Innovation Policy (Horizon 2020) plays its key role in providing the knowledge base for innovative actions on the ground. Key actions feeding into the EIP include 'applied research projects', 'cross-border initiatives', 'thematic networks', 'multi-actor approaches', 'pilot or demonstration projects', as well as supporting 'innovation brokers' and 'innovation centres'.

As a key instrument of the EIP, the network facility (or Service Point), in place since mid-April 2013, will act as a mediator for enhancing communication between science and practice and fostering their cooperation. It will encourage the formation of "Operational Groups" and support their work through focus groups, seminars and workshops, the establishment and maintenance of

databases with *inter alia* relevant research results and good practice examples, support for partnering, and helpdesk functions.

In this respect, the first three focus groups under the EIP are ready to start their activities. They will work on the following issues directly or indirectly advantageous for the organic sector:

- Organic farming (optimizing arable yields): Why do yields vary so much between organic farms; how can this yield gap be minimized?
- Protein crops: What does the feed sector need in terms of protein? Why is EU farming not able to deliver? Why is EU farming in protein crops not competitive? How can this be remedied?
- Animal husbandry: How can we reduce the use of antibiotic treatments in the pig sector?

Each focus group will bring together up to 20 experts that have practical experience in the relevant field and that are able and willing to share their expertise with others. Experts will be chosen according to their competences based on proven expertise for supporting the progress of the focus group. Attention will be paid to covering a reasonable balance of expertise and represented interest (e.g. scientists, farmers, advisors, representatives from industries, environmental NGOs, consumer groups, etc.).

3. RESULTS OF THE ON-LINE CONSULTATION CONCERNING THE NEED FOR RESEARCH AND INNOVATION

An overwhelming majority of the questioned citizens (i.e. 81%, 33411) during the on-line public consultation expressed the opinion that the organic sector should benefit from a public budget reserved only for research.

In addition, the respondents clearly identified four areas which should benefit from more research and innovation in organic food and farming sector:

- economic and social dimension of organic farming (58%, 26165),
- seeds and plant propagating material adapted to low-input agriculture (52%, 23519),
- local production of protein in-rich crops (48%, 21542) and
- waste management (45%, 20371) followed each other in the ranking set up by the respondents with only few percentage point of difference.

Two areas were selected as areas which would need more research and innovation but with a percentage much lower than the four above listed, namely "low-growth strains of animals" (15%, 6534) and "co-existence of organic farming with conventional farming and GMOs" (12%, 5532).

A significant number of respondents sent also by e-mail a range of other suggestions for research projects that are currently needed in organic farming sector such as: Innovations in organic farming are needed especially in the areas of plant breeding and the regional production of protein crops; Research comprising the comparison of the real production costs of agricultural /food products from organic and conventional farming systems; Research on environmental and health benefits of organic farming system; Research on innovative, renewable (=recyclable) and non-renewable (=non-recyclable) fertilizers and pesticides; etc.

Conclusion:

All the above-mentioned issues (research needs, funding for research and innovation, exchange of knowledge) have their rightful place in the new Action Plan for organic food and farming that will accompany the proposal for a future organic farming legislation.

ANNEX 6: THE EU ORGANIC PRODUCTION RULES

For many decades, the European organic sector was characterised by a system of private standards, with third party inspection and certification. **National legislations on organic farming were introduced in the 1980s.** France was the first country introducing such a legal framework in 1980, followed by Austria in 1983 and Denmark in 1987. The aims of these national legislations were to protect consumers from misleading claims and creating a level playing field for organic producers.

Council Regulation (EEC) 2092/91³⁶ introduced for the first time an EU-wide definition of organic farming and set out rules for organic crop production and indications referring thereto on agricultural products and foodstuffs. Rules on organic livestock and processed products were introduced eight years later with Council Regulation (EC) 1804/1999³⁷, supplementing the existing Regulation.

In the European Action Plan for Organic Food and Farming (EOAP)³⁸ of 2004, the European Commission proposed to **improve and reinforce the Community's organic farming production rules** as well as import and inspection requirements, and specified a number of actions with respect to production rules and inspection.

The legislation was substantially revised with the adoption of Council Regulation (EC) 834/2007 in June 2007, which notably:

- defined organic farming more accurately by describing its **objectives and principles**,
- improved the **harmonisation** of the organic production rules within the EU, by putting an end to national production rules for animal products,
- introduced the **possibility of exceptions to the rules** under the responsibility of MS, intended to replace a multitude of former derogations.

The aspects related to the labelling of organic products, to the control system and to the trade regime are dealt with in separate Annexes.

The new legislation was implemented from 2009 onwards. Since then, the legislation has been extended notably to **organic aquaculture** in 2009 (Commission Regulation (EC) No 710/2009³⁹) and to **organic wine making** in 2012 (Commission Regulation (EC) No 203/2012⁴⁰).

³⁶ Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs – UE OJ L 198, 22.7.1991, p. 1.

³⁷ Council Regulation (EC) No 1804/1999 of 19 July 1999 supplementing Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs to include livestock production – UE OJ L 222, 24.8.1999, p. 1.

³⁸ European Action Plan for Organic Food and Farming Com (2004) 415 final of 10.06.2004.

³⁹ Commission Regulation (EC) No 710/2009 of 5 August 2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production, UE OJ L 204, 6.8.2009, p. 15.

⁴⁰ Commission Implementing Regulation (EU) No 203/2012 of 8 March 2012 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards detailed rules on organic wine, UE OJ L 71, 9.3.2012, p. 42.

At international level, the EU plays an active role in the definition of Codex Guidelines GL-32-1999 for the Production, Processing, Labelling and Marketing of Organically produced Foods and contributes to the up-dates, like the current work for the inclusion of organic aquaculture.

1. THE EU ORGANIC PRODUCTION RULES

1.1. Definition of organic farming

The EU legislation actually defines organic farming. Articles 3 to 7 of Council Regulation (EC) No 834/2007 provide for detailed objectives and principles of organic farming translated into rules (in Regulations 834/2007 and 889/2008).

1.2. Scope of the legislation

Council Regulation (EC) No 834/2007 is limited in scope as it applies to products originating from agriculture, including aquaculture, where such products are placed on the market or intended to be placed on the market:

- agricultural products (live or unprocessed),
- processed agricultural products intended for food,
- feed,
- vegetative propagating material and seeds for cultivation,
- yeast used for food or feed.

The legislation covers all stages of production, preparation and distribution of organic products. However, mass catering operations are specifically excluded from the scope of this Regulation. MS may apply national rules or, in the absence thereof, private standards, on labelling and control of products originating from mass catering operations, as long as these rules comply with EU law.

In Article 41 of Council Regulation (EC) No 834/2007, the Council asked the Commission to submit a report on different subjects including the scope of the Regulation and mass catering which is specifically excluded from the rules.

1.2.1. Commission report

The Commission produced a report in May 2012⁴¹ which was forwarded to the European Parliament and to the Council.

1.2.1.1. Mass catering

The report analyses the experience with mass caterers. This sector is already subject to EU horizontal rules on hygiene and food labelling.

Currently, seven MS have introduced national rules for organic mass catering, while private standards are applied in ten other MS. These rules provide certification of ingredients, dishes, menus or complete catering operations. Following a survey carried out with the MS authorities in charge of organic production, most of them were of the opinion that mass catering operations

⁴¹ COM (2012) 212 final of 11.5.2012 Report from the Commission to the European Parliament and to the Council on the application of Regulation (EC) No 834/2007 on organic production and labelling of organic products

should not be 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 report concluded that there was currently no need to include mass catering operations in the Regulation but that the Commission would closely follow developments in this sector.

1.2.1.2. Textiles and cosmetics

There has been significant market growth for textiles and cosmetics bearing reference to organic production. Those two product categories are not included in the scope of the EU organic legal framework, which is limited to non processed agricultural products or processed agricultural products for use as food or feed. A debate has started on the question of the reference to "organic" for agricultural products outside the scope of the current Regulation and the possible risk for the credibility of the term "organic".

The European Union's general legislation on textiles deals with fibre names and labelling rather than production methods. Within the voluntary EU Ecolabel scheme, criteria have been established for textile products. In the case of cotton, if 95 % of the product is made of organic cotton, the denomination "organic cotton" is allowed under this scheme.

Agricultural raw materials, such as plant oils and plant extracts, are present in many cosmetics. The Union's legislation on cosmetics regulates the use of claims on cosmetic products.

The report concluded that it may be worth exploring the opportunities offered by the Union's legislation to extend the protection of the use of the word "organic" to textiles and cosmetics.

1.2.1.3. Other

The status of certain products outside Annex I of the Treaty but which are closely linked to Annex I products or to rural economy, such as beeswax, essential oils, or maté was not examined in detail in the report but it was underlined that the Commission recognises a need for clarification regarding such products.

1.2.2. Identified problems

- *Should mass catering be included in the scope of the framework?*

Mass catering represents an additional outlet for organic products. The question is whether the introduction of EU harmonised rules is necessary or not. It has been put to the Commission and must be answered in the context of this review.

In the first hearing it was concluded by the experts that there is no need to extend the scope of EU implementing rules to mass catering, the preference is to keep this under the national rules.

- *Should textiles and cosmetics be included in the scope of the framework?*

Organic textiles and cosmetics constitute a valuable outlet for organically produced raw materials. Currently, as they are not included in the scope of the legislation, it could be considered that they are posing a risk to the integrity of the term "organic" in the EU because their organic nature is not regulated in the same way as for food and feedstuffs i.e. in accordance with a production process. To include these categories of products, the legal basis of the EU organic legislation would have to be reviewed.

In the first hearing on the future of organic farming, when this subject was discussed, it was concluded that if textiles were to be included in the scope of the EU organic legislation, the organic standard would have to be a global standard to cover the whole world because natural fibre is mainly produced and also processed outside the EU (cotton is no° 1 fibre in the world).

- *Should the scope be extended to other/new products?*

There was a general agreement on the following. Whatever choice is made regarding a possible extension for the scope, considering that the objectives of the policy are to achieve a level playing field and consumer trust, clear and simple rules are preferable in all cases. The current legislation requires repeated interpretation.

If changes are brought to the scope, this could have an impact on existing international arrangements.

Extension of the scope would add an extra burden in terms of controls (for MS) and compliance and possibly also increase costs for the concerned operators for instance if there was a change from national to EU rules for mass catering.

On the basis of the above mentioned Commission's report, the Council drew conclusions in May 2013. As regards these particular issues, there was a call for "clarifying the situation regarding protection of the use of the term 'organic' for non Annex I products" and "providing guidance on the organic claims associated with the preparation of organic products in mass catering operations."

1.3. General production rules

The **EU organic production rules** are described in Title III of Council Regulation 834/2007 and in Commission Regulation 889/2008.

The starting point for organic plant production is the soil. Prescribed practices aim at maintaining or increasing the soil organic matter and enhancing soil stability and soil biodiversity. The fertility and the biological activity of the soil are essentially ensured by using **multiannual crop rotation including legumes and other green manure crops** and by the application of livestock manure or organic material.

The use of inputs is strictly limited. Annexes I and II to Commission Regulation 889/2008 provide for positive lists of authorised substances (fertilizers, plant protection products, etc).

The **organic livestock production rules** are characterized by **high animal welfare requirements** which aim at meeting animals' species-specific behavioural needs. In particular, a permanent access for livestock to open air areas is required and minimum surface areas indoors and outdoors are set for each species. Animals shall be fed with organic feed preferably produced on the farm or in the region.

Annexes III to VII to Commission Regulation 889/2008 provides notably for positive lists of feed materials authorised, feed additives used in animal nutrition and products for cleaning and disinfection of buildings for livestock production.

Production rules for organic processed food or feed require that the production of processed organic food or feed is separated in time or space from non-organic feed or food. Organic ingredients shall be used but exceptions are possible.

Annex VIII to Commission Regulation 889/2008 provides for positive lists of food additives and processing aids which might be used in organic processed products. Products and substances for use or addition in organic wine are listed in Annex VIIIa. Annex IX provides for a list of ingredients which can be used in their non-organic form in processed organic products.

In addition, MS have the possibility to authorize the use of ingredients in their non-organic form on a temporary basis according to Article 29 of Regulation 889/2008. Before granting such authorization, a MS shall verify that the operator has undertaken the necessary contacts with suppliers in the EU to ensure himself of the unavailability of the ingredients concerned in the organic form.

Farmers willing to convert to organic farming have to undergo a conversion period, during which they have to fully apply the rules of organic farming but they cannot sell their products as organic.

Parallel conventional production on organic farms is prohibited according to the first paragraph of Article 11 of Regulation 834/2007. However, the following paragraph introduces the possibility to run a holding with organic and conventional production, under specific conditions: the holding has to be split into clearly separated units and different animal species or different plant varieties have to be involved.

The use of **genetically modified organisms** (GMOs) and of ionising radiation is prohibited in organic farming.

The perception of the public is that organic production rules should be strengthened (see Annex 2).

1.4. Current situation regarding GMOS

Council Regulation (EC) No 834/2007 prohibits

- the use of genetically modified organisms or GMOs,
- products produced from GMOs and
- products produced by GMOs⁴².

One exception only is made for veterinary medicinal products (vaccines and others).

As organic systems are not isolated from the general production chain, low and accidental presence of GM crops in non-GM farming systems such as organic farming cannot be completely excluded. Council Regulation (EC) No 834/2007 clarifies that the general rules on adventitious and technically unavoidable presence of authorised GMOs apply i.e. that the horizontal rules of Regulation (EC) No 1829/2003⁴³ on GM Food and Feed apply equally to products used in organic farming. That Regulation provides that food and feed containing, consisting of or produced from a GMO must be labelled. Exceptionally, a product is exempted

⁴² Products produced "by GMOs" are mentioned in Council Regulation (EC) No 834/2007, but they are not defined in Regulation (EC) No 1829/2003 on genetically modified food and feed. Therefore only products produced "from GMOs" are considered in the analysis.

⁴³ Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed – UE OJ L 268, 18.10.2003, p. 1.

from this labelling requirement where it consists of, contains, or is produced from GMOs in a proportion not higher than 0,9%, and provided that this presence is adventitious and unavoidable.

Council Regulation (EC) No 834/2007 also introduces specific provisions in Article 9 (3) on the responsibility of the organic operator for avoiding the presence of GMOs in organic products. The leading principles are to have the lowest possible adventitious presence of GMOs in organic products, as set out in recital 10, and at the same time to avoid undue constraints and additional burden on organic operators.

In order to ensure that no GMOs or products produced from GMOs are used as inputs for production processes, the Regulation stipulates in its article 9 (2) that operators can rely on the labels accompanying products or any other accompanying document, affixed or provided pursuant to Directive 2001/18/EC⁴⁴, Regulation (EC) No 1829/2003 or Regulation (EC) No 1830/2003⁴⁵ unless they have obtained information indicating that the labelling of the product in question is not in conformity with those Regulations for instance when the labelling threshold of 0,9% of adventitious presence of GMOs is exceeded.

Products produced from GMOs which are not food or feed are not covered by the GMO legislation and therefore no labelling and traceability obligations are imposed on them. Council Regulation (EC) No 834/2007 provides in its article 9 (3) that the organic operator has to request in such cases a confirmation or vendor declaration to be signed by the supplier of the products. In this document, the vendor must declare that his product has not been produced from GMOs. The vendor declaration represents a commitment of the supplier with legal value.

Council Regulation (EC) No 834/2007 provides within the exceptional production rules the possibility for the Commission to foresee exceptions to the prohibition of using products produced from GMOs when it would be necessary to use food and feed additives and other substances that would not be available on the market other than produced from GMOs. The Commission has not granted such exceptions so far.

1.4.1. Coexistence

The Commission's report to the Council and the European Parliament of 2009 on the coexistence of genetically modified crops with conventional and organic farming⁴⁶ concluded that GM crops have not caused any demonstrable damage to existing non-GM farming. On 13 July 2010 the Commission issued a Commission Recommendation on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops⁴⁷, 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 %.

⁴⁴ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC – UE OJ L 106, 17.4.2001, p. 1.

⁴⁵ Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC – UE OJ L 268, 18.10.2003, p. 24.

⁴⁶ COM (2009) 153 final of 2.4.2009 Report from the Commission to the Council and the European Parliament on the coexistence of genetically modified crops with conventional and organic farming
http://ec.europa.eu/agriculture/gmo/coexistence/index_en.htm

⁴⁷ Commission Recommendation of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops, OJ C 200 of 22 July 2010

Moreover, the Recommendation acknowledges the 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 Regulation proposal to the European Parliament and to the Council which, once adopted, would allow MS to restrict or prohibit cultivation of GMOs on their territory on grounds other than those based on a scientific assessment of health and environmental risks.

1.4.2. Facts, figures and recommendations resulting from the autumn 2012 hearings

- 180 mio ha of GMOs cultivated worldwide, mainly for feed purposes. They represent a 70 Bio\$ market in the US. There are 118 single GMOs authorised worldwide. In the EU, there is a "0" tolerance for non-approved varieties but for feed (not for food) there is a 0,1% tolerance when there are adequate detection methods.
- In the 96 EU laboratories that analyse presence or not of GMOs, the research is conducted in relation to the application of EU legislation. Laboratory analyses complement paperwork. A recommendation was made to the Commission to consult with laboratories when legislating.
- Totally GM free products represent a challenge. A study has been conducted by an external consultant on behalf of the Commission to examine in detail the issue of GM free labelling taking into account the existing schemes and labelling systems, consumers' expectations, feasibility, in order to have the necessary background to launch a reflexion on the possible need for EU harmonisation of GM free labelling. It is possible to ensure imports of GM free supply of soya in the EU, for feed uses.
- Co-existence has a high cost.
- The lower the threshold, the larger the sample to be analysed, the higher the cost of testing. To test for 0,1% you need to test a sample of at least 3000 particles of a product. The cost of testing a sample varies between 300 and 500€. If the sample tests positive, then there needs to be a quantification per ingredient. If the sample tests positive for an unauthorised GMO, the cost of the analysis can run to 10.000€.
- Operators have complained that the "polluter/payer" principle is not being applied for accidental presence of GMOs.
- A balance has to be found between cost and risk.
- Attention must be paid to labelling in order not to confuse the consumer.

1.4.3. Results of the public consultation

- 77,47% of respondents buy organic products because they want GM free products
- 89,5% of respondents consider that GMOs are incompatible with the concept of organic farming
- 51,14% are aware of the 0,9% labelling threshold for adventitious and technically unavoidable presence, and 47,45% are not.
- 68,25% think that organic products should be subject to the same labelling rules as conventional products.

- 56% declared that they are prepared to pay a higher price for a lower labelling threshold and 31,55% are not.

1.4.4. GMO Identified issues relate to:

- Adventitious presence of EU-authorized GMOs in organic products and labelling threshold

Council Regulation (EC) No 834/2007 forbids the use of GMOs, but the labelling rules set in the EU Regulation (EC) No 1829/2003 on Genetically Modified Food and Feed apply. In the absence of specific rules, the horizontal rules of the EU Regulation on Genetically Modified Food and Feed thus apply equally to products used in organic farming. That Regulation lays down a general labelling threshold of 0.9% for the adventitious or technically unavoidable presence of authorised GMOs or products from authorised GMOs. Feed and in particular soya has been singled out as a product category likely to contain adventitious and unavoidable presence of EU-authorized GMOs below 0.9%. As regards organic products grown in an environment where GMOs are cultivated, the Organic Regulation does not determine the responsibility for the costs of analysis and of a possible declassification of the product due to EU-authorized GMO presence in harvest above the 0.9% labelling threshold, as this is an exclusive competence of the MS. The Commission Recommendation on guidelines for the development of national co-existence measures⁴⁸ to avoid the unintended presence of GMOs in conventional and organic crops, 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 0.9% GM labelling threshold. 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.

- Availability of certain products

Some substances such as vitamins, enzymes and amino-acids are regularly reported as available only produced by GMOs and cannot be used in organic production.

1.4.5. Analysis of options

The introduction of a lower GMO labelling threshold for organic food products was considered and extensively discussed.

The information collected during the hearings and in meetings with stakeholders shows that the cost for all operators of such an option would be significant and disproportionate in relation to the dimension of most EU organic operators. From the results of the hearings it can be concluded that the lower the threshold, the larger the sample to be analysed, the higher the cost.

⁴⁸ Commission Recommendation of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops, OJ C 200 of 22 July 2010

Following the discussions in the Council⁴⁹ (May 2013) and the broad consultation with the sector⁵⁰ and with stakeholders, the Commission has concluded that the status quo in relation to the EU approach and legal provisions on GMOs for labelling of organic products are adequate. It was highlighted that current provisions provide a reasonable balance between benefits and costs. In particular, a specific lower tolerance threshold does not appear realistic in view of the practicalities, burden and costs of analysis.

⁴⁹ See a detailed analysis in Annex 6 on production rules.

⁵⁰ In particular during discussions at the AGOF meeting of December 2012.

2. POSSIBLE EXCEPTIONAL RULES UNDER ART 22 OF REGULATION 834/2007

Article 22 of Regulation 834/2007 provides for conditions for possible exceptional production rules. These exceptions shall be kept to a minimum and, where appropriate, limited in time. They are usually granted by MS competent authorities, but some of them can be delegated to the CBs.

2.1. Overview

Exceptional rules intend to provide flexibility, enabling adaptation of the production rules to specific climatic, geographical and structural constraints or stages of development (Article 22 of Regulation (EC) 834/2007 and Chapter 6 of Regulation (EC) 889/2008). Many exceptions are related to the principle according to which the use of external inputs should be restricted to inputs from organic production (Article 4(b) of Regulation (EC) 834/2007). Exceptions can be granted where they are necessary to ensure access to inputs which are not available in organic form on the market (Article 22). Granting exceptions is thus necessary where no alternatives exist; but can also lead to distortion, because non-organic inputs are often cheaper than the organic alternatives.

Exceptions can be granted by the competent authority of the MS if inputs are not available in organic form on the market (or during catastrophic circumstances where temporary measures are necessary to protect organic production).

The possible exceptions according to Article 22 are the following:

- Up to 40% of non-organic female mammals on a holding for the renewal of a herd or flock,
- Management of animals (dehorning, etc),
- Retroactive recognition of a conversion period,
- Tethering of animals in small holdings,
- Parallel production of plant varieties that cannot be easily differentiated,
- Parallel organic and non-organic livestock of the same species for agricultural research or formal education,
- Parallel organic and non-organic bee-keeping units on the same holding,
- Bringing non-organically reared poultry into an organic poultry production unit when a flock is constituted for the first time,
- Use of non-organic beeswax,
- Use of seed or vegetative propagating material not obtained by the organic production method,
- Indoors final fattening phase of adult bovines for meat production (1/5 of their life),
- Use of non-organic feedings stuffs, renewal or reconstitution of a herd or flock, etc due to catastrophic circumstances.

The following possible exemptions are now being phased out:

- Use of non-organic protein feed of plant and animal origin for livestock. Where farmers are unable to obtain protein feed exclusively from organic production, the use of a limited proportion of nonorganic protein feed is allowed for porcine and poultry species. The maximum percentage of non-organic protein feed authorised per period of 12 months for those species shall be 5 % for calendar years 2012, 2013 and 2014.
- Bringing non-organically reared pullets for egg production of not more than 18 weeks into an organic livestock unit when organically reared pullets are not available (31 December 2014).
- Using natural eggshell colouring agents for traditional boiled Easter eggs (31 December 2013).
- The possible addition of non-organic yeast extracts has to be examined by the end of 2013.

In addition, some exceptions are based on other Articles of Regulation 834/2007, notably on Article 40 (transitional measures).

The three main⁵¹ exceptional measures providing temporary authorisation to use non-organic inputs (young poultry, feed and seeds) and the transitional rules for animal housing have been subject to a specific analysis in the framework of the external evaluation. In order to assess the justification for non-organic input use, the following aspects were considered: (a) current availability of organic farm inputs, (b) reasons for undersupply, (c) actions taken (or need to be taken) to develop an appropriate supply, (d) evolution of the supply in the past years, (e) implications of the exceptional rule, considering likely impact on developing supplies, and where appropriate on achieving the objectives of organic farming and on consumer confidence. Where quantitative evidence was available it is presented in the following, along with the analysis of provisions, experts' points of view and literature.

2.2. Exceptional rules for using non-organic young poultry

2.2.1. Legal provisions

Article 42 of Commission Regulation (EC) No 889/2008, based on Article 22 of Council Regulation (EC) No 834/2007, provides that (1) non-organic young poultry up to 3 days old can be introduced when constituting or reconstituting a flock (without specified time limited) and (2) until 31 December 2014 (initially 31 December 2011), non-organic⁵² reared pullets for egg production of not more than 18 weeks may be brought into an organic livestock unit, when *organically reared pullets are not available in sufficient numbers*. There are currently no EU rules for the production of organic chicks or for the rearing of organic pullets.

⁵¹ Based on stakeholders interviews

⁵² Among producers these pullets are often referred to as part-organic, because the articles states that the organic feeding and disease prevention rules must be complied with by the pullet rearing enterprise.

2.2.2. Issues

Current availability of organic pullets: Out of the 13 countries considered by the evaluation, exceptions provided by Article 42 apply in all MS under various conditions, except for Denmark, which has set up national rules for the production of organic young poultry. In Denmark farmers must get supplied with organic young poultry for laying hens as well as broiler production. The supply in young organic poultry is thus adequate in Denmark. Also in Germany the use of non-organic poultry is forbidden, but producers can use non-organic eggs for hatching without derogations. Some regions like North Rhine-Westphalia are starting to set up stricter regulations; for example that from 1st March 2013 mixed flocks (organic and non-organic chicks) have to be built, and unavailability-declarations have to be issued by suppliers. In many other MS, the production of broilers or laying hens relies on the use of non-organic chicks, fed with organic food since the age of one day. Experts from Austria, Denmark, France and the Netherlands reported that there was no need for exceptional rules for young poultry, while experts from the Czech Republic, Estonia, Italy, Poland and Slovenia stressed that there is no or only a limited supply of organic young poultry in their countries.

Causes of the undersupply of organic young poultry: The lack of EU production rules regulating young organic poultry production constrains the development of the sector, as MS are reluctant to develop production rules at national level to avoid potential disadvantages for their producers. This is referred to in Recital (3) of Commission Regulation (EC) 505/2012 of 14 June 2012, *“the development of harmonised organic production rules for young poultry at Union level is complex, the viewpoints on technical requirements vary widely between the parties concerned.”* As a result, Recital 3 states that *“in order to allow more time to develop detailed rules for the production of organic pullets, the exceptional rule for using non-organic pullets should be prolonged.”*

Actions to develop the supply of organic chicks and pullets have been taken in Denmark. The Ministerial Order N° 1112 of 21 November 2008 of production and marketing of organic pullets sets provisions related to marketing conditions, feeding, welfare demands (physical production demands), prohibitions of trimming of beaks and the use of allopathic veterinary medicinal products and treatments. **According to Danish operators and experts interviewed, the provision of using organic pullets led to the development of an appropriate production of organic pullets.** In France and the United Kingdom producers tend to support the introduction of EU production rules for rearing organic pullets, but wish to maintain exceptions on using non-organic chicks for the time being. In France, producers appreciate the great diversity of breeding species that the exceptional rule allows them. Operators interviewed by the contractor have also highlighted that introducing organic chicks from organic breeding stocks will (a) raise the price of organic pullets (see further below) and (b) bring strong technical and sanitary constraints in breeding stock management, particularly because of the mandatory open-air access areas.⁵³

Implications of the exceptional rule for using non-organic pullets: The existence of these exceptional rules, (one of them with no end date, the other extended recently), has an adverse effect on the development of the organic supply. In case study countries, authorities and/or operators agreed that a 100 % organic supply would be possible if there were no market

⁵³ This point would not affect northern countries that require access to open-air areas only if weather conditions permit.

perturbation like the possibility provided by the exceptional rule. To postpone the ending date hampers the development of supplies and is not fair for sectors that have started to adapt to the end of the exception. In Denmark, the use of conventional young poultry has been prohibited for many years which fostered the development of a market for young organic poultry. Differences in supply, whether it is from (non-)organic chicks or part-organic pullets, leads to significant differences in costs.

In the United Kingdom, experts estimate full organic rearing of pullets to be approximately 40 % more expensive than part-organic pullets and in France the price of organic chicks is estimated to be twice as high as of conventional day-olds.⁵⁴

2.3. Exceptional rules for using non-organic feed

2.3.1. Legal provisions

For the feeding of pigs and poultry, Article 43 of Commission Regulation (EC) No 889/2008 based on Article 22(2, b) of Council Regulation (EC) No 834/2007 authorises the use of a maximum percentage of non-organic high protein feed when organic quality high protein feed is not available.⁵⁵ Initially, the exception was in force between 2009 and 2010. In 2012, the 5 % rate was extended until the end of 2014.

2.3.2. Issues

Current availability of organic high protein feed: Typical high protein content feed for monogastrics is usually soy products, corn gluten or potato protein, because it contains specific amino acids such as lysine and methionine. **It is not possible to estimate the availability of organically sourced protein feed in the EU, since official data on feedstuff demand and availability do not exist.** The ICOPP⁵⁶ project (Improved contribution of local feed to support 100 % organic feed supply to pigs and poultry) will assess available feed resources and the current demand in selected MS. A survey on feed resources is now in progress in 12 countries, making use of national information to provide best estimates. A report is due at the end of the project in October 2014.⁵⁷

Interviewed experts declared that these types of protein crops are not available in sufficient quantities from organic sources at EU level, and that **the majority of pig and poultry farmers rely on the exceptions of the 5 % non-organic high protein feed rule.** Insufficient supply of organic feed was specifically mentioned by experts from Austria, Czech Republic, Germany,

⁵⁴ Example of costs of production difference in United Kingdom (exchange rate EUR/GBP = 1.19):

- Costs of organic chicks for broilers: £0.70/per bird (0.83 €) whereas non-organic chicks likely at £0.40/per bird (0.47 €)
- Fully organic reared pullets for layers (using non-organic chicks): £6.00 to 6.95/ per bird (7.12 to 8.25€). Part reared (free range using only organic feed): £4.40 to £4.70 (5.22 to 5.58 €).
- Rapport ITAVI (text A), 2010 compares the price of conventional chicks of slow growing strains of 29.61€ for 100 heads to the price of organic chicks of intermediary growing strains of 65€ for 100 head).

⁵⁵ This rule does not apply to herbivores.

⁵⁶ The project is coordinated by the International Centre for Research in Organic Foods Systems (ICROFS) and funded under the CORE Organic II - FP7 ERA-Net project).

⁵⁷ The report will present estimates of organic stock numbers of all animals (including herbivores) and of organic production of concentrated feedstuffs including protein, broken down by crop/type in 12 countries as well as balancing calculations and tentative conclusions.

Denmark, Estonia, France⁵⁸ and Slovenia. They are concerned about the threat represented by imports of organic feedstuff from third countries (mostly China and India); with little guarantee on control and large carbon footprints. Recent cases of melamine contamination in organic soy imported from China and fake organic soy traded from Italy have had an impact on the demand for locally produced protein feedstuffs, which the market is unable to meet.

Causes of the systematic use of the 5 % of non-organic protein exceptional rule: Interviewed experts stated that a 100 % organic diet could hardly meet animal requirements (mostly with high performance breeds), and supplementation with non-organic high protein feed (as well as amino acids) is a necessity to reach a balanced supply of methionine and lysine for the high performance standards. Natural amino-acids are provided by corn gluten or potato protein incorporated in the 5 % of non-organic authorised ingredients, and by increasing the share of soy in feed. The obligation of 100 % organic feed would force farmers to find new sources of natural amino-acids, since corn gluten or potato protein are not available organically.⁵⁹ A number of potential high protein feed sources (rapeseed, peas & beans but also micro-algae) could be developed as alternatives, but some require further research. As part of the EU funded EEC (organic) 2092/91 Revision Project, Sundrum et al. (2005) carried out a meta-analysis of the available literature to evaluate whether restrictions in protein supply can be compensated for by other measures that are more in line with organic objectives and principles. The report concluded that due to the restricted availability of feedstuffs with a high content of limiting amino acids, growth rates and protein accretion of organic pigs and poultry are clearly lower in organic compared to conventional production. However, it claimed that there is sound scientific proof that both poultry and pigs can compensate to a high degree for imbalanced feed rations without the onset of specific health and welfare problems, with the exception of the animal's first weeks of life. Strains with a high genetic yield capacity seem to be more sensitive to suboptimal feed rations than slow growing strains or robust breeds. There also are numerous studies that describe the undesirable side effects of breeding for high protein accretion, especially in poultry production, making the lower intensity of feeding potentially an asset of organic production and suggesting that organic production of pigs and poultry needs to be protected from unwanted intensification through feed ingredients (Sundrum et al., 2005). The ICOPP project is expected to contribute to new approaches of ration formulation.

Implications of the exceptional rule for using non-organic high protein feed: In the current situation, the financial implications of the phasing-out of this exceptional rule would represent an increase of the total feed budget⁶⁰ to reach the required level of 100 % organic feed, because of the increase in price between non-organic and organic protein feed.⁶¹ Another impact would come from the change of the feeding content. Since some high value protein feedstuffs (e.g. potatoes protein, maize gluten, soy meal) used to balance rations are not (or not fully) available from organic sources, farmers will increase the overall protein content when increasing the share of organic raw materials to achieve a diet that provides adequate amounts of the limiting amino acids. This could result in a decrease in yield and, as a consequence, an increase in price. Consumers perceive organic husbandry as a production method based on natural/healthy feed (e.g. Zanolini et al. 2004). They are not aware of the details of production rules and expect

⁵⁸ For example in France, according to expert estimates, the need for organic soy for animal feed is around 55 000 tons, and national production is 5 000 tons, which means that 90 % of organic soy for feed is imported (mainly from third countries).

⁵⁹ EGTOP (2011), Final report on feed, 3rd plenary meeting on 29 and 30 June 2011

⁶⁰ According to United Kingdom expert interviewed, to move from 95 % to 100 % will cost producer + £15/t in increased feed cost and +3p/doz in production cost.

⁶¹ This assumption doesn't take into account potential adjustments such as adaptation of breeds

livestock used for organic meat to have been fed 100 % organic feed and their preference goes to local feed sources. **The organic principles for farming oblige farmers to practice land-related livestock production** and the feeding rule also express a preference for feed from the farm or region.

2.3.3. Results of the public consultation

As an immediate and transitional measure, the use of synthetic amino acids for organic monogastric feed production is discussed in some MS (for example Germany). The argument is made that in this case animal needs and species-specific feeding should have higher priority than the principles to use 100 % organic inputs. However, some representatives of the organic farming movement e.g. in Germany, strongly dismissed this suggestion as not being in line with organic principles and stated that instead the search for alternative solutions needs to be intensified. **Only 1% of the respondents to the public consultation would agree with such a measure.**

The majority of the respondents (66%) 29575) stated that the effective solution for reduction of insufficiency in terms of organic protein-rich feed in Europe was to introduce in the EU legislation initiatives to boost European production of organic protein crops. Following, as many as 27336 (61%) questioned citizens found that in order to address this issue a specific organic protein-crop production strategy should be developed. In turn, only 11% (4947) claimed that the organic sector should be allowed to continue to rely on imports if needed. Promising alternatives are already developed: methods to produce methionine via enzymatic fermentation based on organic raw materials, or the use of insect larvae or algae as a protein source for feed (method in development). These new techniques are considered by interviewed experts as very promising, but not entirely ready for a broad practical use yet.

2.4. The use of seed or vegetative propagating material not obtained by the organic production method

2.4.1. Legal provisions

The general rule imposes the use of organic seeds: "for the production of products other than seed and vegetative propagating material only organically produced seed and propagating material shall be used. To this end, the mother plant in the case of seeds and the parent plant in the case of vegetative propagating material shall have been produced in accordance with the rules laid down in this Regulation for at least one generation, or, in the case of perennial crops, two growing seasons." (Article 12 1) i).

Exceptions are possible according to Article 22 b) where it is necessary to ensure access to seed and vegetative propagating material (seeds) where they are not available on the market in organic form. According to Article 45 of Commission Regulation (EC) No 889/2008, MS can authorise the use of seed from a production unit in conversion to organic farming or the use of non-organic seed if not available from organic production. Non-organic seed may be used provided they are not treated with plant protection products not allowed in organic farming.

MS may delegate the responsibility for granting the authorisation referred to in paragraph 1) b) to another public administration or to the control bodies in charge of the controls of the organic production on its territory.

Species for which it is established that organically produced seeds are **available in sufficient quantities** and for a significant number of varieties in all parts of the EU are set out in Annex X to Regulation 889/2008 and their use in the non-organic form may not be authorised. **This list has always been empty.**

According to Article 48 of Regulation 889/2008, each MS shall ensure that a **computerised database** is established for the listing of the varieties for which seeds obtained by the organic production method are available on its territory. Varieties for which seeds produced by the organic production method are available shall be registered in the database at the request of the supplier. Conditions for registration include the demonstration that the seeds to be placed on the market comply with the general requirements for organic production. Any variety which has not been registered in the database shall be considered as unavailable. However, there is no legal obligation for suppliers to notify their organic seed to the database.

The system of national seed databases is intended to encourage the use of the available organic seed supply nationally by making it easier to find information about availability. The management of the exceptional rule system is done at MS level based on three categories: (1) where organic seed availability for species/varieties is sufficient, exceptions are no longer granted; (2) species or varieties with partial availability of organic seed, so exceptions apply and (3) species or varieties where there is no organic seed available, so a general authorisation to use non-organic material is given (see Table 1).

Table 1: Management of the non-organic seed exceptional rule in 2011 in some EU MS

	Category 1 Out of derogation	Category 2 Number of species and varieties concerned by derogation	Category 3 General authorization to use non organic material
AT	None	55 sp. 522 var.	13 sp.
BG	None	56 sp. 152 var.	None
DE	None	124 sp. 173 var.	180 sp.
DK		546 sp. 99 var.	~ 170 sp.
EE	None	17 sp. 84 var. (incl. 28 tomato var.)	All species not available in the database
ES	None	70 sp.	yes ^c
FR	YES (~13 sp.) ^a	3 000 var., belonging to 149 sp. are registered in the data base Alert screen: var. that will soon be included in cat 1 ^b	8 sp. and 7 var. of vegetables 15 sp. and 3 var. of field crop
NL	YES (>70 sp.)	159 sp. >1064 var.	Arable: 8 sp. Vegetable: 9 sp. Covered: 5 sp.
PL	None	201 sp. 1 629 var. As long as organic seed material is available, no derogation is granted	None
SI	None	Ca. 99 sp. Ca. 346 var. Var. database prepared by the Ministry	None
UK	None	Ca. 598 sp. Ca. 4 000 var.	None

var. = varieties, sp. = species

^a Exceptional cases of derogation for these species have been granted (for ex. 49 concerning maize in 2011).

^b In 2010: carotte nantaise, chicorée frisée, oignon jaune hybride, triticale.

^c The national report does not mention category 3 as such but states that, in Spain there is no offer of organic seed for many species, including : maiz, chickpeas, lentils, bitter vetch, canola, garlic, asparagus

Source: Own data from on case studies and annual national reports

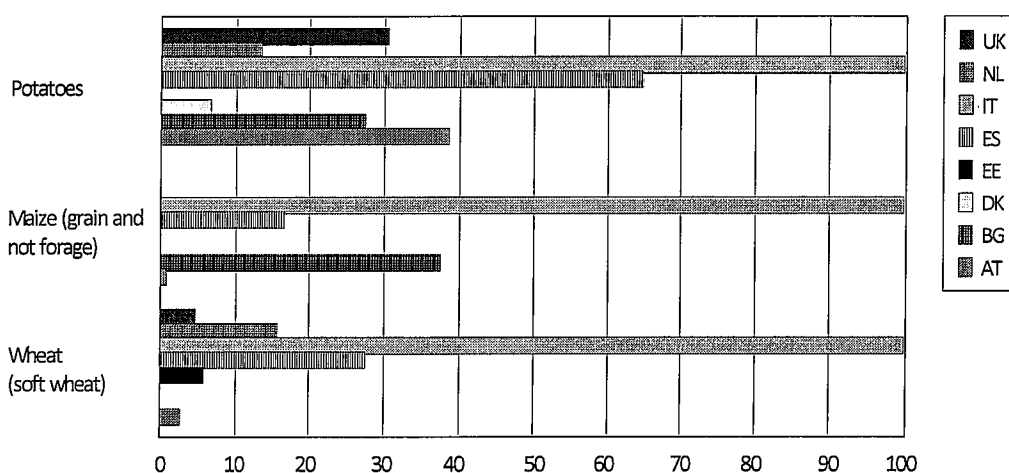
Bodies designated to grant authorizations to use non-organic seeds shall report to the MS competent authorities.

MS competent authorities shall send **an annual summary report** to the Commission and to the other MS.

2.4.2. Issues

Current availability of organic seeds and propagation material: The organic seed market is growing, but levels of supply vary between MS and crops. In Austria, Germany, Denmark and France the organic seed supply is reaching satisfactory levels overall, according to interviews with authorities and professionals (see Figure 2), exceptions for seeds were reported to be necessary in Bulgaria (although farmers usually use their own seeds), the Czech Republic, Spain, Italy, Poland and the United Kingdom. The sectors that mostly rely on exception requests are fruit and vegetable producers, as they use a wide range of species and varieties. To assess the degree of use of the exceptional rule system, the share of the organic area grown with conventional non-treated seeds (exceptional seeds) has been compared with total organic area, for three different crops in 8 MS. The data are presented as an index, the highest proportion for each crop being given an index of 100.

Figure 2: Share of area grown with exceptional rule non-organic seeds of total organic area, 2011 (ha)



Note: The index is calculated from the quantitative data registered in the statutory annual report of 2011 for each member state (Art. 54 of Reg. 889/2008). The amount of non-treated conventional seeds granted through derogations were converted in areas, using the following seeding rate - soft wheat (kg/ha): 175; grain maize (kg/ha): 30; potatoes (kg/ha): 2000. (This does not cover all the non-organic seeds use, because some non-treated seed can be used without requiring derogation when there is permanent derogation: In Denmark, general derogations are granted on soft wheat and grain maize species, whereas in Estonia, general derogations are granted on soft wheat and potatoes varieties). Then the corresponding area were divided by the total organic area, and indexed so that the max rate was equalled to 100. In United Kingdom, data concerning maize are not available but organic maize cultivation is very limited.

Source: Data from the consultant

Among the countries observed, supply of organic varieties of wheat, maize and potatoes seems to be limited in Italy (the highest rate of use of non-organic seeds). This might also be the case in Denmark and Estonia, where the use of species or varieties classified in category 3 with general exception (see definition of categories below) means there is no record-keeping of non-organic

seeds used. This may lead, in turn, to farmers favouring cheaper non-organic seeds, even when adequate organic supply is available for specific varieties. However, very high levels of organic supply for soft wheat have been achieved in Austria and the United Kingdom. For maize, the share of organic areas cultivated from organic seed is close to 100 % in the Netherlands, Austria and Spain. Organic supply for seed potatoes is adequate in Austria, Bulgaria, Denmark, the Netherlands and the United Kingdom (index below 30%).⁶²

Of the 12 countries studied⁶³, only France and the Netherlands developed a list of species for which organic seed supply is sufficient in quantity and diversity (Category 1).⁶⁴ The majority of countries operate a regime where exceptions have to be justified for each species on a case by case basis. Requested exceptions vary significantly and can reach up to 4 000 varieties of around 600 species (United Kingdom). The third category, a list of species and varieties under permanent exception, is active in six MS.

Causes for undersupply: The reasons for the low level of organic seed use are twofold, technical and economic.

- According to ITAB (French Organic Farming Technical Institute) quoted by the consultant, obtaining organic seeds from conventional breeding techniques is not straightforward, since very few producers are compliant with organic principles. Research studies have been launched by multi-actor partnerships like ITAB and ECO-PB (European Consortium for Organic Plant Breeding), to further develop organic seed supply and quality, and are addressed in some research projects (e.g. SOLIBAM).⁶⁵
- From a financial perspective, organic seeds are more expensive than non-treated conventional ones, which is an adverse incentive at individual and collective level to use or develop organic seed production. Odefey et al (2011) compared the production costs of some organic enterprises with conventional in five countries. Based on FADN data, they showed that seeds represent an important share of production costs in organic crop production (from 21 % in Sweden to 35 % in France for wheat; from 18 % in Germany to 25 % in Sweden for potatoes). Indeed, the average costs for organic seeds are higher than for conventional seeds (two to four times higher in Sweden and Germany for wheat; two to five times higher in Sweden and Austria for potatoes). As a result, the potential to use non-treated conventional seeds under the exceptional rule leads to financial advantages.

⁶² Stakeholders in the United Kingdom mentioned that supply of organic seed potatoes has fallen dramatically in the last two years, because one major supplier withdrew from the organic market.

⁶³ Data from Czech Republic could not be analysed.

⁶⁴ No conventional seeds can be used by the operators for these crops, except for exceptional cases under appropriate justifications (e.g. specific use, e.g. pop-corn).

⁶⁵ Strategies for Organic and Low-input Integrated Breeding and Management, financed by the European Commission under the 7th Framework programme- <http://www.solibam.eu/>

Implications of the exceptional rules for using non-organic seeds: The organic seed supply was first limited by the size of the sector, which did not provide a large enough market. The sector has grown but the seed price difference is significant and the diversity of supply might not be sufficient to meet the need of the sector. Now, providing access to the conventional seed market through this exceptional rule plays against the development of the organic seed sector.

Generally, exceptions have increased over the past years. The overview (see Table 3) shows that there is only a limited number of cases where the quantity of exceptional seeds has decreased with regard to the respective organic area: for potatoes in Italy, for wheat and spelt in Denmark and for carrots in Italy and the Netherlands (of the thirteen MS considered, complete data was only available for Denmark, Spain, Italy, the Netherlands, Poland and the United Kingdom).⁶⁶ The diversity of the varieties managed through the databases has increased in most cases. This data and the previous information on the use of the seed management database, shows generally **an extensive and increasing use of the exceptional rule system at EU level**. Accordingly, Annex X of the EC Regulation has remained empty, showing the limited progress made towards supply of organic seeds and propagating material at EU level.

The mandatory use of organic seeds will reduce the risk of contamination with pesticides and GMOs from using conventional seeds and propagation material. However, organic principles also require the use of locally adapted varieties, of which seeds are less likely to be available in organic quality. For this the reason, some stakeholders see the use of non-organic seeds as a necessity for the sector to develop, even though it impedes or slows down the development of organic seed production.

⁶⁶ Decreased in greater proportion than the area or increased in smaller proportion.

Table 3: Analysis of the evolution of the exceptions granted (volume and diversity) compared to the development of organic areas between 2007 and 2011 (Rate 2011 over 2007)⁶⁷

		Denmark	Spain	Italy	Netherlands	Poland	UK
Potatoes	Organic area	38%	n. a.	-8%	9%	56%	-30%
	Seeds under exception (quantity)	1523%	118%	-95%	217%	284%	-29%
	Diversity (Number of varieties effected by the exceptions)	88%	26%	33%	132%	85%	13%
Wheat & Spelt	Organic area	-52%	n. a.	-13%	-26%	n. a.	-11%
	Seeds under exception (quantity)	-79%	733%	14%	-75%	834%	120%
	Diversity (Number of varieties effected by the exceptions)	-71%	6%	-9%	100%	8%	-5%
Carrots	Organic area	41%	n. a.	-25%	50%	n. a.	n. a.
	Seeds under exception (quantity)	113%	174%	-95%	44%	21%	-92%
	Diversity (Number of varieties effected by the exception)	-13%	0%	n. a.	23%	100%	-2%

2007 data is the average 2006-2007, and the 2011 data is the average of 2010 and 2011 (except for DK where only the 2006 data were available).

Calculation is based on Eurostat data for organic areas and national seeds reports. When registered in seed units, the derogations were changed into kg using the following coefficient: potatoes (0.05); wheat and spelt (0.000045) and carrot (0.0000012). Then, the rate of change was calculated : [(average of 2011 and 2010) - (average of 2006-07)] / (average of 2006-07).

Source: calculation of the consultant based on national reports and Eurostat.

2.5. Issues with the exceptional rules allowing the use of non-organic inputs

The possibilities of use of non-organic inputs when they are not available in their organic form have been introduced with precautions in the EU legislation.

In particular, **transparency about the availability of the inputs in their organic form** has been sought. For instance, the availability of organic seeds should be known thanks to national seeds databases. In other respects, MS are required to notify their authorizations of use of non-organic ingredients in organic processed products via the "organic farming information system" (OFIS), a Commission software.

This transparency has entailed high administrative burden on national administrations (see assessment of administrative burden in Annex 17). The procedures in place often involve individual applications and decisions, which become numerous and difficult to manage for MS competent authorities. The seed database has been identified as particularly burdensome.

The transparency policy has not helped limiting the use of exceptions. To the contrary, the external evaluation shows that **exceptions are more and more used**. Inputs producers are not encouraged to develop inputs in their organic form, since the possibility of derogation is known and used.

⁶⁷ Sufficient data allowing the analysis of both (a) exceptions granted and (b) organic areas for the selected species (potatoes, wheat and spelt, carrots) were available only in 5 countries. One of the limiting criteria was the different units used to specify the volume of exceptions, which prevented a clear view of the total amount granted.

2.6. Transitional measures concerning animal housing

2.6.1. *Legal provisions*

Transitional measures were designed to allow progressive adaptation to the EU production rules, by allowing flexibility regarding animal housing conditions (stocking density, Article 95(2) of Commission Regulation No 889/2008), and cattle tethering in buildings existing before August 2000 (Article 9(1)). These measures were intended to end on 31 December 2010, but they were extended until the 31 December 2013.⁶⁸

Both measures have been extended in a significant number of MS: the transitional measure concerning tethering of animals still applies in ten of the thirteen studied countries (Austria, Bulgaria, Czech Republic, Germany, Denmark, Estonia, France, Netherlands, Poland and Slovenia); and the measure regarding stocking density in nine of the 13 studied MS (as above but not in Slovenia). In countries which have extended these measures operators had a 13-year transition period from 2000 to 2013. Both rules are justified by the cost of adapting animal housing to organic welfare standards introduced in 2007 in Council Regulation (EC) 834/2007. To support the transition, specific aid is offered under rural development programmes, which enables farmers to invest in new buildings corresponding to the new requirements. However, this aid is offered/implemented with specific provisions for organic farming only in very few countries (e.g. Austria, parts of Germany).⁶⁹

Both transitional rules are exceptions to the animal welfare standards as stated in the principles of organic production (species specific behavioural needs and meeting consumers demand).

2.6.2. *View of stakeholders*

Stakeholders interviewed by the consultant argued that transitional measures concerning animal housing were adequate and justified to stop farmers quitting organic farming and to help to maintain supply on the market. However, when asked whether the transitional rules should continue or stop after 2013, views differed. On one hand, some stakeholders in Germany, Estonia, Italy and Netherlands considered that tethering is not in line with the organic principles and that the sector has had sufficient time to adapt and reorganise. On the other hand, some interviewees suggested that tethering of cattle, when done in conditions that respect animal welfare (regular exercise provided, access to outdoor pasture, spacious stables with sufficient bedding, etc.), could be allowed permanently (Czech Republic, Poland, Netherlands).

⁶⁸ There also is a permanent exceptional rule related to structural constraints, the tethering exemption for small holders in Article 39 of Regulation (EC) 889/2008.

⁶⁹ See information about Measure 121: Modernisation of agricultural holdings in Sanders et al. (2011).

3. CONCLUSIONS

3.1. Scope

Harmonised and clear rules at EU level are essential to guarantee a level playing field for all EU organic operators. This is needed to ensure a smooth and well functioning EU market and to avoid unfair competition and fraud.

The three options that have been examined for the impact assessment, address the scope issue in the same way and include a clarification of the scope of the legislation by listing precisely the products covered, which can be labelled as "organic". The result will be to improve transparency and legal certainty for all operators of the sector and for consumers also. It will also contribute to reducing the administrative burden resulting from the frequent questions on scope that are put to the Commission and to the national administrations. Improved clarity and transparency will have a positive effect on consumers' and producers' confidence in the EU organic system.

The findings of the Commission's report, of the hearings and of the consultations did not show or justify the need for the inclusion of additional products or sectors of activity. In particular, as regards mass catering which hardly has any cross-border dimension, there is no evidence, at this stage, of an EU added value that would result from its inclusion in the scope of the European organic rules or from the elaboration of EU guidelines. Therefore the extension of the scope of EU organic legislation to mass catering was discarded.

The same conclusion was drawn for textiles and cosmetics. The introduction of EU production rules for textiles and cosmetics was considered but discarded because the need for EU action was not demonstrated.

To further encourage the consumption of organic products, the Commission intends to include in the Action Plan a general recommendation to prioritize the use of organic products in public procurement schemes.

3.2. GMOs

It results from the fact finding exercise and consultations carried out during the impact assessment that the GMO question is complex and cannot be addressed only from an organic agriculture point of view but must be considered for all agricultural crops. The issue is relevant to ensure GMO free organic (protein) feed.

The results of the public consultation have shown that consumers of organic products want GMO free products and the organic sector is committed to meet this expectation.

However, the sector is concerned about the consequences of the introduction of a lower labelling threshold notably for reasons of practicality, burden and costs. Lowering the labelling threshold or introducing a specific threshold for organic products would involve significant costs for operators which they do not consider worthwhile. Laboratories have also warned that this would

involve heavy analysis costs. Furthermore, there is no specific request from MS to change the current rules (see 2013 Council conclusions⁷⁰).

An on-going exercise conducted by the Commission is examining the appropriateness and workability of introducing or allowing "GM-free" labelling and what this would encompass.

After having issued the first Best Practice Document for coexistence of genetically modified crops with conventional and organic farming on "maize crop production", the European Coexistence Bureau is now working on honey and co-existence. MS remain in charge of devising co-existence rules on their territory.

The conclusion is not to change the current rules and to leave the competences inside the Commission as they are, including as regards the European Coexistence Bureau.

Therefore the options that are being considered do not contain any proposal to amend the current approach or the EU legislation in force.

3.3. Exceptional rules

Exceptional rules have been identified as a key-issue, which is addressed in three different ways in the three policy options:

- Option 1: status quo
- Option 2: integration of exceptions as permanent rules in the EU legislation on organic production,
- Option 3: removal of exceptions to the rules.

Impacts:

Options 1 and 2 would have negative consequences on the long-term because exceptional rules contradict organic principles and consumers' expectations. Their existence can adversely impact on the organic sector, notably by harming the development of the organic market and preventing the development of organic inputs.

In addition, option 1 is associated with heavy and increasing administrative costs (see Annex 17).

Option 3 could have short-term adverse but limited economic impacts on the production sector, notably organic chicks, seeds and propagating material. Precise data on the number of producers concerned is not available. The external evaluation shows that exceptions are more and more used. The sector had already time to adapt and at one point a decision to stop the exceptions is needed, otherwise the exceptions become the rule. Appropriate transitional measures should be decided. Exceptions in the case of catastrophic circumstances should in any case remain possible.

Several research projects financed by the Commission have been designed to find solutions to the issues of insufficient availability of some inputs in their organic form. Their results are

⁷⁰ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/agricult/137076.pdf

expected in 2013 and 2014. It should help the transition towards the end of exceptions planned end 2014 (allowing the use of 5% non-organic feed and of non-organic pullets).

In the longer term, the sector will benefit from stricter rules which will maintain consumer confidence in organic products, allowing further developments of the market. In addition, the sector of "organic inputs" (organic seeds, organic pullets and cheeks) will be boosted.

ANNEX 7: AUTHORISATION OF SUBSTANCES AND TECHNIQUES IN ORGANIC FARMING

1. CURRENT SITUATION AND LEGAL FRAMEWORK

Organic farming relies on objectives and principles, as well as practices designed to minimise the impact on the environment. The substances and products used as inputs should follow as much as possible these principles.

Organic farming rules include:

- Restrictions on chemical synthetic pesticide and synthetic fertiliser use, livestock antibiotics, food additives and processing aids.
- Prohibition of the use of genetically modified organisms.

The legal base for the general principles is title II of Council Regulation (EC) No 834/2007⁷¹ "objectives and principles of Organic farming".

Title III "production rules" provides the specific requirements for each of the different productions from general farm production with rules for plants, seaweed, livestock and aquaculture to the production of processed feed and food, including yeast.

The Commission is in charge of the authorisation of substances and products in accordance with Article 16 of Regulation (EC) No 834/2007. Restricted lists of products and substances that may be used in organic farming are established for the following purposes:

- plant protection products;
- fertilisers and soil conditioners;
- non-organic feed materials from plant origin, feed material from animal and mineral origin and certain substances used in animal nutrition;
- feed additives and processing aids;
- products for cleaning and disinfection of ponds, cages, buildings and installations for animal production;
- products for cleaning and disinfection of buildings and installations used for plant production, including storage on an agricultural holding.

Products and substances contained in the closed lists may only be used if the corresponding use is authorised in the MS concerned in accordance with the relevant EU provisions and/or national provisions.

⁷¹ 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.(O.J. L 189 , 20/07/2007, p. 1.)

Beside these general and specific rules, Commission Regulation (EC) No 889/2008⁷² implements and develops more detailed rules, through positive lists (Annexes I to XIII) covering substances and products such as:

- Fertilisers, soil conditioners and nutrients in Annex I,
- Pesticides and plant protection products in Annex II,
- Minimum surface areas in Annex III,
- Maximum number of animal in Annex IV,
- Feed materials in Annex V,
- Feed additives in Annex VI,
- Products for cleaning and disinfection in Annex VII,
- Certain products such as food additives, carriers, processing aids in Annex VIII,
- Products for use in the wine sector in Annex VIII a,
- Products not produced organically but needed for the food organic industry in Annex IX,
- Aquaculture in Annex XIIIa.

Although Articles 15 to 21 of Council Regulation (EC) No 834/2007 explain in detail the criteria for the authorisation of substances and the rules of production, still in many cases, it is difficult for the Commission to judge if certain substances and/or techniques requested by MS to be included in the annexes, fall under these objectives, principles and criteria. Therefore, the Commission consults experts with technical and scientific knowledge in order to get advice on whether to update the legislation (usually Commission Regulation (EC) No 889/2008) and whether to include new substances or practices.

In the past this technical advice was provided by ad-hoc expert groups working on a temporary basis. In order to streamline this work, the 2004 European Action Plan on organic food and farming proposed the setting up of a group of experts for technical advice in the field of organic production (Action No 11).

Commission Decision 2009/427/EC,⁷³ establishing the expert group for technical advice on organic production (EGTOP) was the first step towards the implementation of Action No 11. Further steps included (i) the publication of a call for applications with a view to select the relevant experts, followed by (ii) the appointment of the experts and the setting up of the pool list

⁷² 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, OJ L 250, 18.9.2008, p. 1–84

⁷³ COMMISSION DECISION of 3 June 2009 establishing the expert group for technical advice on organic production (2009/427/EC) L139/29

by Commission Decision 2010/C 262/03⁷⁴, and (iii) the publication on Internet of the rules of procedure⁷⁵ for the group.

The expert group has ensured access to highly qualified technical expertise and has provided recommendations to the Commission on different fields such as plant protection products, feed, additives, food processing aids or greenhouse production.

The experts work under the principles of "Independence, Excellency and Transparency"; therefore, members of the group make an annual declaration of their commitment to act in the public interest and a declaration of interests indicating either the absence or existence of any interest which might be considered prejudicial to their independence.

However, as the sector is so specialised, the number of experts is limited.

2. THE PROCESS OF EVALUATION OF SUBSTANCES AND TECHNIQUES

In order to request to include or withdraw a substance or a product from the lists in the Annexes to Commission Regulation (EC) No 889/2008, or to amend specifications of use, MS have to send a technical dossier to the Commission and to the other MS, on the basis of Article 16 (3, b) for farm production and Article 21 (2) for processed food.

On the basis of the dossier, the Commission drafts a **mandate** on which EGTOP is requested to give its advice in a given period of time.

The mandate is presented first to the SCOF (Standing Committee on Organic farming) and then to the plenary EGTOP group. The plenary group can consider and decide on the selection of member experts that may participate in a subgroup that will be created for evaluating that specific mandate. The experts from that subgroup are chosen from the pool of experts. The subgroup experts are temporary members, who have the mission to draft a report with some recommendations about the specific subject. Once it has been finalised, the report is adopted by the EGTOP plenary group.

Once the recommendations are adopted by EGTOP plenary group, under consensus decisions, the report is published together with the minutes of the meeting and the names of the experts who have participated in the subgroup.

So far EGTOP has met six times in plenary sessions (twice a year) and four times at subgroup level, on specific topic/s (e.g. fertilisers, plant protection products, etc.). The outcomes of those meetings are 6 final reports on: Feed, Fertilisers and soil conditioners, Plant protection products, Food (I), Poultry and greenhouse production. Two mandates are on-going in 2013, Food (II) and Aquaculture.

Once the reports are published, the Commission takes decisions on the basis of the EGTOP recommendations and possibly proposes to the SCOF the appropriate amendments of Commission Regulation (EC) No 889/2008.

⁷⁴ COMMISSION DECISION of 28 September 2010 appointing the members of the group for technical advice on organic production and drawing up the pool list

⁷⁵ http://ec.europa.eu/agriculture/organic/files/eu-policy/expert-recommendations/expert_group/rules_of_procedure_20-21_June.pdf

3. ISSUES

More and more requests are received by the Commission, because the organic sector is growing and there is a need for technical advice on developing sectors such as greenhouses, pullets, processed food, etc.

The process by which EGTOP can provide technical recommendations to the Commission is complex, technical and time-consuming, for which a high degree of specialisation is required. The rules of procedure of EGTOP are intended to prevent any conflict of interest but a complete independence of the experts cannot always be ensured.

EGTOP experts work on a voluntary basis and perceive only the travel costs and per diem.

In November 2011 the Budget Authority voted at the initiative of the Parliament EUR 2 million in reserve on committees. The reserve was lifted only when the Commission committed to revise the rules on experts group⁷⁶⁷⁷. MEPs considered that smallholder farmers are underrepresented in DG Agri expert and advisory groups.

4. CONCLUSIONS AND OPTIONS

Two possibilities have then been envisaged during the impact assessment:

Examination by an expert group organised by the Commission, under options 1 (improved status quo) and 3 (principle-driven). The horizontal Commission Decision No 2004/391/CE⁷⁸ of 23 April 2004 provides the possibility of designating such expert groups. Although that Decision will be revised in the near future, it relies on a longstanding procedure, well established and simpler than the EGTOP procedure. The technical requests would be examined by experts proposed by the stakeholders organisations already represented in the AGOF, who would transmit their conclusions to the Commission.

Impacts:

In one hand, it will solve one of the issues highlighted in the reserve from the European Parliament as smallholder farmers will be represented and in the other hand, the procedure of examination of the requests would be quicker and innovative techniques and practices could be incorporated more easily in the production rules. It would be to the benefit of organic producers' competitiveness.

The Commission could ensure a balanced representativeness of experts working on the technical assessment of requests.

⁷⁶ <http://register.consilium.europa.eu/pdf/en/11/st17/st17470-ad05.en11.pdf>

⁷⁷ In particular, the Commission committed to modify the rules on expert groups as to adopt common selection criteria through out all DGs, that guarantee balance among different categories of stakeholders and absence of Conflict of Interests for experts. It was agreed to establish an obligatory open selection process with a public call and a published mandate of each expert group which goes beyond a simple representation of Member states authorities.

⁷⁸ Commission Decision No 391/2004 of 23 April 2004 on the advisory groups dealing with matters covered by the common agricultural policy UE OJ L 120, 24.4.2004, p. 50.

Authorisation of substances and practices for organic farming under the responsibility of the sector under option 2.

The requests would be transmitted for examination to representative stakeholders, who would transmit their conclusions to the Commission.

Impacts:

It can be difficult in practice to determine the representative stakeholders. There is a risk of watering down of the standard, which could undermine consumer confidence. Finally this option raises the issues of transparency.

ANNEX 8: LOGO AND LABELLING

1. GENERAL RULES ON LABELLING OF ORGANIC PRODUCTS

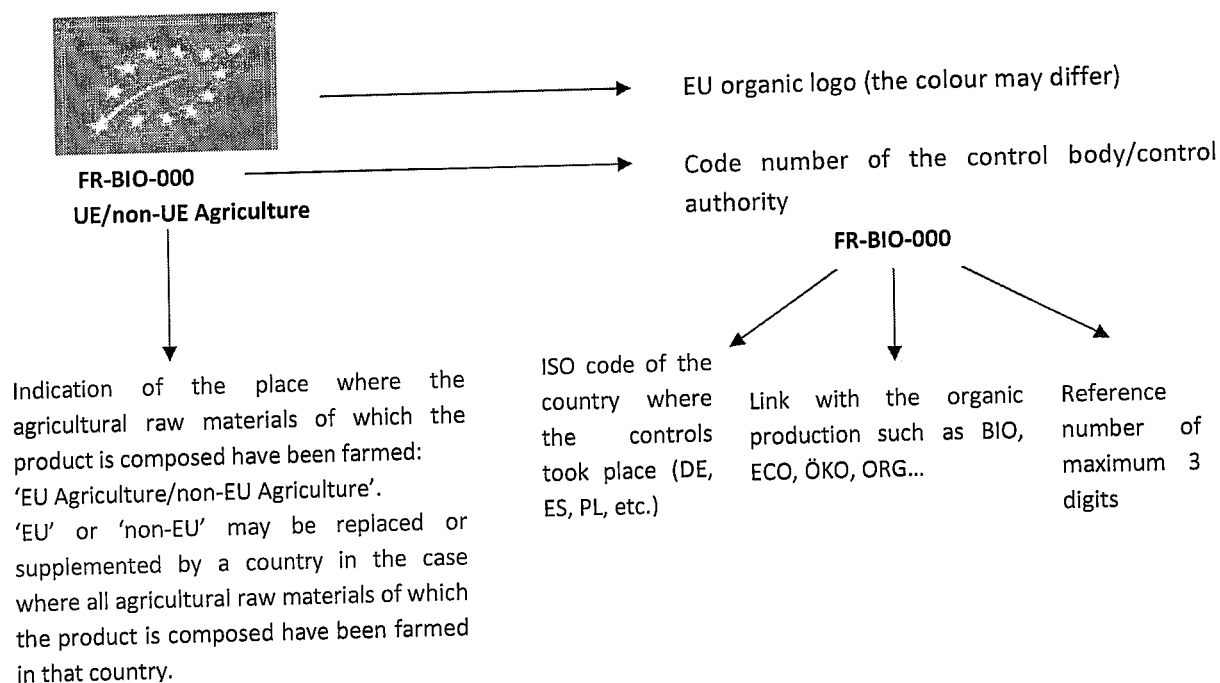
General rules on labelling of organic products are defined in detail in Title IV of Council Regulation (EC) No 834/2007. These rules are specified and defined (notably as regards the model of the EU organic logo) in detail in Title III of Commission Regulation (EC) No 899/2008.

Article 23 of Council Regulation (EC) No 834/2007 provides for the **protection of the terms** referring to the organic production method. These terms are listed in the Annex to this Regulation in all EU languages. The use of these terms and their derivatives and diminutives such as "bio" and "eco" for purposes of labelling and advertising is restricted to agricultural products produced according to the provisions of this regulation throughout the EU and in any language of the EU.

The **labelling rules and the use of the EU organic logo** are laid down in Articles 24 and 25.

Article 24 defines the **compulsory indications** where terms referring to the organic production method are used: code number of the control authority/body who carried out the most recent production or preparation operation, EU logo and an indication of the place of origin.

The following model shows the logo and the compulsory indications as printed on the product:



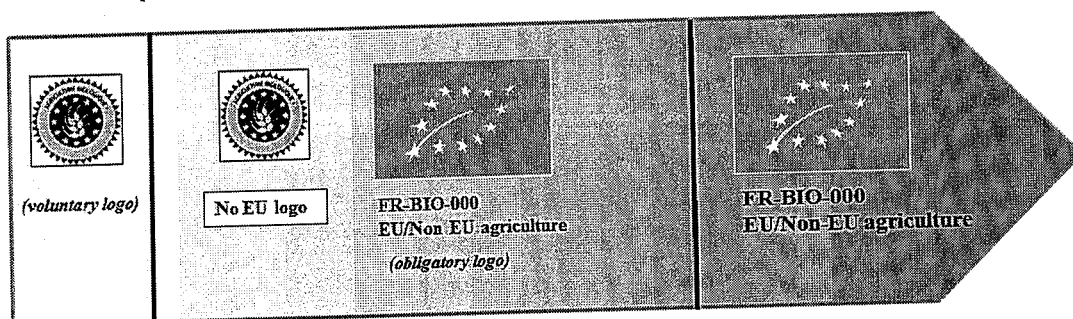
Rules on the use of the **organic production logo** are laid down in Article 25. The use of the EU logo is not exclusive, national and private logos are allowed. The use of the logo is optional for products imported from third countries.

The use of this logo and the compulsory indications are obligatory for the labelling of processed pre-packaged food since 1 July 2010⁷⁹:

**New labelling
rules apply
1 July 2010**

Transition period:
*Products labelled before
1/7/2010 to be sold until
stocks exhausted*

1 July 2012



The EU organic logo may be displayed on non-pre-packaged or imported food products on a voluntary basis. When used on a product, the EU organic logo indicates that this product is in full conformity with the rules laid down in the EU Regulations. For processed products it means that at least 95% of the agricultural ingredients are organic.

The EU organic logo is registered since 2010 as a trade mark⁸⁰ in the EU and has international registrations⁸¹ in key third countries such as Switzerland, the United States, Japan and Norway.

⁷⁹ Even if the EU organic logo was compulsory from 1 July 2010 on, the gradual placing of the new logo on the market lasted until 2012. This transitional period was designed to help operators adapt to the new regulation and to avoid waste of existing packaging.

Packaging material compliant to the organic legislation as in force before the introduction of the new logo could be used, and possibly renewed, until 1 July 2012, with or without the old organic logo. Products produced, packaged and labelled before 1 July 2010 could continue to be placed on the market and sold until stocks are exhausted.

⁸⁰ The logo was filled as an individual and collective trademark in the Office for Harmonization in the Internal Market (Trade Marks and Designs) – OHIM. It is registered and protected as an individual trademark since 2010 and as a collective trademark since 2012.

⁸¹ The international registrations followed the EU legal protection and were completed in 2010-2012 period (with the exception of China). Internationally the logo is registered as a collective trademark.

2. AWARENESS OF THE EU LOGO, CONFUSION ASSOCIATED WITH MULTIPLE LOGOS

According to a Eurobarometer survey conducted in July 2012, the EU organic logo had already gained **24%⁸² of the citizens' awareness**. Taking into account 2 years of transitional period (to facilitate operators adapting to the new rules) and lack of costly campaigns, this result can be considered as successful. The logo was selected through a competition among students and finally chosen by European citizens through an Internet vote, which gave it already some recognition. In comparison the logo identifying Protected Designations of Origin (PDO) and Protected Geographical Indication (PGI) is recognised by 14% of the population.

Overall knowledge of the EU organic logo varies widely between MS (from 13% to 39%) depending on how developed the organic sector is and whether there was a strong national logo before.

The vast majority of respondents to the public consultation (35357, or 79% of the total), declared that they recognize the European organic logo. Only 20% of the questioned publics were not familiar with the European organic logo. This result confirms that the respondents to the public consultation were mostly familiar with the organic sector, but cannot be interpreted as a level of awareness among the general EU population.

The national and European logos were equally known by the respondents to the public consultation. National logos (66%; 29605) and the European logo (66%; 29416) are the most common and trusted indications of distinguishing organic among conventional products.

The EU organic logo has a long term potential: once understood, it can be easily recognised by European consumers in all MS without a need for translation every time it crosses an EU language border.

In addition, there are many private logos relating not only to private organic standards but also to other schemes, which add to the confusion⁸³.

⁸² Eurobarometer report n° 389 (What Europeans think of food security, food quality and the relation between agriculture & the countryside - July 2012)

⁸³ SODEXO, COPA-COGECA, Carrefour, ECF-European Coffee Federation, Vossen&Co (organic essential oils) Autumn hearings

Proliferation of quality (including organic) labels:



Fewer labels would likely diminish confusion amongst consumers, especially if consumers can reliably begin to attach credible association with one well known and well understood label:

Name	Region	Label
Biogarantie	Belgium	
EKO	Netherlands	
Soil Association	UK	
Organic farmers and growers	UK	
North America		
USDA National Organic Program (NOP)	USA	
Canada Organic	Canada	

Other		
Australian certified organic	Australia	
NASAA certified organic	Australia	
JAS	Japan	
Bio-Gro	New Zealand	

3. INDICATION OF THE PLACE OF FARMING: COMPLEX BUT IMPORTANT FOR CONSUMERS

Whenever the EU organic logo is used on a product, it always has to be accompanied by the code number of the control body and the place where the agricultural raw materials of which the product is composed have been farmed.

The geographical origin of food is considered very important by the majority of European consumers. The introduction of the obligatory indication of the place of farming on the packaging of organic products, besides the organic logo in Regulation 834/2007 was an improvement in this respect.

However, stakeholders have reported that the rules for the indication of the place of origin are complex and that they could be simplified.

4. THE ISSUE OF DOUBLE LABELLING OF COUNTRY OF ORIGIN

The horizontal legislation provides with several cases where the indication of the country of origin of primary ingredients is required, notably Regulation (EU) No 1169/2011⁸⁴ on food information to consumers (not yet implemented). In these cases, it has been suggested that the legislation on organic farming should not impose the same indication twice. Currently the indication of country of origin is obligatory for beef and beef products in the EU. Mandatory origin provisions have been developed on the basis of vertical approaches for instance for honey, fruit and vegetables, fish, beef and beef products and olive oil. There is also a possibility to extend mandatory origin labelling for other food products. In particular, on the basis of Article 26(8) of Regulation (EU) No 1169/2011 the Commission shall

⁸⁴ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 – OJ L 304, 22.11.2011, p. 18.

adopt by 13 December 2013 an implementing act concerning the mandatory indication of the country of origin or place of provenance for meat of swine, sheep and goat, and poultry. The aim is to simplify the labeling of country of origin and avoid double labeling of products falling under the provisions of Regulation (EU) No 1169/2011.

5. COMPLEXITY OF THE LABELLING OF ORGANIC PROCESSED PRODUCTS

According to the legislation on organic production, the country of origin can only be indicated on the packaging of processed products if all agricultural raw materials of which this product is composed are farmed in this country. The threshold for ingredients allowed from other origin is only 2 % by weight. This has as consequence that in the case of organic processed products including ingredients from various origins, the indication "EU agriculture", "non EU agriculture" or even "EU/non EU agriculture" has to be used. The sector has requested this 2% limit to be expanded to 5%, in order to be consistent with the possibility for processed food to be sold as organic provided they include at least 95% by weight of organic ingredients of agricultural origin.

Inexact obligatory labelling on organic aquaculture products

The legislation on organic production imposes to use the indication "EU agriculture", "non EU agriculture" or "EU/non EU agriculture", instead of "EU Aquaculture" / "non-EU Aquaculture" / "EU/non EU Aquaculture".

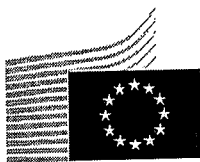
6. POLICY OPTIONS

Labelling issues are addressed by measures proposed proposed in the improved status quo option, and are therefore extended to all options. They are supported by stakeholders and MS.

The following improvements are proposed:

- Measures to avoid double labelling of the origin
- Simplification of the labelling of organic processed products (see above).
- Introduction of the possibility to use the indication "EU Aquaculture" / "non-EU Aquaculture" or "EU/non EU Aquaculture" instead of "EU agriculture", "non EU agriculture" or "EU/non EU agriculture" on the labelling of organic aquaculture products,

Impacts: the proposed measures intend to simplify the labelling requirements, thus improving the competitiveness of operators. It will also bring clarification to consumers, in particular in the case of aquaculture products.



EUROPEAN
COMMISSION

Brussels, 24.3.2014
SWD(2014) 65 final

PART 2/3

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

**Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on organic production and labelling of organic products, amending Regulation (EU)
No XXX/XXX of the European Parliament and of the Council [Official controls
Regulation] and repealing Council Regulation (EC) No 834/2007**

{COM(2014) 180 final}
{SWD(2014) 66 final}

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ANNEX 1: THE ORGANIC SECTOR IN THE EUROPEAN UNION

This Annex aims at describing the most important indicators on the organic farming sector, notably the land area under organic cultivation and the number of operators (holdings, processors and importers). A short description of the EU organic market is also presented. When possible the available data is presented on a 10-year period, from 2000 to 2010 (or 2011 when available).

The source for the data is mostly Eurostat (annual survey and farm structure survey). The market analysis is based on data from "The world of organic agriculture statistics and emerging trends 2013" (FIBL and IFOAM) and on a study from the Organic Monitor¹. The source of the data on aquaculture is mostly from the study on "The current status and future perspectives of European Organic Aquaculture"².

In 2011, more than 9.6 million ha³ were managed organically by more than 235 000 organic producers in the EU⁴. Every year the organic land area has increased by 500 000 ha on average since 2000. In 2011, the organic land area in the EU represented 5.4 % of the total agricultural area.

The total value of the EU organic market was approximately 19.7 billion euro in 2011 with Germany being the biggest market in the EU followed by France, the United Kingdom and Italy.

¹ Organic Monitor: the Global Market for Organic Food and Drink: business opportunities and future outlook (3rd edition, 2010, www.organicmonitor.com)

² Zubiaurre C, 2013, The current status and future perspectives of European Organic Aquaculture. Aquaculture Europe 38 (2), pp14-21 (Based on MSc study University of Barcelona in conjunction with the European Aquaculture Society).

³ Estimation based on Official Eurostat data, the 2011 figures were missing for IE, CY, LU, thus their available data was used from 2010.

⁴ Estimation based on Official Eurostat data, the 2011 figures were missing for IE, CY, LT, LU, and UK, thus their available data was used from the previous year.

1. STRUCTURAL INDICATORS ON THE ORGANIC SECTOR

1.1. Area

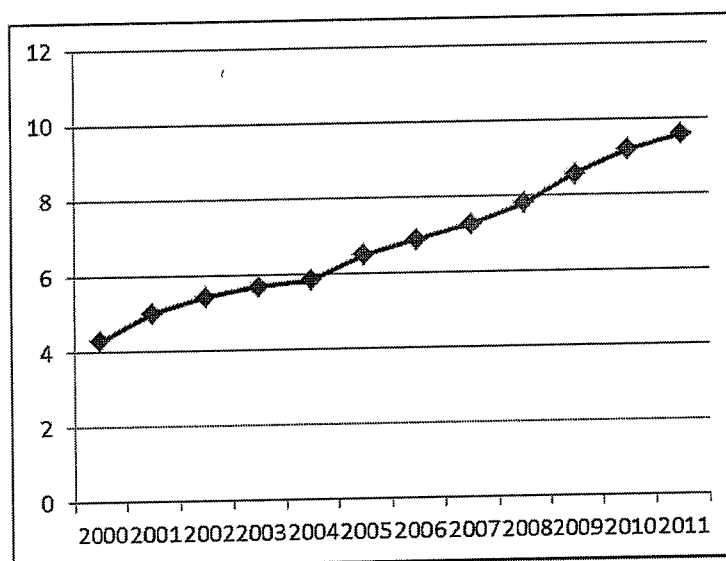
1.1.1. Utilised Agricultural Area (UAA)

The area under organic agriculture has increased significantly in the last years. In the period 2000-2011, the total organic area has increased from 4.3 to an estimated 9.6 million ha (6.7% yearly growth on average).

In absolute terms, the MS with the largest areas in 2011 were Spain (1.8 million ha), Italy (1.09 million ha), Germany (1.01 million ha), France (977 000 ha) and the United Kingdom (638 000 ha). These countries together represent 57% of the EU organic area.

Graph 1 shows the regular increase in the total EU organic land area between 2000 and 2011⁵.

Graph 1. Area under organic cultivation in the EU (million ha) between 2000 and 2011

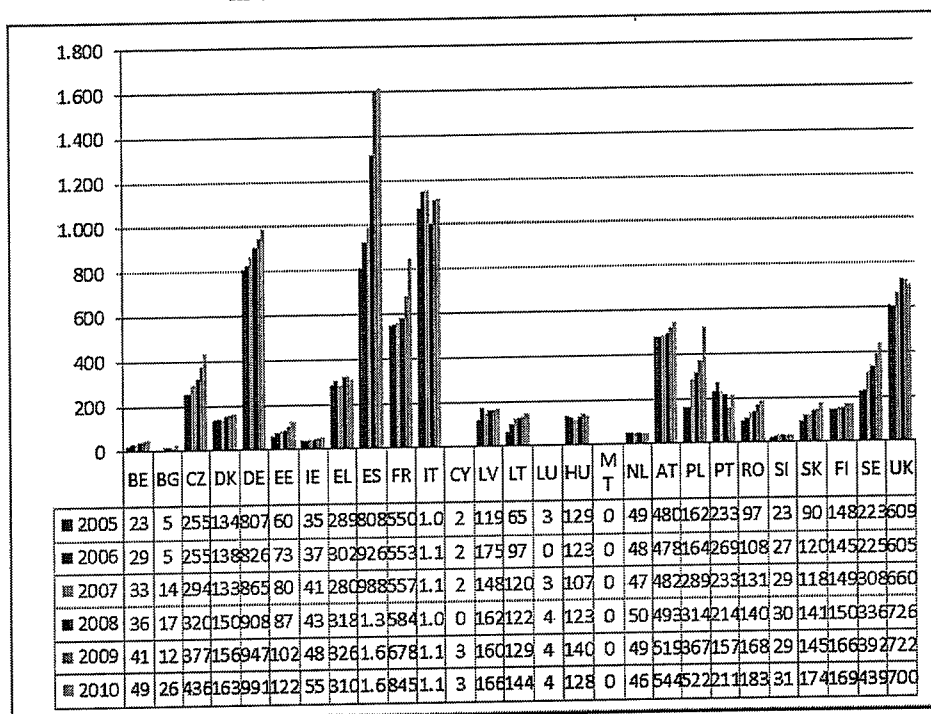


Source: Eurostat

Graph 2 shows the evolution of the organic area at MS level over the period from 2005 to 2010. Most MS and in particular the Czech Republic, Germany, Spain, Poland, France and Sweden, have shown a strong growth in the area of organic farming, while in others like Denmark, Estonia, Lithuania the organic farming area has grown to a lesser extent. Only a few countries did not experience any growth on the same period.

⁵ Total organic land area (ha) (certified and in-conversion area) - total area, including Arable land crops, Permanent grassland (pastures and meadows), Permanent crops, Fallow land as part of crop rotation

Graph 2. Evolution of the organic area (certified organic + in-conversion) in the MS in thousand ha from 2005-2010

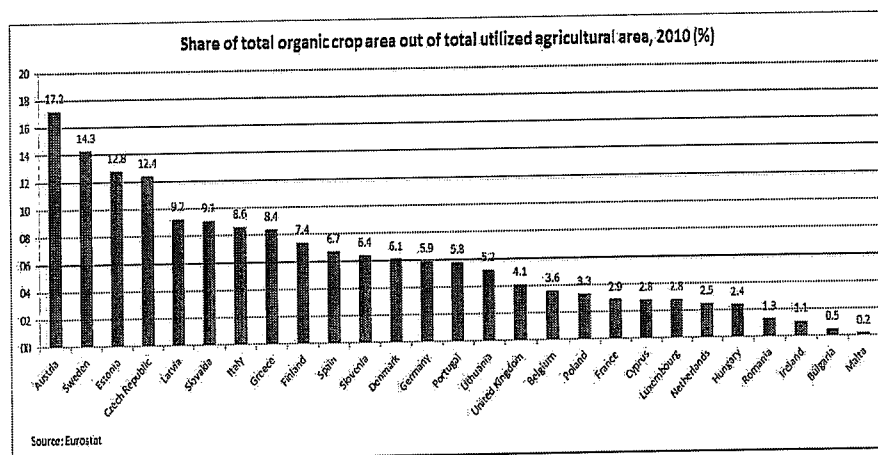


Source: Eurostat (no data for Malta)

1.1.2. Share of organic area

Graph 3 shows that in 2010, Austria with 17.2% was the MS with the highest share of organic land in the total UAA. Sweden followed with 14.3%. Estonia and the Czech Republic had 12.8% and 12.4% respectively. In 13 MS the share was below the EU average (5.4%).

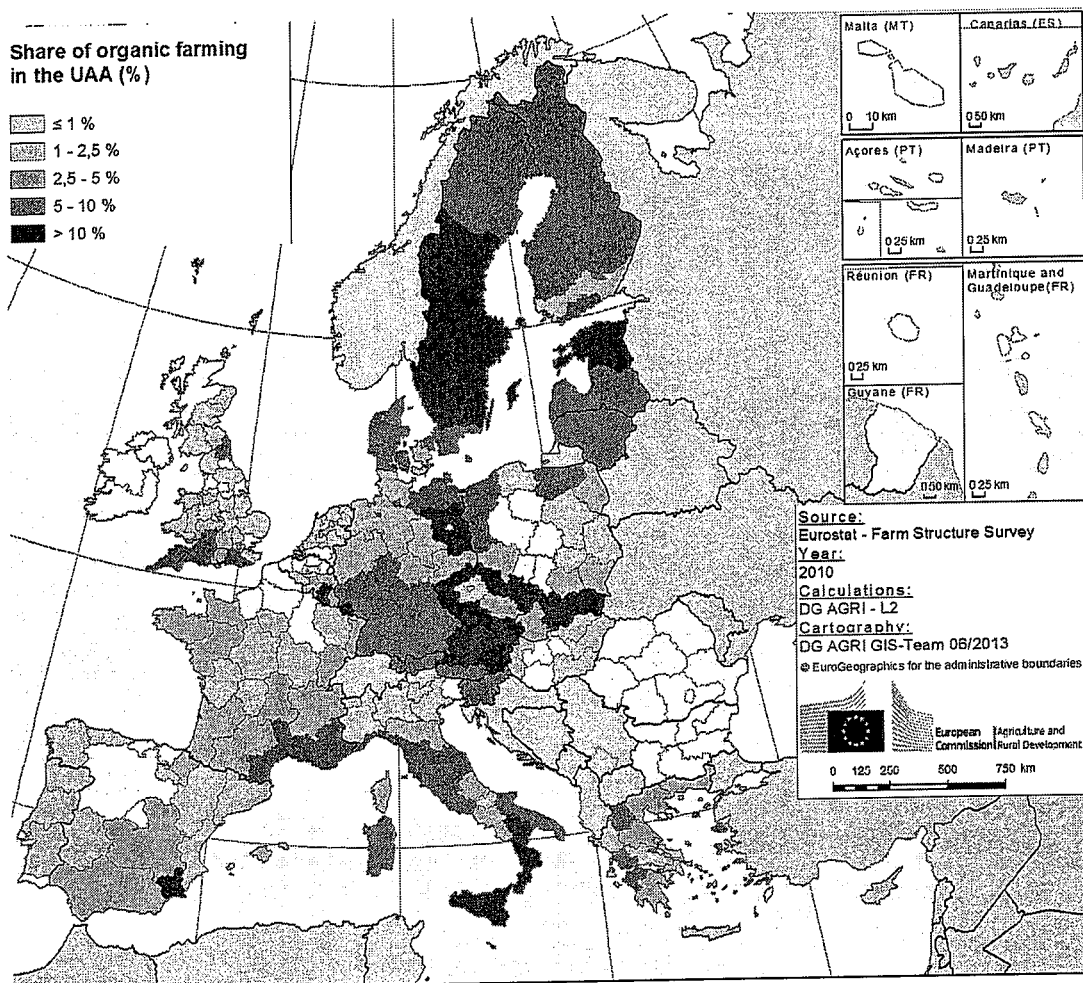
Graph 3. Share of the organic area in the UAA in the EU in 2010 (%)



Source: Eurostat

Graph 4 shows the share of organic agricultural area in the total utilised agricultural area (UAA) at regional level. The highest shares in 2010 were recorded in regions of Austria, Sweden, Estonia and the Czech Republic, which is consistent with the results at national level.

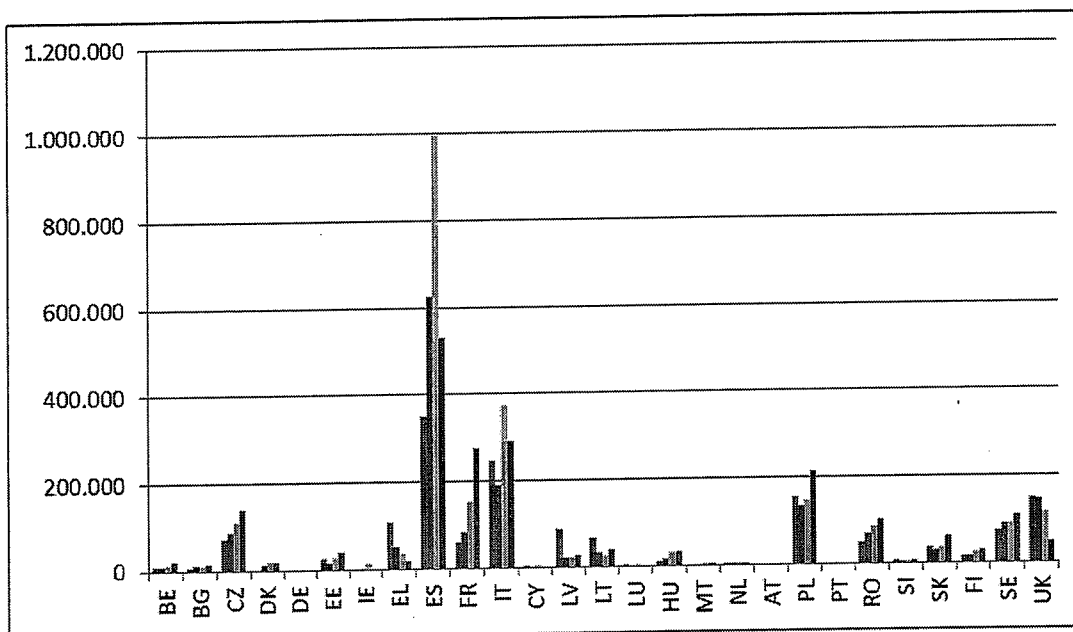
Graph 4. Share of the organic area in the UAA in the EU at regional level, 2010 (%)



Source: Eurostat – Farm Structure Survey

Graph 5 shows the dynamics of the development of the sector with estimates of the area which enters annually the in-conversion process in the organic farming sector⁶. The MS with the highest land share converted to organic was Spain followed by Italy, France and Poland. Over the period 2007-2010 the area entering the sector each year increased, with a notable acceleration in 2008.

Graph 5. Estimated annual area entering the in-conversion process in the EU (ha) between 2007 and 2010



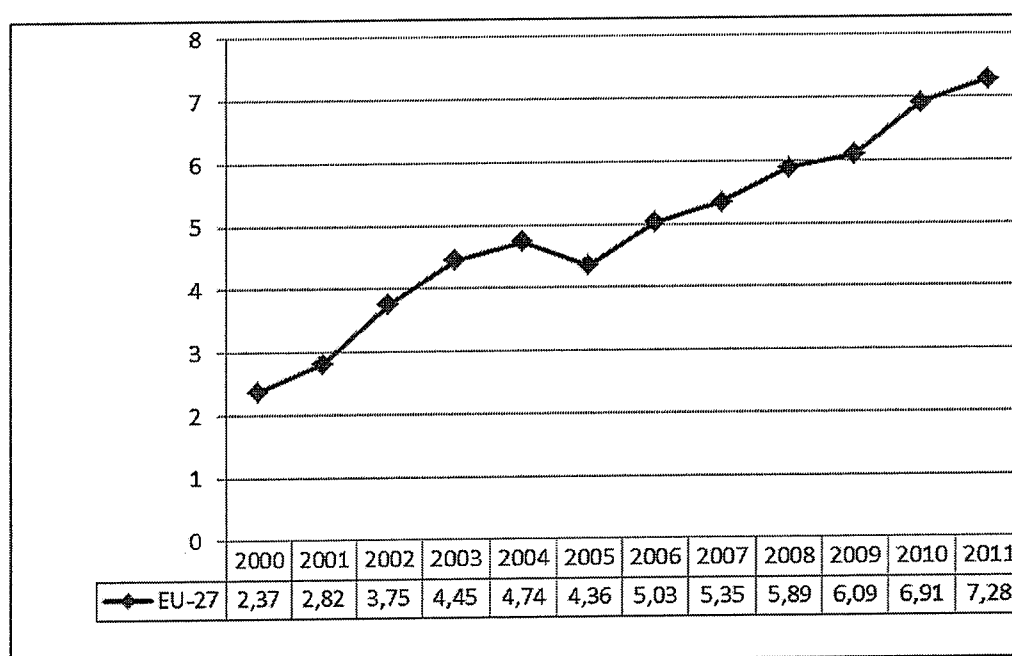
Source: Eurostat

⁶ Conversion means the transition from non-organic to organic farming within a given period of time, during which the provisions concerning the organic production have been applied (Article 2 of Council Regulation (EC) No 834/2007)

1.1.3. Size of organic crop area

Graph 6 shows that since 2000 the organic crop area⁷ has been growing rapidly, it increased from 2.3 million ha in 2000 to 7.2 million ha in 2011. Despite the drop in 2005, the overall growth was higher than the growth of total land under organic cultivation (see Graph 1). The missing data of France for 2005 has caused the drop in the territory of certified organic crop. The missing figure for France is close to 0.5 million ha.

Graph 6. Certified organic crop area in the EU in million ha



Source: Eurostat

⁷ Crops are arable crops (cereals, protein crops, root crops, industrial crops, fresh vegetables, forage plants and other arable land crops) and permanent crops (fruit, berries, citrus fruit, olives, vineyards and other permanent crops).

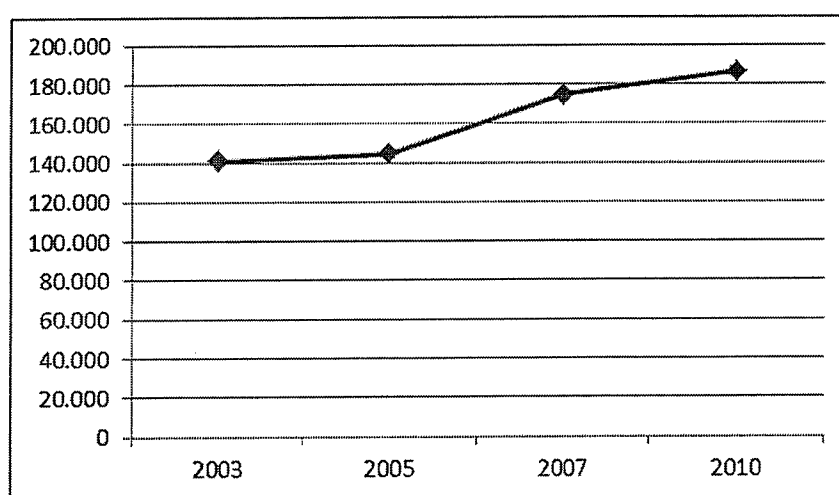
1.2. Organic holdings

1.2.1. Number of organic holdings

The number of organic holdings was estimated at almost 200 000 holdings in 2010 in the EU, which represented 1.55% of the total number of farms. At MS level, the share varied between 0.3% in Romania and 14.4 % in Austria. The share of organic holdings has increased in most MS since 2003⁸.

Graph 7 shows the steady growth in the total number of organic holdings since 2003. It has increased from 140 900 to 186 250 from 2003 to 2010.

Graph 7. Total number of organic holdings in the EU including in-conversion farms (2003, 2005, 2007 and 2010)



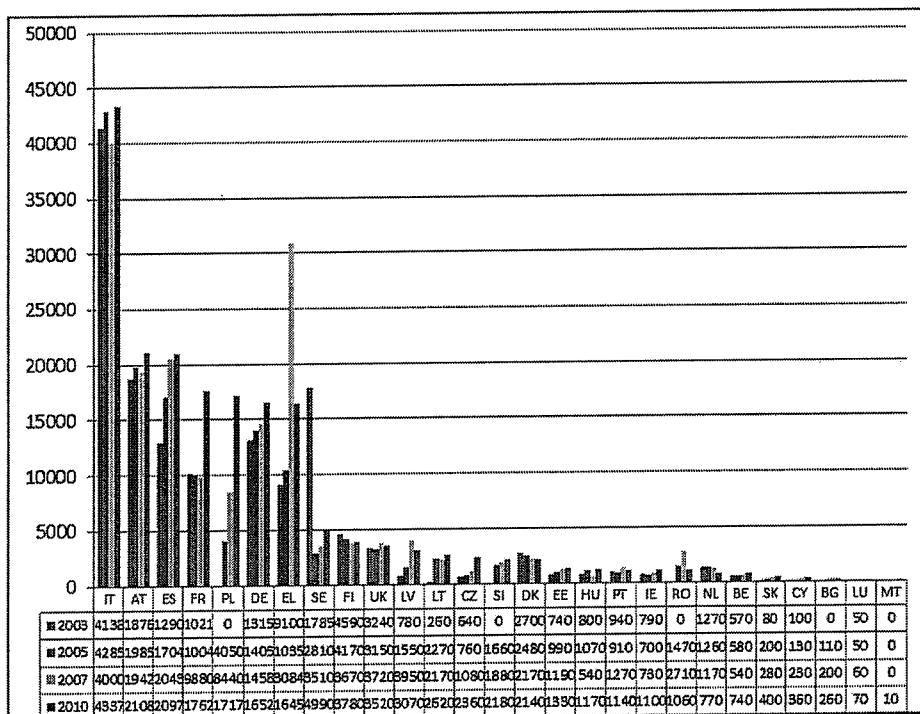
Source: Eurostat

The highest number of organic holdings is to be found in Italy (43 370) followed by Austria (21 080), Spain (20 970) and France (17 620).

Graph 8 shows the evolution of the number of agricultural holdings in the MS between 2003 and 2010. Poland experienced higher growth than any other MS in absolute number between 2007 and 2010, with 8 730 new organic holdings. The evolution of the sector can be linked to different factors, one of them is the support measures provided to the sector, which explains the number of organic holdings has grown exponentially. Due to the benefits of the support measures higher number of farmers started their organic operation than before. Such is the case in Greece for example: organic holdings have trippled between 2005 and 2007, but later halved in 2010. Another factor that explains the evolution is the better environment offering services, vocational training and research. Such is the case in Austria and Germany where steady growth of the number of organic holdings was registered. In parallel, the share of organic holdings in the total number of agricultural holdings increased from less than 1% in 2003 to 1.55% in 2010 (see Graph 9).

⁸ An analysis of the EU organic sector, June 2010 European Commission, DG for Agriculture and Rural Development

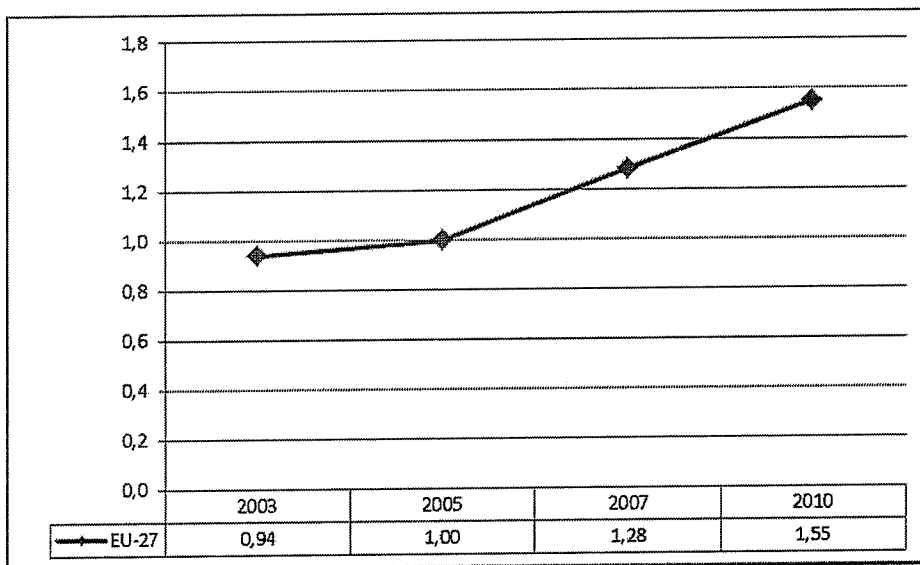
Graph 8. Evolution of the number of organic holdings in the MS (2003, 2005, 2007, 2010)



Source Eurostat. Data is not available for some countries for some years

1.2.2. Share of organic holdings

Graph 9. Evolution of the share of organic holdings in total agricultural holdings in percentage



Source: Eurostat

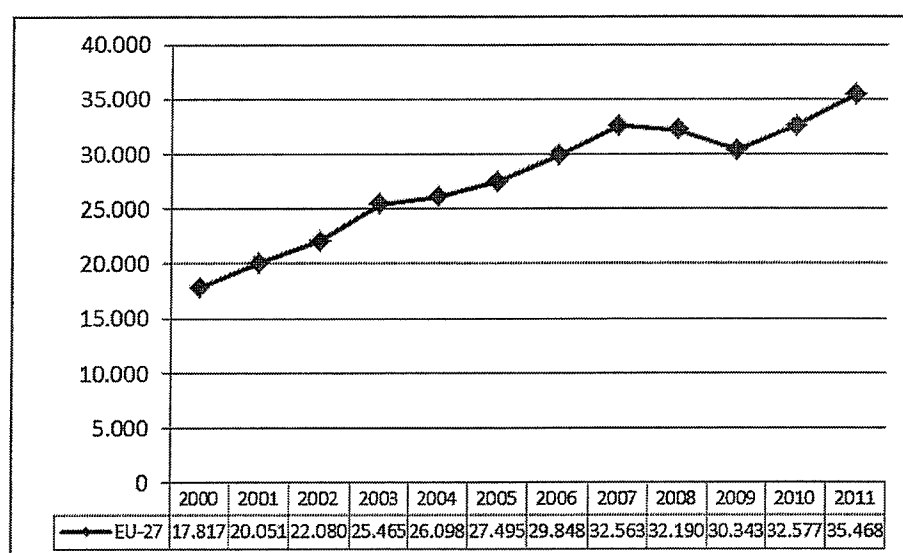
1.3. Organic operators

1.3.1. Registered processors

The number of organic processors in the EU almost doubled in the last decade, from less than 18 000 in 2000 to around 35 500 in 2011 (data are not available for all MS). The number has been growing steadily with a slight drop in 2008 and in 2009 (see Graph 10). The reason might be the slowdown of the world economy or simply a lack of sufficient data for certain countries such as France and Austria.

The number of processors has increased significantly in some MS, like Germany (from 5 571 in 2003 to 8 905 in 2011) or the Czech Republic (from 109 in 2003 to 422 in 2011).

Graph 10. Evolution of the number of processors of organic products between 2000 and 2011 in the EU

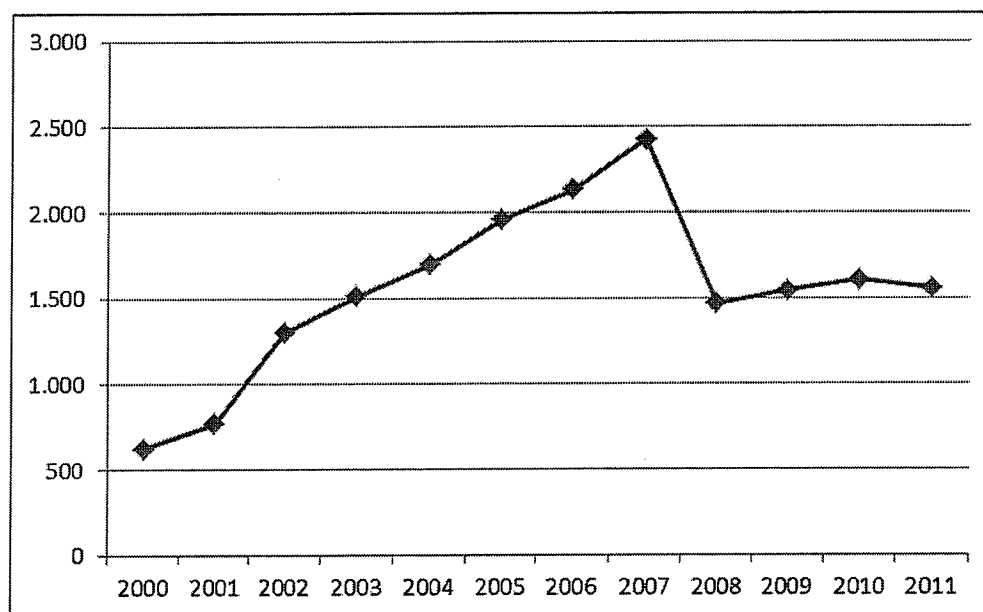


Source: Eurostat (for some years the figures for previous year were applied)

1.3.2. Registered importers

Almost 1.600 organic importers were registered in the EU at the end of 2011 compared to 623 in 2000. Their number increased steadily until 2007 (2.427), but then sharply decreased in 2008 (1.466), as shown by Graph 11. However the data is difficult to analyse because it is incomplete. Similarly to the case of processors, the data of registered importers was missing entirely for some relevant importers such as Austria and France. For Germany the number of importers has sharply fallen from 826 to 242 from 2007 to 2008.

Graph 11. Evolution of the number importers of organic products between 2000 and 2011 in the EU



Source: Eurostat

2. ORGANIC AQUACULTURE

Organic aquaculture is a relatively new sector and EU implementing rules have only applied since 1 July 2010. Data available from Eurostat is quite limited; with 12 MS providing replies in 2010 and 10 in 2011. Most replies relate only to the total number of production units, which averaged 75 in total over this two year period. Salmon and trout are the largest sectors at present and EU production of organic salmon was an estimated 12.540 tonnes in 2012, which was 7.8% of total production. Ireland is the largest producer of organic salmon (9.600 tonnes) followed by the UK (2.940 tonnes). EU production of organic rainbow trout was an estimated 1.717 tonnes in 2012 (in France, Denmark, Ireland and Poland), which was 0.9% of total. Combined organic seabass and seabream production in the EU and Croatia in 2012 (Greece, France and Croatia) was an estimated 1.614 tonnes, an estimated 0.9% of total. Data for organic carp production is not available. Organic shellfish production had commenced since the EU rules were introduced in France, Ireland and the Netherlands. Ireland produced 5.200 tonnes of organic mussels in 2012. France has an estimated 18 organic shellfish units and nine organic seaweed units. There are significant imports of organic aquaculture products from outside the EU.

3. THE EU ORGANIC MARKET

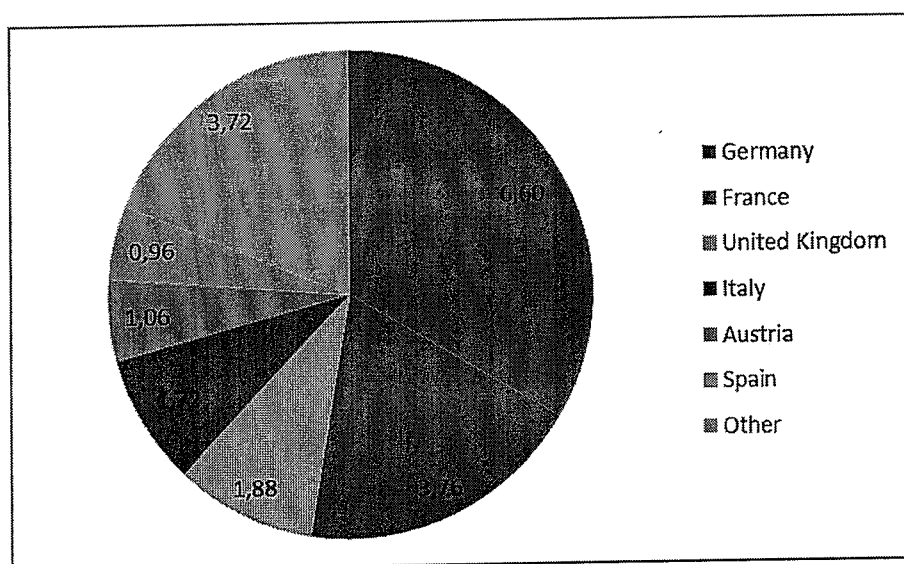
3.1. General aspects

The EU market for organic food products was valued at 19.7 billion euro with a 9% growth rate in 2011. The EU market is the second largest in the world behind the US, home to some of the leading organic food companies.

The financial crisis had a negative impact on many European economies, reducing consumer purchasing power and raising unemployment. After reporting healthy growth rates for several years, revenue growth slowed to 3.5 % in 2009. The German organic market reported a slight contraction, mainly because of lower prices of organic products. Other organic food and drink markets, especially those in France, Sweden and the Netherlands, showed double-digit growth in 2009. The UK market for organic food experienced a 14% contraction in 2009 as consumers curtailed expenditure and retailers rationalised their organic product ranges. The above figures of 2011 prove that the market has regained its healthy growth.

The by far largest organic market in the EU was Germany with 6.6 billion euro in 2011. France held the second place with 3.8 billion euro. This market showed one of the most dynamic growth rates in the past couple of years. The UK organic market is estimated at 1.9 billion euro, while in Italy it is 1.7 billion euro.

Graph 12. The largest organic food markets in the European Union in billion euros



Source: Eurostat and FiBL

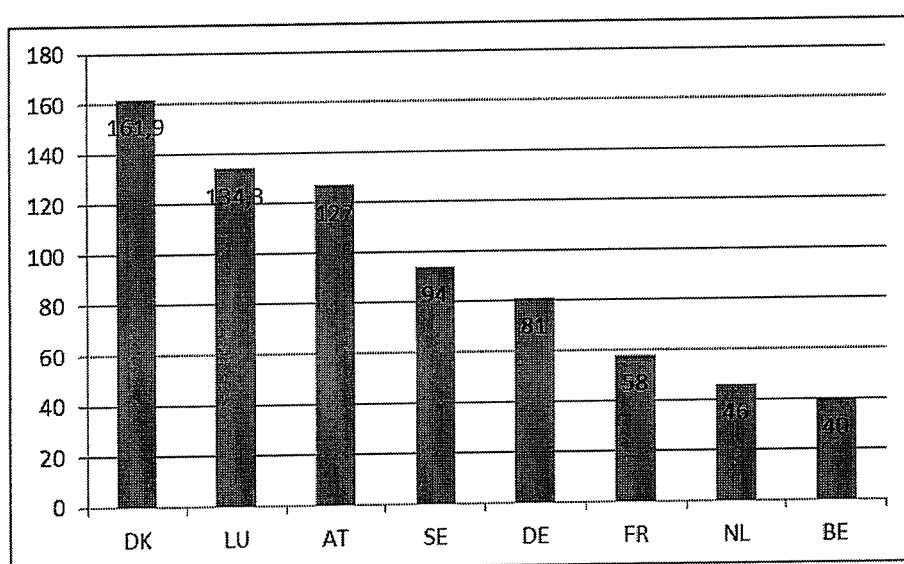
The current organic supply and demand situation in EU MS is also reflected in the numbers of processors and importers, which are mainly located either in countries characterised by a large organic market, a large organic area or both.

The market growth rates are expected to recover as the European economy strengthens. The European organic market is projected to post 7.2% compound annual growth rate, with revenues reaching 30.5 billion euro in 2016⁹.

3.2. Consumer behaviour

Consumer behaviour can provide indication on the outlook of the market for organic farming products. Sales per capita in the MS were particularly high in Denmark (162 euro), Luxembourg (134 euro), Austria (127 euro) and Germany (84 euro). Domestic sales are low in Poland, Romania and Hungary despite the fact that these MS are important producers of organic crops, therefore the production is not intended for domestic consumption.

Graph 13. The 8 highest consumption of organic products per capita (annual per capita consumption in euro)



Source: FiBL

In terms of consumer behaviour, a common characteristic in many European countries is that a small consumer base is responsible for most organic food purchases. In Germany and the UK, researchers found that less than 10% of consumers comprise the bulk of organic food sales. Similar observations are made in other countries like France, Italy, Belgium and Finland¹⁰.

4. CONSUMER CONFIDENCE IN ORGANIC PRODUCTS

The organic market has built on consumer confidence. This part summarises research results on consumer confidence in organic products, which show that consumer confidence is higher with strict production rules and control procedures:

- The CERTCOST¹¹ project highlighted that "consumer trust is a crucial issue in the market for organic food, since consumers are not able to verify whether a product is an organic product,

⁹ The Organic Monitor 2010

¹⁰ Ibid

¹¹ The full set of reports from the CERTCOST projects is available at www.certcost.org

not even after consumption. An instrument to gain consumer trust is third-party certification of the supply-side".

- According to Jahn et al.¹², "under asymmetric information, process-oriented quality characteristics such organic farming, animal welfare, or fair trade raise the question of mislabelling. In the long run, only a reliable control procedure can reduce the risk of food scandal" and "not fully credible standards jeopardize public confidence and lead to market failure on a higher level".
- A study¹³ on a consumer survey conducted as part of the "QualityLowInputFood"¹⁴ (QLIF) research project showed that communicating specific quality attributes represents a promising marketing tool of product differentiation. In addition, a study¹⁵ conducted in five European countries concluded that defining stricter production standards could be a promising strategy for existing certification schemes to differentiate themselves from the mandatory EU logo, which indicates the pertinence of defining stricter production rules in order to raise consumer confidence.
- A study¹⁶ on the State and consumer confidence in eco-labelling conducted in Denmark, Sweden, the UK and the US suggests that public authorities should themselves engage heavily in eco-labelling, because substantial State involvement increases consumer confidence. Consumers would be more likely to trust labelling schemes where the State plays an active and visible role.

¹² The Reliability of Certification: Quality Labels as a Consumer Policy Tool – Jahn et al. *Journal of Consumer policy* (2005) 28: 53-73.

¹³ Consumer attitudes towards organic versus conventional food with specific quality attributes – Stolz et al, *NJAS – Wageningen Journal of Life Sciences* 58(2011) 67- 72.

¹⁴ <http://www qlif.org>

¹⁵ Consumer perception of different organic certification schemes in five European countries - Janssen, M. and Hamm, U. (2011). *Organic Agriculture* 1(1):31-43.

¹⁶ The state and consumer confidence in eco-labelling: organic labeling in Denmark, Sweden, The UK and the US – Kim Mannemar Sønderskov - Carsten Daugbjerg. Department of Political Science, Aarhus University, Denmark. *Agric Hum Values* (2001) 28:507-517.

ANNEX 2: SYNTHESIS OF THE PUBLIC CONSULTATION AND OF TARGETTED STAKEHOLDERS' CONSULTATIONS

This Annex presents a synthesis of the consultations conducted for the review of the EU organic farming policy (Regulation and Action Plan).

1. CONSULTATION PROCESS

Public consultation:

The public consultation ran from 15 January 2013 to 10 April 2013 through an on-line questionnaire. Almost 45.000 replies were submitted to the on-line questionnaire. In addition, about 1.350 additional contributions have been received by the Commission.

The majority (96%) of responses to the on-line questionnaire were submitted by EU citizens, while 4% were sent by stakeholders, the majority of which were companies (57%) and industry associations and NGOs (18%). The main interests represented by the 1 827 stakeholders who replied to the questionnaire were those of farmers (48%); consumers¹⁷ (10%); processors (9%); advisory services (5%); researchers (4%); national associations (3%); traders (3%); public competent authorities/public control authorities/accreditation bodies (3%); retailers (3%); private CBs (2%); public authorities in non-EU countries (0.3%).

Citizens who replied to the questionnaire can be characterised by a relative high awareness of organic production: 83% of them declared to be regular consumers and 15% occasional consumers. The knowledge of the EU organic logo appeared to be high, with 79% knowing the EU organic logo (compared to 24% following 2012 the Eurobarometer's survey).

The respondents were asked to indicate drives for purchasing and consuming organic products. Over 80% of all questioned citizens claimed that the most important rationales behind organic products consumption were concerns about the environment (83%) as well as purity of these products with regard to GMOs (81%) and pesticide and other chemical substances residues. A considerable number of citizens' respondents also emphasized that they purchased organic products because of belief in and support for seasonal and local products (78%) as well as strong conviction that organic farming system is more sustainable than conventional (74%). Approximately 63% of the respondents considered organic foodstuffs as healthier than their conventional counterparts. About half of them underlined that they are motivated to buy organic products because organic production respect animal welfare. Besides, important reasons that encouraged almost half of the questioned consumers to consume organic products are beliefs that these goods are of higher quality (47%) and better taste (43%). In addition, 10% of private consumers, who responded to the questionnaire, consume organic products for other beliefs than these stated above.

The majority of interviewees (78%) indicated that they were prepared to pay more for organic goods. Most consumers also consider that the price premium should not be higher than 10-25 %.

¹⁷ The persons who replied on behalf of a consumer organisation are considered as consumers, while the ones who replied on personal behalf are considered as citizens.

From a geographical point of view, France was overrepresented¹⁸, with 56% of the replies, followed by Italy (15%) and Belgium (10%) (see graph 1).

The full analysis of the public consultation is published on the EUROPA website¹⁹.

In addition to the public consultation, stakeholders have been consulted in various occasions:

Hearings:

The Commission inter-service steering group has listened to 72 stakeholders in 3 hearings: experts, academics and representatives of consumers, producers, retailers, operators, processors, third countries and associations representing third countries, traders, laboratories and researchers, animal welfare organisation, presented their views and were interviewed by the Commission services. They were organised around 3 main topics:

- The EU organic market – internal market and standards - 27 and 28 September 2012.
- Organic production - Controls and Enforcement - in the EU and in third countries - 25 and 26 October 2012.
- External trade in organic products and global issues - 20 and 21 November 2012.

AGOF meetings, some of them enlarged to experts who participated to the hearings:

- 10 December 2012: presentation of the results of the hearings,
- 11 April 2013: Impact assessment analysis on the organic farming review:
 - o Presentation of the preliminary results of the public consultation on the organic farming review.
 - o Analysis of the problem and the objectives of the policy.
 - o Issues related to small farms.
 - o Consultation on policy options.
- 26 June 2013:
 - o Review of EU policy on organic farming (legislation and action plan) : information and discussion on the state of play and next steps
 - o Administrative burden and costs
 - o Consultation on the impacts of the options presented at the AGOF meeting of 11 April.

Special meeting on small farms – 26 June 2013

Issues related to small farms were on the agenda of the AGOF meeting, but the discussion proved to be limited. The Commission Services concluded that a technical meeting with experts

¹⁸ To check whether some particular sub-classes (by country, capacity, attitude, orientation etc.) could introduce bias on average results from the sample, analyses based on groups were carried out: by selecting most relevant classes no distortive effect was proved

¹⁹ http://ec.europa.eu/agriculture/organic/news_en

needed to take place in order to examine further the difficulties faced by small farms to join the organic sector.

The following experts were invited:

- Ms Diane BOWEN – IFOAM International
- Mr Edouard ROUSSEAU - COPA-COGECA
- Ms Ute EISENLOHR – IMO-Institute for Market Ecology (Switzerland)
- Mr Andrea FERRANTE – AIAB-Associazione Italiana per l'Agricoltura Biologica
- Mr Dominique MARION - FNAB-Fédération Nationale d'Agriculture Biologique des régions de France)
- Mr Michel REYNAUD – ECOCERT- Organisme de contrôle et de certification
- Mr Nabs SUMA – Fair Organics Solutions Ltd (apologies, but provided background information)
- Mr Bo van ELZAKKER - AgroEco / Luis Bolk Institute- Advice and development services for sustainable agriculture – (apologies, but sent contribution)

MS consultation

- The Irish presidency sent a questionnaire to MS in January 2013. The replies have been used for this review. In addition, MS have been kept informed on the developments of the impact assessment process and have been asked to contribute, notably on administrative costs, in SCOF meetings. They were also invited to contribute to the public consultation.

In addition, the Commission staff participated to several meetings where the review was discussed, notably to the IFOAM congress in Vilnius in June 2013.

2. MAIN RESULTS BY TOPIC

2.1. Relevance of a review of the legislation on organic farming and policy options

When the consultation process started, the main stakeholders (notably IFOAM EU and COPA COGECA) disapproved the revision process, arguing the recent adoption of the current legislation (2007) and that fundamental legislative changes could have strong negative impacts on the sector. When the discussions on options started, they supported the improved status quo option. However, progressively, most stakeholders have agreed with the need for a more ambitious review. Notably, in a letter sent on 30 December to the Commission, IFOAM EU declared that it "*clearly supports a principle driven development of the organic regulation, but emphasises that the development must ensure both increasing consumers trust and feasibility for the sector to comply with strengthened standards.*"

At the time of the public consultation, several stakeholders expressed their opposition to the review, notably the association Bio Austria.

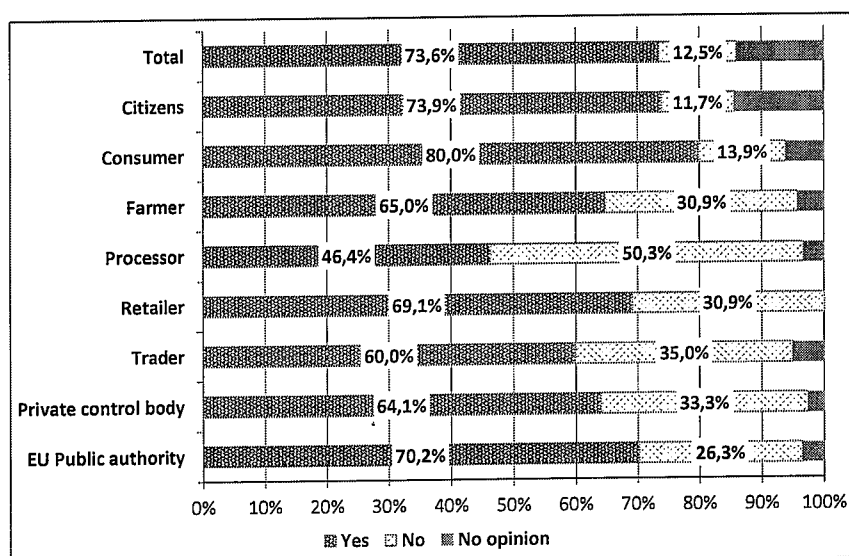
Some stakeholders supported specific options for special reasons. The market-driven option was supported by Eurocommerce and FEFAC²⁰, because feed manufacturers would like the use of 5% non-organic feed in the ratio of pigs and poultry to be permanently authorised. The association highlights that a balanced ratio contributes to animal welfare. The principle-driven option was supported by FNAB and Via Campesina, for its likely positive impact on rural development and on small farms.

2.2. Organic standard

The public consultation showed the wish for harmonised rules at EU level: 74 % of all respondents requested that the European organic standard be strengthened. Around 40% of respondents stated that this should be done by making the rules stricter and/or introducing sanctions (penalties). 22% of interviewees stated that, to make the current European standard more robust, all flexibility should be removed.

The majority of respondents (86%), from most of the countries and representing all categories of stakeholders wished to have uniformity of organic rules in all EU countries for European farmers and other operators.

Online questionnaire: should the European organic production rules be strengthened?



Several stakeholders called for further harmonisation of the legislation on organic production, in several areas notably organic poultry production and organic glasshouse production (COPA, IFOAM EU, Freshfel, Grodan, Danish Agriculture and Food Council, SYVOFA, Bio Austria).

Conversely, a few of them were of the opinion that some flexibility is needed, like Organic Denmark and Interfel. They argued that some regulatory differences can be accepted to take into account the variability of soil and climatic conditions, as well as consumer sensitivity in different MS.

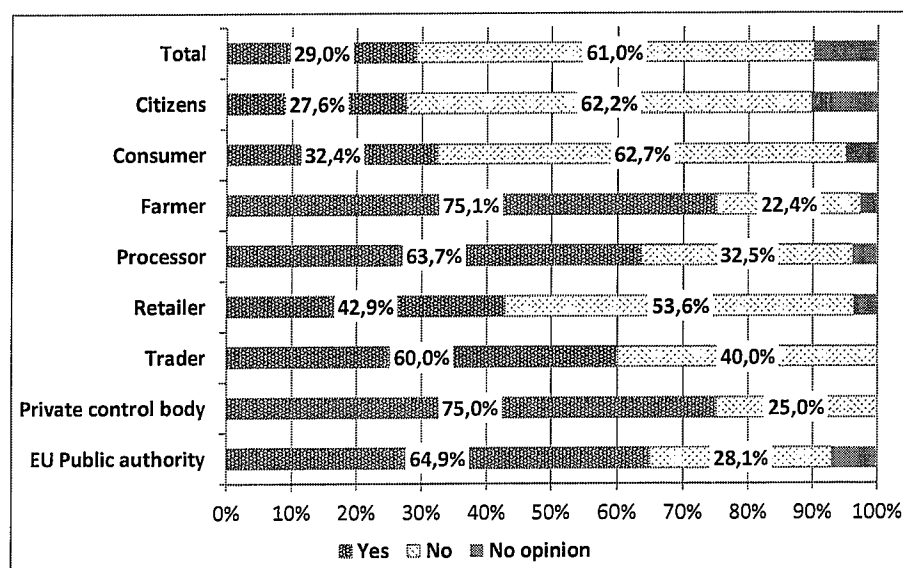
The issue of feed was addressed in the consultation. 49% of respondents stated that organic livestock should be fed with 100% feed from the farm or region. 27% of respondents opted for setting a minimum percentage of feed for organic livestock that should be from the farm or region. 16% of respondents considered that as long as feed is of organic quality, it could come from any location.

The majority of the respondents (66%) indicated that the effective solution for addressing the shortage of organic protein-rich feed in Europe is to introduce in the EU legislation, initiatives to boost European production of organic protein crops. In addition, 61% found that a specific organic protein-crop production strategy should be developed.

2.3. Exceptions and derogations

Most of the respondents (61%) were against keeping exemptions from production rules under specific conditions while allowing the certification of such products as organic. 29% of respondents were of the opposite opinion.

Online questionnaire: should the exemptions to production rules continue?



COPA COGECA was of the opinion that the conditions to grant exceptions must be strengthened and restricted, and must be limited in time. At the final stage, climatic events should be the only ground for derogations. The scheduled end of the derogations must be realistic and the timeframe must be agreed on in advance with the organic farming sector, in order to adapt. ERPA illustrated this issue with the example of poultry and eggs production, where producers invest for 15 to 20 years. Installation of young farmers or the construction of a new poultry building can be envisaged only if the farmer has assurance that the organic rules will not change.

IFOAM EU recommended limiting exceptional rules only to those linked to catastrophic circumstances by phasing out and/or converting them in transitional rules or transparent permanent rules in the new organic regulation. The movement indicated that on many issues, such as seeds & propagation material or protein feed, the regulation alone cannot deliver complete and effective solutions. The support of horizontal policies, further investments and provision of resources and the efforts of organic producers would be needed to ensure real

progress. A new Organic Action Plan could include measures supporting research and investments in the organic sector. According to IFOAM EU, exceptions can be classified under:

1) Current exceptions to be deleted or converted to transitional rules:

- **Use on non-organic animals**
- **Use of non-organic protein feed** of plant and animal origin for livestock (request to prolong status quo until 2018, then review; to limit the exceptions to piglets up to 35 kg, young pullets and chicks; 100% organic feed remains the final aim)
- **Addition of non-organic yeast extract** (not necessary any more)

2) Current exception to be converted to permanent rules in the future Organic Regulation

- **Tethering of animals** (The largest part of tethering systems will disappear in organic farming due to the end of the transitional rules referred to in Art. 95(1) of Regulation (EC) No 889/2008. IFOAM EU recommends to keep and convert into a permanent rule the exemption laid down in Article 39 Regulation (EC) No 889/2008 for small operations. Progress is possible in the major part of organic production whereas some small traditional structures could not be able to move towards a new system since e.g. the stables are in mountainous locations where structural modifications are not possible).
- **Parallel Production** (exceptions for research and educational aims, for production of seeds, propagating material and transplants and for grazing grassland are considered still meaningful and concern only specific production areas).
- **Management of beekeeping units** for the purpose of pollination and use of non-organic beeswax (these two exceptions are considered still critical for the honey production sector. Pollination is in fact a specific and essential practice of bee-keeping and the exception is still needed. The use of non-organic beeswax exclusively for the conversion period should stay provided that the possibility to use non-organic beeswax is linked to very restrictive conditions.)
- **Specific management problems in organic livestock** (exception regarding the final fattening period exclusively for bovines is connected to the climatic conditions in many European regions and should be integrated).

3) The specific case of seeds and vegetative propagation material

- The deletion of possible exceptions to use non-organic seeds or propagating material could have an immediate negative impact on the sector, because the availability of sufficient amount of organic seed and vegetative propagating material cannot be ensured in the near future. **However, the organisation recommended using the current revision process to make further progress** in order to reduce the number of authorisations granted by MS, notably by exploring the feasibility of national lists of varieties for which exceptions are not possible. A new Action Plan is seen as essential to provide tools to encourage "organic breeding and multiplication activities as well as research for this purpose".

Possible inconsistencies with other policies, notably CAP cross compliance, were mentioned.

WECF would like to see a limited number of derogations, where it is about a living organism the supply of which is not sufficient in organic form (seeds).

According to Euro Coop, organic farming should mainly make use of organic seeds and traditional varieties of seeds developed in specific local conditions. Considering that during the last century, 75% of genetically diverse seeds have been lost (according to FAO), Euro Coop favours seed security and the exchange of seeds among local farmers. The promotion of seeds diversification enhances food security and preserves traditional practices.

2.4. Authorisation of substances in organic production

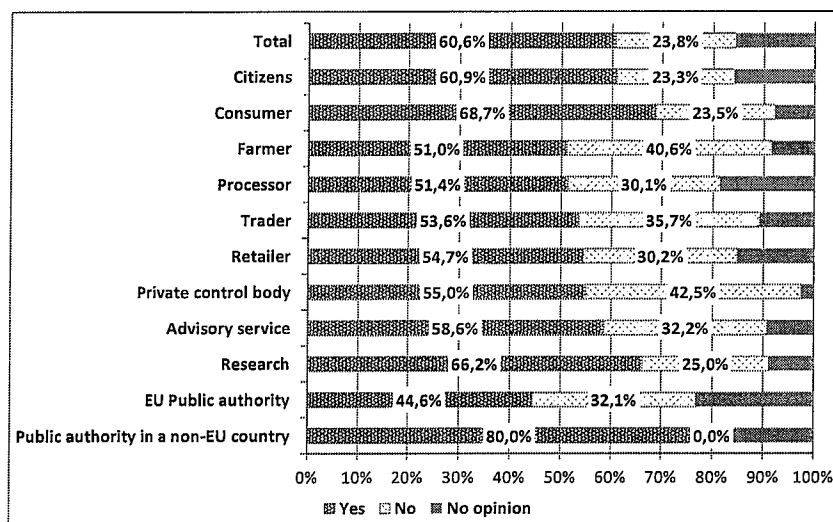
The results of the public consultation show that citizens would like strict rules to be applied in terms of authorisation of pesticides and additives in organic farming. In fact, a majority of them (respectively 73% and 67%) requested that such categories of substances should not be allowed at all in organic production. With regards to fertilizers, feed materials, processing aids and products for cleaning and disinfection, the public demanded that they are evaluated according to strict criteria.

Some organisations showed concerns on the approval of substances (Freshfel, WECF). Freshfel called attention to the lack of harmonisation at EU level in the substance authorisation process, which put at risk the functioning of the single market and the confidence of operators and consumers. A strict procedure for authorising substances (regardless of the substance, from fertilisers to processing aids) is recommended, with rules equally applicable across Europe. Interfel suggested the authorisation process to be fully part of the legislation on organic farming.

2.5. Sustainable use of energy and management of environmental impacts

With regard to environmental performance, a large number of respondents (61%) to the public consultation requested the enforcement of an obligation for processors and traders to implement an EMS to measure and evaluate their environmental performance and impacts in addition to other European requirements.

Online questionnaire: do you think that producers and traders should be required to implement an EMS to measure and evaluate their environmental performance and impacts?



IFOAM EU recommended obliging processing and trade companies to implement an EMS. Farms and possibly small operators should be exempted. In a first step a primary simple EMS should be put in place by operators involved in processing and trading activities, based on the EMAS structure. IFOAM EU clarified that consumer expectation was not the only driver for this proposal, since one objective was also to avoid that the Eco-Label extends its scope to the food and drink sector.

This proposal was supported by several stakeholders, like the Bund Ökologische Lebensmittelwirtschaft, according to which *"consumers expect that the production of organic food is sustainable at its whole. Therefore organic food processing could not only be defined by ingredients and processing methods. Operators have to improve their environmental performance too."* BEUC indicated its support for the inclusion *"of more sustainability and environmental criteria (climate, packaging, transportation etc.) in the criteria for organic production, so that organic products with no doubt is the most environment-friendly choice"*.

Other organisations called for a cautious approach in the implementation of an EMS, notably ERPA, according to which implementing an EMS would be very difficult for small organic farmers and it would provide dissuasive administrative burden. It considered environmental performance as the result of organic production standards. WECF agreed with the introduction of EMS, if the application is balanced and realistic.

2.6. Animal welfare

In the public consultation, more than 60% of respondents strongly insisted on strengthening animal welfare standards for all types of agricultural production systems. A third of respondents (34%) underlined that organic farmers should be obliged to comply with specific rules for animal welfare and 23% considered that animal welfare standards in organic farming should systematically be higher than in conventional farming.

IFOAM EU agreed there is still room for improvement in certain kind of organic livestock production. COPA COGECA was the opinion that more harmonisation in the way animal

welfare standards are interpreted in MS is necessary in order to avoid unfair competition among producers, notably in the organic poultry meat production sector.

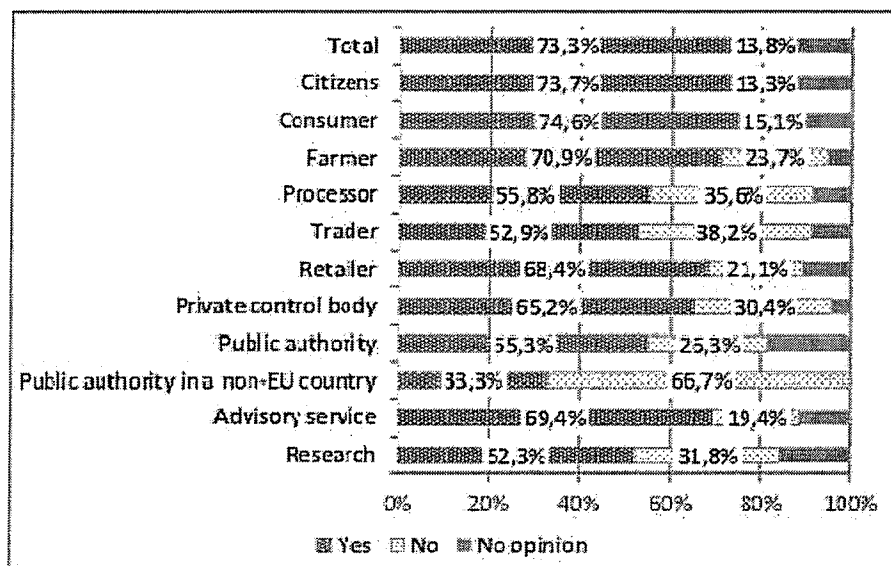
Detailed requests and opinions of animal welfare organisations are presented in Annex 14.

2.7. GMOs

More than 90% of the respondents to the online consultation, from almost all countries, representing all groups of stakeholders as well as regular and occasional organic goods' consumers stated that 'organic', by definition, means 'GMO-free' and is a critical reason for purchasing these products. This was corroborated by a high number of free contributions from EU citizens.

The majority of respondents (68%), from all represented countries and also all types of consumers irrespective of the regularity of their consumption of organic products (70-80%), supported having the same labelling rules for organic products as for conventional products with regards to GMOs.

Online questionnaire: should the labelling threshold for accidental presence of GMOs be lower than for conventional products?



While recalling that organic farming does not allow the use of GMOs, COPA COGECA stated that an accidental GMO contamination in organic products can never be completely ruled out. The threshold of the adventitious presence of GMOs set out in horizontal legislation was determined based on an analysis of potential risk and an economic analysis. The producers do not see a justification to establish different thresholds for different production systems. IFOAM EU stated that, while such a threshold would not solve the problem, it would imply even higher costs for testing and certification on organic producers, while not significantly changing the situation for consumers. These views were confirmed by the contribution from the European Plant Science Organisation (EPSO). Euro Coop pointed out that the risk of contamination of organic products by GMOs is only significant in countries whose government has authorised the cultivation of GM crops on a commercial scale. In such countries, organic farmers run the risk of having their crops contaminated through cross-pollination, with possible heavy economic consequences.

Some organisations requested a lower GMO threshold for organic products: Interfel, WECF (but for all products including conventional), SYNABIO (a lower threshold for organic products for food (0.1%) while keeping the current threshold (0.9%) for organic feed products).

EUROPABIO had opposite views and stated that the incompatibility of GM and organics is unfounded. Provisions included in Council regulation (EC) No 834/2007 were qualified as "ideological statement". Certain GM crops would be able to fulfil the organic requirements very well, like the insect resistant GM crops which require less insecticide spraying.

2.8. Labelling, organic logo, confusion with other logos and Eco-label

The European organic logo was well-known by the public that took part in the public consultation (79%), irrespective of the country of origin or category of stakeholders. The majority of all respondents regardless of the regularity of their consumption of organic products indicated that the two main ways to recognise an organic product was the presence of the national organic logo (66%) and of the European organic logo (66%). In addition, a large number of respondents claimed that they purchase organic products directly from an organic producer without any kind of packaging or labels or by finding the word "organic" on the label.

The issue of confusion of logos, first of all with national and private organic logos, was highlighted by several stakeholders. According to BEUC, *"the ideal would be to have ONE label = the EU Label, and we should work towards that. But for the present market situation, trust in national organic labels is so high that we need them as well for the coming years."*

FRESHFEL also warned against the confusion of labels and pointed out the proliferation of "quality" logos, besides the already large range of private brand logos available on the market and informing consumers (PGI, PDO, Fair Trade or even in the future possible logos for European promotion schemes or for "local" products). According to FRESHFEL, *"a proliferation of logos is bringing more confusion to consumers or dilutes the efficiency of the message. A clear logo and the indication of the word organic work best for the identification of organic produce on the market despite that at retail level, organic fresh produce are often confined in a specific section of the supermarket shelf. Some of our members call for a simplification of the logo obligation and one should avoid a double labelling obligation."*

MS representatives in the Council showed deep concerns about the confusion of the organic scheme with other labels, **notably with the Eco-Label**. Spain declared: *"We detected incompatibilities between the EU regulatory framework on organic farming and Regulation (EC) No 66/2010 (...) on Eco-Label. We consider it was not appropriate to extend (...) its scope to food and drinks, although it has not been applied yet. The main reason is that we consider this term incompatible with the term reserved to organic farming..."* and Ireland: *"The organic label based on a robust control system is the core basis of consumer guarantees and confidence in the system. It is important that the labelling of organic products is unambiguous and such that it is not confused with other labels e.g. Eco-Label (...) The premium price of organic products attracts unscrupulous operators whose fraudulent activities completely undermine the sector."*

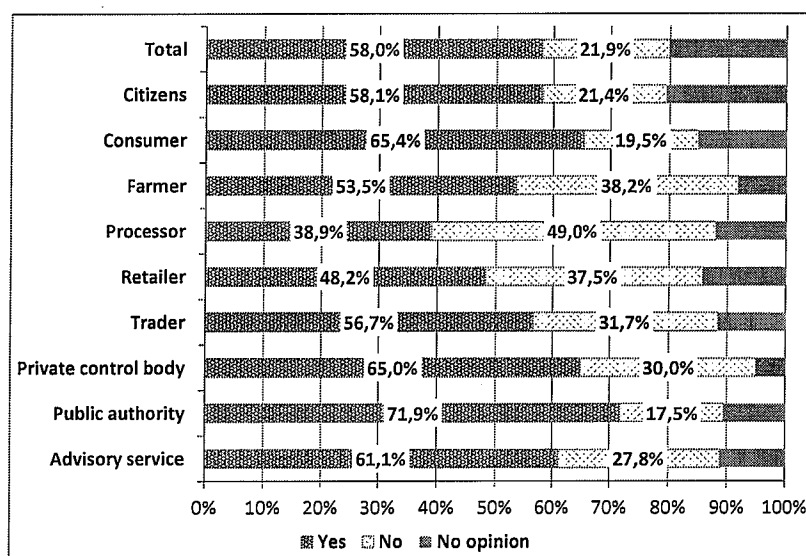
According to IFOAM EU, the use of the Eco-Label on the labelling of organic products would lead to food products labelled with EU organic leaf and/or Eco-label logo and would lead consumers into confusion and to the idea that organic is not environmental-friendly. This was supported by the Bund Ökologische Lebensmittelwirtschaft, which recommended *"defending organic labeling as a labeling of an integrated sustainable system against consumer misleading labels as Eco-label, Animal Welfare, Origin Labeling"*.

2.9. Improvements in the control system

Consumers trust organic products and insist on efficient controls: 71 % of all respondents to the online consultation, from almost all countries, and representing almost all categories of stakeholders as well as regular and occasional consumers of organic products indicated that they trust organic products.

However, more than half of the interviewees (58%), from almost all countries strongly required to improve the European control system for organic products even if it means an increase in prices. The vast majority of respondents (more than 70%), opted for two improvements, namely better controls on imported organic products and at all levels of the production chain. 50% of the respondents are in favour of the creation of a European database listing all certified organic operators in Europe. More than one third (i.e. 37% of the respondents) were in favour of the development of electronic means to ensure traceability.

Online questionnaire: should the control system of organic products sold in Europe be improved?



The most consensual suggested improvements to the control system in the free contributions from stakeholders were: better exchange of information on cases of non-compliance, more harmonisation among MS, more supervision by the Commission (regular audits), implementation of electronic certification (at least for imports), a harmonised system of sanctions and adequate controls on imported products.

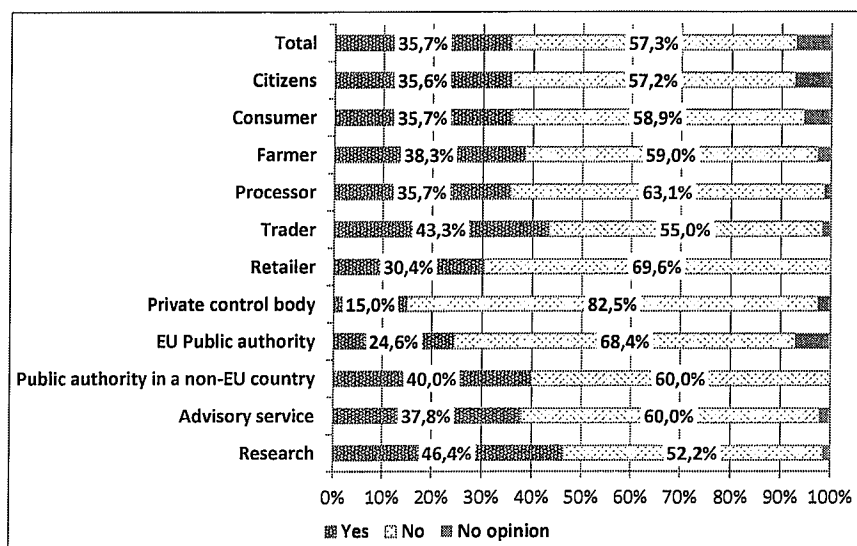
2.10. Move towards a risk based approach in the control system

In the public consultation, half (22269) of the respondents knew, but the second half (22577) did not know that organic operators are controlled at least once a year. There was a similar level of awareness among consumers, irrespective of the regularity of their consumption of organic products.

The majority of respondents (57%) disapproved the idea of lowering the number of inspections for organic operators with a proven track record of abiding to the rules. To the contrary, a

significant percentage (36%) of the respondents was in favour of a risk-based regularity of organic operators' inspections.

Online questionnaire: would you agree that organic operators with a proven track record of abiding by the rules could be inspected less often, for instance every 2 or 3 years?



Several MS declarations in the Council were in favour of a move towards a risk-based control system: *"In the process, it should be possible to implement the risk-orientation of controls more clearly."* (Germany); *"The frequency of inspections (...) may be reduced to less than one year in special circumstances."* (Italy); *"Details on the risk-based inspection should not be regulated at EU level, as the conditions and the risks accordingly vary from state to state and according to the type of operators and their produce (...) To achieve efficiency in the control system, the requirements for the annual physical inspection should be waived. This would give possibility to allocate resources for more controls among operators and products of high risks and cross-inspections."* (Finland); *"With a fully risk-based approach, the requirement for one physical inspection yearly could be deleted."* (Sweden).

The stakeholders in favour of more risk-based approach in the control system were FiBL (Research Institute for Organic Agriculture), according to which the focus should be put on 10 % of operators with risk of irregularities; the burden for compliant operators should be reduced by removing the obligation for a mandatory annual inspection. DakKS (National Accreditation Body for Germany) pointed out the need to intensify risk-oriented controls, in particular in third countries. The Finnish Food Safety Authority (Evira) considered that lowered inspection frequency should be an option for the future; additional inspections should focus on higher risk operators.

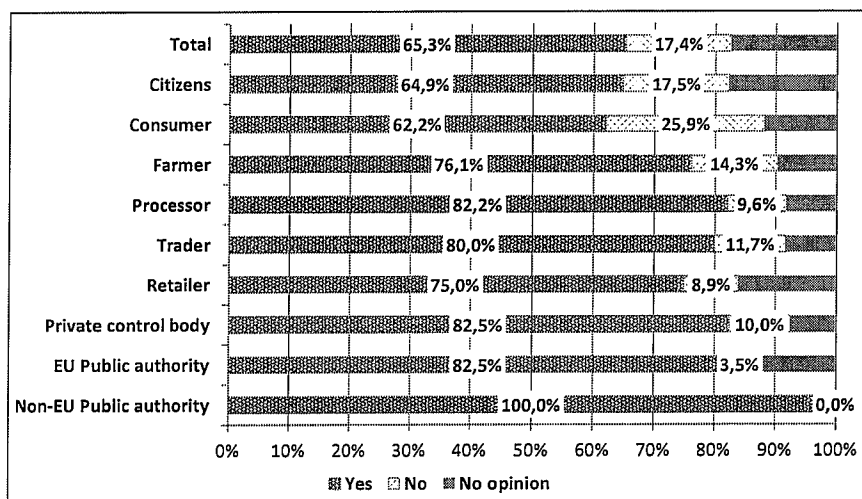
Several stakeholders expressed they would like the obligatory annual inspection to be maintained, notably ERPA, SYNALAF.

2.11. Trade with third countries

The majority of respondents (65%) to the online consultation, from all countries, representing all capacities and categories of stakeholders and irrespective of the regularity of their consumption of organic products, favoured the opening of the non-EU markets to EU organic products.

According to 72% of the respondents, the most relevant objective for the EU negotiations trade agreements for organic products was to support the development of more sustainable and eco-friendly agricultural practices in other countries. The second objective of great significance to respondents was to encourage organic farmers and other operators from developing countries to expand their production and exports of organic products (52 %).

Online questionnaire: do you agree that non-EU countries exporting to the EU should open their market to organic products produced in EU countries?



COPA has underlined that the consumption of organic products from the EU currently outstrips EU production of organic products, and today some demand is covered by imports. COPA considers important that the EU equips itself with instruments which will guarantee the development of organic production in the EU in order to meet EU consumers' demand. COPA also calls for a strategy to reach a balance between the EU and its trade partners, in order to develop export capacity of high added value EU organic products. There is a need to identify the most promising markets. Promotion campaigns would be considered an asset. IFOAM EU also mentioned that many MS are major exporters of organic processed food and feed and are interested in the new growing market. Freshfel underlined the EU has a great role to play in international organic trade, as matching demand on some markets implies trade (e.g. organic bananas on the German market are 100% imported from third countries) and indicated its support to the Commission efforts towards mutual recognition with third countries, provided trade is sustained behind the agreement on such recognition. It noted in the case of the EU-USA deal on mutual recognition that EU organic apples and pears cannot be shipped, given the lack of plant health protocols accepted by the USA. The same can be observed with New Zealand, Israel etc. where trade flows remain hindered by SPS matters preventing the export of EU fresh produce, being either conventional, IPM or organic.

Several organisations (Freshfel, FRUCOM) considered that the system of recognition of control bodies for the purpose of equivalence is a positive move towards simplification and less bureaucracy to import organic products. But "the framework needs to be matching operational perspectives and provide trust for operators". Therefore, there were calls to extend the lists of recognised third countries and recognised control bodies.

Some contributions highlighted that control costs are lower for local products than for imported products and suggested to support local products on this ground (WECF).

2.12. Controls of imported products: equivalence vs compliance and risk of unfair competition

According to several stakeholders, an effort is needed on controls on imported products. COPA COGECA stated the controls on organic products produced in third countries should be at least as rigorous as those in the EU, in order to ensure fair competition against products from third countries and to secure consumer confidence, even if that would lead to an increase in their price. It recommended paying *"greater attention to the rules on mutual recognition set out in agreements with third countries where standards are recognised as equivalent in order to guarantee that imported products adhere to production and control standards which are as strict as those for EU organic products. Greater vigilance is also essential regarding the equivalence system for control bodies for imports from non-recognised third countries where we consider that the supervision guarantees made by the European Commission are lacking."* Freshfel mentioned the need for a clear environment to create a level playing field among operators and confidence and indicated some loopholes which needed to be clarified to enhance trade opportunities (notably the aspects of cross contamination and of share of responsibilities between the Commission, MS and CBs).

Issues with imported products were reported by a representative from an informal group of importing MS, who participated in the hearings. This informal group has accumulated experience in dealing with import authorisations and has closely followed the implementation of the CB recognition system. The representative mentioned concerns over non-compliance product cases not being dealt with, problematic cases of products certified by different CBs from a non-equivalent country, cases where the correct assessment was in doubt (in one case, an inspection of a 30.000 ha operation took only two days). He also mentioned the following issues: *"Imports that arrive via a complex route under equivalent CB cause problems"/ "Multiple operators on one certificate, a lack of control over the chain of provenance, and more than one CB for one operator with little communication between them, lack of risk-based inspections at operators are major concerns."* *"Reduced conversion period is a major concern; this allows operators to move in and out of the system or to use natural forest areas without proper control, CBs wish to offer these in order to obtain customers."* *"Major operators have greater power than the CBs"*. It was recommended to concentrate on problem products such as grain, oilseeds, bananas, soya, other animal feed and other bulk products,

A trader in organic products reported in the hearings, *"Integrity of imported organic products is easily questioned and control is difficult"*. *"Residue testing is now a major identifier for the integrity of organic produce, but the results are never black and white and widely interpretable"*.

According to the French processing industry association SYNABIO, *"for processed products,.. the risk of distortion of competition is objective. It is notably linked to additive and processing aid lists, to the use of aroma ... differently handled in different standards"*.

Cases of unfair competition have been directly reported to the Commission, for instance the following reported by a CB applying the equivalence regime in third countries:

"While Regulation (EC) 889/2008, Art 36(2) (b) determines that periods prior to officially starting the conversion period may be retroactively recognised only if the respective fields "were not treated with products not authorised for organic production", and competent authorities in the EU agree that this includes the use of chemically treated seeds, the equivalent standard developed by the CB X does not require a field to undergo a new conversion period after sowing chemically treated seeds." ; "it is obvious that a farmer in the EU who has to undergo a three

year conversion period is subject to very significant economic disadvantages compared to farmers in third countries who have to undergo only a one year conversion period". "...each certification body is under continuous pressure to downgrade its "equivalent" standard, in order to avoid losing clients".

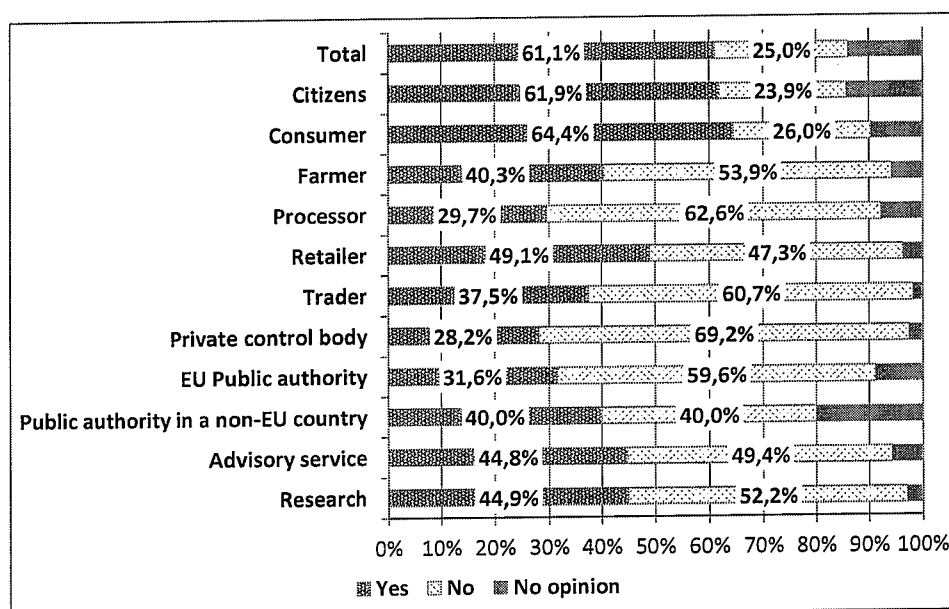
But some stakeholders like Euro Coop or FRUCOM consider the supply of organic food products not sufficient. It prevents the growth of the organic sector and increases the final price of organic products. They would like to see imports of organic products to be facilitated, and therefore recommend the EU to continue to favour equivalence against compliance.

2.13. Presence of non-authorised substance residues in organic products

Proposition of systematic testing

In the public consultation, 61% of the respondents wished for all organic products to be tested for pesticide residues. 25 % of the respondents were against.

Online questionnaire: should testing organic products for pesticide residues be made compulsory?



According to COPA and other stakeholders, the risk of adventitious contamination of organic products by non-authorised substances, mainly pesticides, can never be completely ruled out, despite the precautionary measures taken by organic producers. However the lower level of contamination of organic products, compared with conventional products has been underlined several times. A systematic testing for pesticide residues in all organic products was deemed inappropriate by many organisations: COPA, IFOAM EU, FRESHFEL, ERPA, SYNALAF, Soil Association. There was a consensus among producer organisations on the fact that testing for pesticide residues should remain one of the possible instruments to control organic products, which can be combined with other investigation tools. One stakeholder pointed out that the parameters for testing all products would be difficult to define (would it be applied just at the farm level, at each processing step, for each consignment, and with what quantity limit and for which pesticides?).

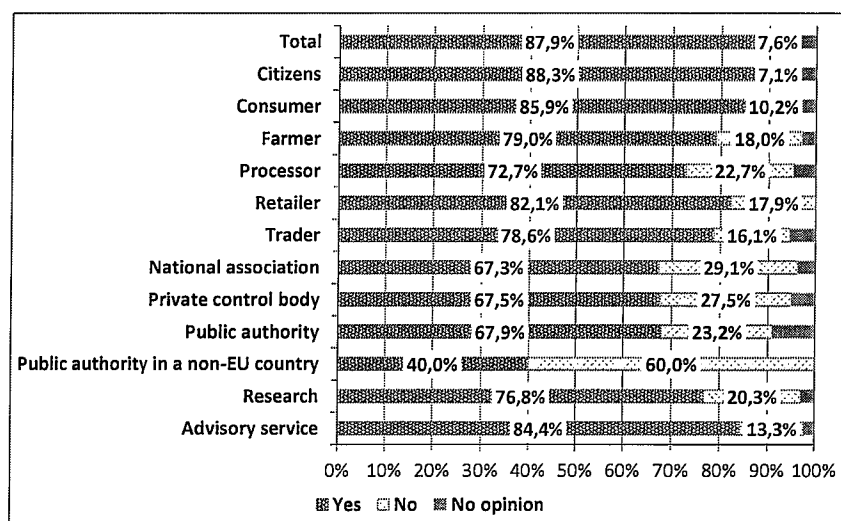
Issue of presence of pesticide residues in organic products tackled differently according to MS

The issue has been brought in the Council debates by several MS representative, like Sweden: "MS tackle findings of residues differently. This creates unfair competition." Or Italy: "The application in the MS of different (non-authorised substances) residue levels, beyond which the product cannot keep its organic status, can create barriers to trade."

The issue has also been mentioned by several stakeholders as one ground for unfair competition. FRESHFEL mentioned possible distortion of competition and uncertainties which are notably detrimental for perishable products: "FRUCOM believes that the European Commission should harmonise at EU level the way MS deal with cases of cross-contamination in order to prevent trade distortion amongst MS".

Threshold for organic products:

Online questionnaire: should the level of pesticide residues for organic products be set at a lower level than for conventional products?



The stakeholders were shared between the ones who could accept a lower threshold for organic products and the ones who don't see the justification for that. The level based on the Baby food-law seems the most appropriate to several stakeholders (notably IFOAM EU, FRESHFEL).

2.14. Small farms' issues and group certification

Issues faced by small-scale farmers have been shown in several free contributions to the public consultation, notably on certification costs: "I am a small scale (4 hectare) organic grower, mainly old varieties of apple, soft fruit and some vegetables. The annual fee charged by ... for inspection is £560. This is sometimes more than my profit for the year... If I had 4,000 hectares, the certification cost would be £900!! We, along with many other small scale organic producers will be forced out of organic production in the next 2 or 3 years. ... a typical annual inspection takes about 45 minutes."/ "There should be help for small farms to be able to certify their farms as organic, as now very small farms cannot afford it."/ "There are too many small farms, which cannot afford the control costs."/ "Costs of certification should be lowered to promote small organic farming concepts."

Excessive administrative burden was also highlighted: *"Primarily, the review should prioritise small-scale and local production as opposed to large-scale and intensive production. This includes minimising the burden on farmers in terms of paper-work... There should be incentives for switching to organic production focused on the education of the next generation of farmers in organic methods. This includes providing investment in training at school, college and life-long learning in how small-scale and local production is the only realistic long-term prospect for agriculture."/* *"Our holding is 70ha. Small farmers are disproportionately burdened with paperwork and form filling in relation to their financial turnover. The EU must address this problem as it is a real disincentive to farm on a small scale and it is at that level that the best wildlife, community and environmental benefits can be gained. You need to move to a far more flexible system of regulation that respects the value of small producers."*

In the meeting with experts, the following topics were discussed: definition of small farms, possible simplified requirements for small farms and group certification (including experiences in third countries).

The issue of definition appeared complex and opinions on what a small farm is varied. Several criteria were discussed, which could be combined: income, labour, size (possibly linked to the type of production). The situation can vary according to MS (and third countries) because of different levels of development. Some experts thought the definition should be left to MS or regions; others believed there should be one single definition for the whole EU. The advantages and drawbacks of a definition based on the relationship between turnover and certification cost, often used in third countries, were discussed. This can be an incentive for certifiers to adjust their fees according to specific situations.

Simplification: participants agreed that the administrative burden is too high. A suggestion was made to have a single administrative document giving a full description of the farm and to be updated once a year.

Group certification: one expert was of the opinion that the current control system has reached its limits and is not able to deal with high numbers of farms. Today the implementation of the system is not able to offer the required guarantees on the products. One example, the control before harvest is not carried out (too many farms should be visited in a few days). It would be useful to introduce social control. It could be achieved while taking into account social relations, rural communities and rural development. Integration of a group by a private operator is not necessarily the right solution.

Another expert highlighted the territorial dimension of group certification. Facilitating the conversion of small farms to the organic farming scheme could benefit to entire regions. For instance, in mountain areas, hundreds of farms apply farming practices close to organic farming but they are not in the system because of cost and administrative issues. Group certification can be an answer.

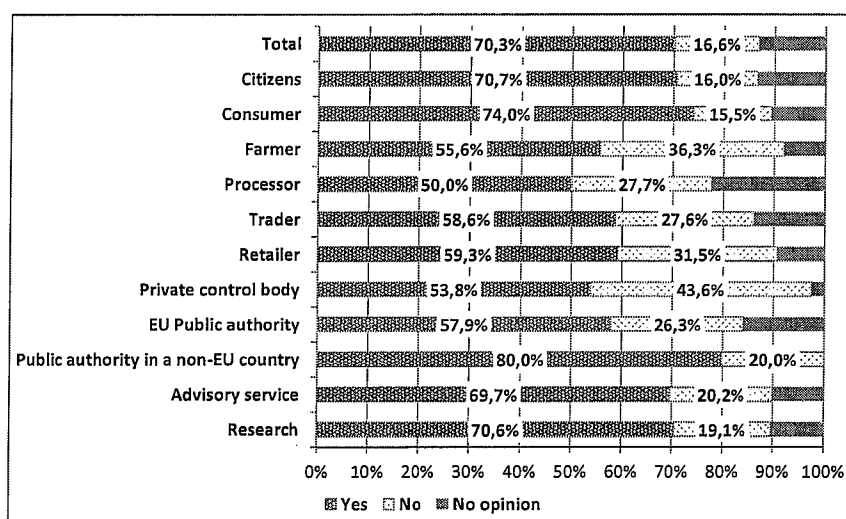
Some experts suggested to use RD funds for the set-up of internal control system needed that groups have to apply. A link could be made between RD and organic farming for this particular question.

One expert was of the opinion that group certification is not always cheaper than individual certification and suggested that the best answer to the problem may be to provide small farms with access to subsidies to cover the cost of certification. The internal control system has to be managed and cannot replace the external control system.

Experience in third countries: Group certification is not limited to developing countries. Canada and Korea have adopted such system. In Canada there is no limit in size and group certification is allowed for retailers but not for processors. In developing countries, group certification is generally cheaper than individual certification in particular because of lower labour costs of local staff managing the internal control system. The effects of group certification go beyond economic benefits and include improvements in the fields of training, education, poverty alleviation, etc. There are not always quantitative criteria to define small farmers in third countries.

In the public consultation, 70% of the respondents favoured the idea of permitting group certification in the EU, which is allowed for organic farmers in some non-EU countries. There were only 17% of responses against group certification.

Online questionnaire: do you think that group certification should be allowed in the EU?



COPA was against group certification: "Group certification is not compatible with the current mandatory annual on-site inspections. As a result, it should not be authorised in the EU."

According to Euro Coop, an effective way to encourage European organic production would be to offer a public and free of charge certificate for small farmers (possibly financed by RD funds), considering that they are also those contributing to the development of rural communities. The association Italia Nostra suggested that small producers, while being controlled, could be exempted from the obligation of labelling their products as organic, for the sake of simplification.

Other organisations were in favour of group certification: Slow Food, Soil Association, WECF (but only in specific cases: in peri-urban areas, mountains, picking).

2.15. Information and promotion

A vast majority of respondents (94%) to the online questionnaire required more information on organic products. The need for more information on organic products was expressed by respondents from every single country, category of stakeholders as well as consumers. A large number of respondents (59%) stated that they did not know about existence of such the EU's organic farming web-site.

2.16. Research and innovation

The respondents to the online questionnaire identified four areas which should benefit from more research and innovation into the organic food and farming sector, namely "Economic and social dimension of organic farming" (58%), "Seeds and plant propagating material adapted to low-input agriculture" (52%), "Local production of protein in-rich crops" (48%) and "Waste management".

Soil association: Research should be directed at improving the sustainability and self-sufficiency of organic production, and at addressing the limiting factors to better and more organic farming. There is no need for research into GMO co-existence – what is required is a proper and strict regime that ensures a similar level of control, traceability and accountability as the organic system already imposes, so that GMOs do not escape and contaminate non-GM production and the perpetrators can be identified. The specified areas for research rightly focus on applied research to deliver short and medium term benefits to farmers and growers, which will build increased resilience and security into food production. Nonetheless, there is also a need for more fundamental research and within the unspecified 'other areas' should be improved understanding of pests and diseases. Organic farming is the leading edge of agriculture (e.g. energy efficiency, carbon sequestration, soil stabilisation, animal welfare, nutrient recycling, pest and disease management) and has strategic importance in delivering the objectives of the Common Agricultural Policy. Knowledge, techniques and innovations developed through research into organic systems can also have a significant positive impact on all systems of farming. Therefore, there should be a specific organic research budget and it should be several times more than would be indicated by the proportion of organic land, for the above reasons. Adoption of ecological principles into organic farming means adaptation to local environmental conditions. The distribution of research budgets should reflect this systems diversity, the understanding of which is fundamental to building resilience into food production.

3. PRESENTATION OF THE MAIN STAKEHOLDERS

This chapter presents the stakeholders (interest groups, civil society organizations) represented in AGOF.

IFOAM EU Group is a European umbrella organisation, which advocates for the development and integrity of European organic food and farming. It has more than 160 member organisations that cover the organic food chain and beyond: from farmers and processors, retailers, certifiers, consultants, traders and researchers to environmental and consumer advocacy bodies. IFOAM has chaired the AGOF for the last two years.

EOOC, the European Organic Certifiers Council comprises control bodies for organic production, which are interested in cooperation and exchange of information.

Producers

COPA-COGECA is the union of COPA, the Committee of Professional Agricultural Organisations, historical European representative organisation for farmers established in 1958, and COGECA, European umbrella organisation of the agricultural cooperatives of the European Community created in 1959.

CEJA is the European Council of Young Farmers representing the interests of Europe's young farmers.

ECVC, the European Coordination Via Campesina includes organisations that formerly gathered in the European Farmers Coordination (CPE 1986-2008) and other farmers' and agricultural workers' organisations of several European states. The principal objective of ECVC is to shape food and agricultural policies based on more legitimacy, fairness, solidarity and sustainability.

ERPA, the European Rural Poultry Association defends, supports and develops the production of rural poultry in the European Union.

Trade

CELCAA, the European Liaison Committee for Agricultural and Agri-Food Trade is an umbrella organisation representing at European level associations and companies active in the sector of agricultural and agri-food trading.

EUROCOMMERCE represents six million retailers, wholesalers and other trading companies. Its members include national commerce federations in 31 countries, Europe's 27 leading retail and wholesale companies as well as federations representing specific sectors of commerce.

Fair Trade Advocacy Office strives for fair trade and trade justice with the aim to improve trading conditions for the benefit of small and marginalised producers and poor workers in developing countries.

Industry:

FoodDrinkEurope facilitates development of the environment for the European food and drink companies. It represents its members that are national federations, sector associations, as well as food and drink companies in the European Union.

Consumers

BEUC, the European Consumer Organisation is an umbrella organisation of 41 independent national consumer organisations from 31 European countries.

Euro Coop is the European Community of Consumer Co-operatives, whose members are the national organisations of consumer co-operatives in 18 European countries and 1 non-European member.

Environmental organisations

EEB/BEE (European Environmental Bureau) works on environmental questions at the European level.

WWF-EPO (the World Wide Fund European Policy Office) is the political advocacy center of WWF at the European Union level.

BIRDLIFE is a global partnership of conservation organizations that strives to conserve birds, their habitats and global biodiversity.

LE FORUM EUROPEEN POUR LE PASTORALISME ET LA CONSERVATION DE LA NATURE (European Forum on Nature Conservation and Pastoralism (EFNCP)) was

established in 1988 as a Europe-wide network which raises awareness of the importance of low-intensity farming for nature conservation.

Animal welfare organisations

Eurogroup for Animals is a leading organization advocating for better animal welfare conditions at European Union level.

Compassion in World Farming is a campaign based organisation to fight for better conditions for animals.

3.1.

ANNEX 3: MAIN INSTRUMENTS OF THE COMMON AGRICULTURAL POLICY (CAP) SUPPORTING THE ORGANIC FARMING POLICY

1. THE CURRENT CAP IN A NUTSHELL

Over the last two decades, the CAP has undergone a substantial reform process, which reflects the changing societal concerns related notably to the environment, food quality and safety, territorial balance, as well as to the evolving needs of the EU economy. As a result of this process, the CAP provides today the general framework to address competitiveness and sustainability challenges of agriculture and rural areas across the EU territory. This framework takes the form of two complementary pillars.

Pillar I – market and income policy – includes instruments related to the functioning of agricultural markets and the food supply chain and to direct payments conditional upon statutory management requirements and good agricultural and environmental conditions. Combined, these measures provide a fundamental layer of support to EU farmers, creating the basis for keeping sustainable farming in place throughout the EU. Pillar I measures are mandatory for MS and, apart from very few exceptions, there is no co-financing.

Pillar II – rural development policy – includes measures that aim at improving the competitiveness of the agriculture sector, delivering specific environmental public goods and promoting the diversification of economic activity and quality of life in rural areas. These measures are largely voluntary, contractual in nature, co-financed and delivered within a strategic framework which links policy action to European, national, regional and local needs.

2. ORGANIC FARMING IN THE CONTEXT OF THE CAP

For more than 20 years, European policies for organic farming have been developed on a number of levels. The first scheme specifically targeted at organic farming was introduced in Denmark in 1987, shortly followed by other countries. As part of the MacSharry reform of the CAP in 1992, the introduction of agri-environment programmes provided a unified framework for supporting conversion to and maintenance of organic production across the EU. Today there are a wide range of different policy measures in EU MS that are financed by different funding sources and that address organic farming in different ways: with specific provisions (e.g. higher payment rates for organic farming), with partly specific provisions (e.g. higher payment rates for organic and other specified types of farming) or where organic farming is at least mentioned specifically (e.g. as one of a number of target groups) but without any specific provisions. In the following, based on the results of a previous study (Sanders *et al.*, 2011), the support measures applied to organic farming are briefly described. There is also a description of the measures proposed in the framework of the upcoming CAP reform.

3. SUPPORT MEASURES ADDRESSING ORGANIC FARMING UNDER THE CURRENT CAP

3.1. Rural Development Policy

According to the Community Strategic Guidelines for Rural Development, MS are encouraged to make use of the contribution of organic farming to the environmental and animal welfare objectives of the CAP. Most EU countries have followed this recommendation and provide specific area payments for organic farming under Axis 2 (Improving the environment and the countryside) of their rural development programmes. In addition, some MS have, to a varying degree, also implemented policy measures addressing organic farming under Axis 1 (Improving the competitiveness of the agricultural and forestry sector) and Axis 3 (Improving the quality of life in rural areas and encouraging diversification of the rural economy).

3.1.1. Support under Axis 1: Improving the competitiveness of the agricultural and forestry sector

In 22 MS or their regions, organic farming was addressed in one or several of the following 6 RDP measures under Axis 1 in the period 2007-2011.

- **Setting up of young farmers** (Measure 112): In the Czech Republic, applications are selected on the basis of a point system, where organic farmers receive extra points. In three Spanish and two Italian regions, organic farmers receive higher payment rates than conventional farmers. Furthermore, in some regions in Italy and Spain organic farming is mentioned as a reason for intervention or as one of several target groups.
- **Modernisation of agricultural holdings** (Measure 121): In Flanders (Belgium), Madeira (Portugal) and North Rhine-Westphalia (Germany) higher grants are given to organic farmers investing in agricultural holdings to improve the overall performance of the farm; in Austria this is limited to organic livestock farmers investing in farm buildings. Organic livestock farmers along with other groups of (non-organic) farmers receive higher investment grants in Mecklenburg-Western Pomerania and Bavaria (Germany). In Bulgaria, organic farmers receive the same level of support as non-organic farmers; however a minimum of 5 % of the Measure 214 funds is reserved for investments required for conversion to organic farming. Higher evaluation scores are given for applications related to organic farming in Cyprus, Czech Republic, Latvia and Slovakia. Furthermore, various countries have mentioned organic farming as one of several target groups, but it is not clear what direct advantage for organic farmers this implies.
- **Adding value to agricultural and forestry products** (Measure 123): In Bavaria (Germany) and Slovenia, projects related to organic food production, processing or marketing receive higher support rates. In Estonia, a sub-scheme specifically targets organic farming as well as conventional dairy farmers referring to specific circumstances of the organic and dairy sectors. Rather than higher grants, a higher priority is given to projects related to organic farming under the selection schemes in Cyprus, the Czech Republic, Latvia and Slovakia. A tiered support scheme is used in Austria and in two regions in Spain to determine the level of support within which organic farming is one criterion among others to be eligible to receive a top-up grant. In Bulgaria, Denmark, Hungary, Malta, Romania and some regions of Spain,

organic farming has been defined as a (particular) target group or reason for intervention, but no special provisions are made for organic farming.

- **Participation of farmers in food quality schemes** (Measure 132): MS have adopted different approaches to refund certification and inspection costs of organic farmers. Several countries/regions use Measure 132 to cover parts of the certification and inspection cost incurred by farmers (Austria, Belgium, Cyprus, Estonia, Greece, Malta, the Netherlands, Poland, Portugal, Slovenia, most regions of Italy and Spain as well as parts of the UK). Flanders and Wallonia (Belgium) as well as Greece introduced support schemes for organic farmers in 2011. These schemes are usually also open to farmers participating in other approved quality schemes.
- **Information and promotion activities** (Measure 133): In some MS, Measure 132 is combined with Measure 133, which supports information and promotional activities for products or foodstuffs covered by approved quality schemes. In Malta and Estonia, only organic producers may receive support through Measure 133. Other countries offer no special provisions for organic producers.
- **Setting up of producer groups** (Measure 142): In Slovenia, financial support is given to organic farmers who set up producer groups and therewith strengthen the institutional structure of the primary sector. This measure is however not exclusively targeted at organic. Farmers producing other special agricultural products (e.g. food labelled as Protected Designation of Origin (PGO) or Protected Geographical Indication PGI)) are also eligible for aid.
- In addition to the measures described above, many MS have implemented specific training courses or advice for organic farming under Measure 111 (Vocational training and information actions) and/or Measure 114 (Use of advisory services). Since both activities are also relevant for conventional farmers, organic farming is, in most cases, neither addressed nor mentioned under these measures. Similarly, Wales uses Measure 124 (Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector) to improve supply-chain links. Whilst the measure itself does not address organic farming, it is used to finance a project which is highly relevant for organic sector development in Wales.

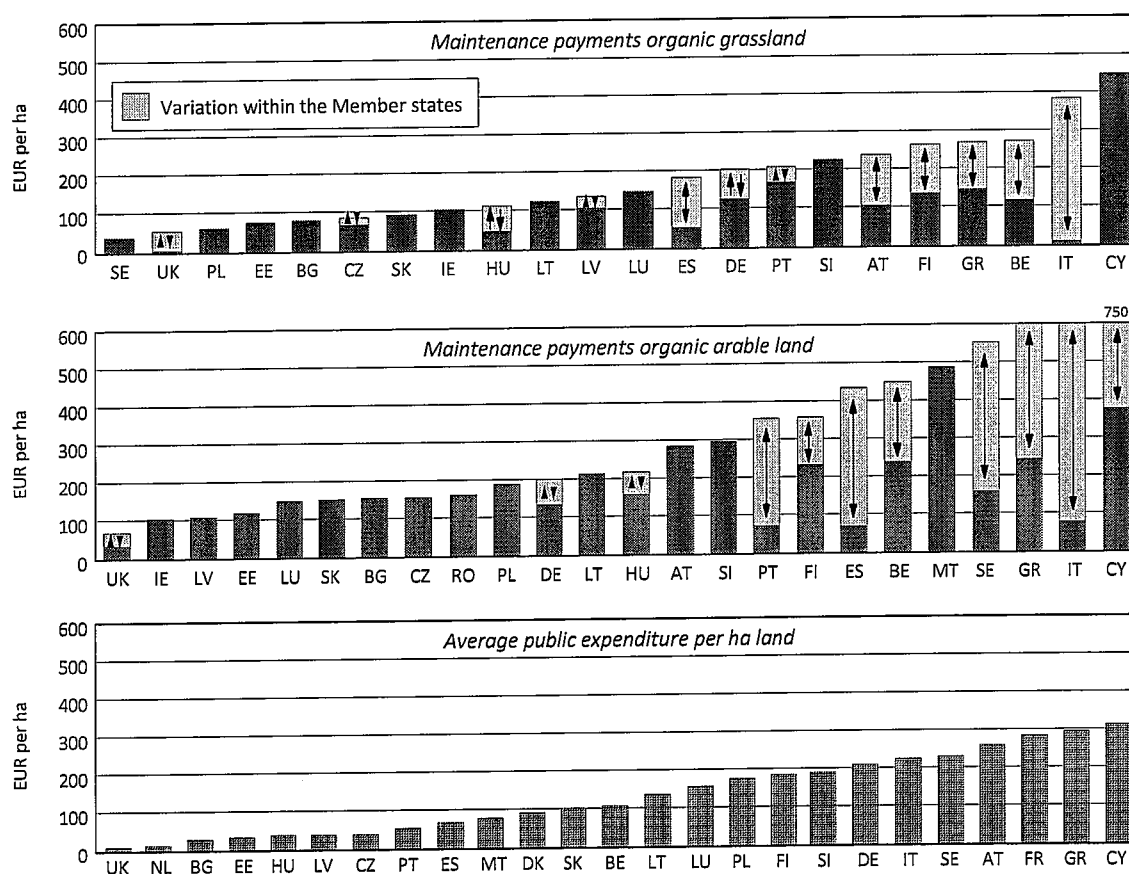
3.1.2. Support under Axis 2: Improving the environment and the countryside

In 25 MS or their regions, organic farming is addressed in one or both of the following two RDP measures under Axis 2 in the period 2007-2011.

- **Agri-environment payments** (Measure 214): For organic farming agri-environment payments are undoubtedly the most important support measure of the rural development programmes. With the exception of the Netherlands and France, all MS have implemented specific area payments for organic farming in the framework of national/regional agri-environmental schemes (Measure 214) to compensate for additional costs and/or income foregone resulting from organic management. Differentiation of seven land types is used including arable land, grassland, vegetables and herbs, greenhouse crops, perennials and orchards, vineyards, and olive trees. There are large variations in the payment rates for the same land type across countries. For example, maintenance payment rates per hectare for grassland varied between EUR 39 and EUR 450 across the EU (Figure 1). Even greater variations were observed for conversion payments. Differences in payment rates are the result

of a number of factors including different payment differentiations within the broader land types (e.g. a specific cereal payment is likely to lead to a higher payment rate than an average arable payment), different economic assumptions and different cost and income foregone components in payment calculations.²¹ Policy priorities, budget allocations and constraints, consideration of different bio-physical land characteristics and the inclusion of (area-based) livestock payment components are also factors.

Figure 1: Maintenance payments in 2011 and average public expenditure per ha in 2008-2009 in EU MS



Source: Sanders et al. (2011)

High payment rates do not necessarily guarantee a high level of support for organic farms. Scheme access problems, as reported from several MS, can reduce the positive impacts of high support payments. Average public expenditure for organic support payments under the agri-environmental measure per certified organic hectare varied between EUR 7 and EUR 314 for the period 2008 to 2009. On average, public expenditure amounted to EUR 163 per hectare for the

²¹ According to Reg. (EC) 1698/2005 payment rates shall cover additional costs or income foregone resulting from organic management (i.e. only those commitments going beyond the relevant mandatory requirements established by EU or national legislation). The level of payments is defined by Member States based on the following parameters: differences in yield, production costs, prices and transaction costs. Usually Member States define a typical regional organic farm and a conventional reference farm to calculate the additional costs. As reported by Sanders et al. (2011) not all countries/regions compensate 100 % of the additional costs. In most countries which do not compensate 100 % of the additional costs, there are large variations between individual crops or land use types. Since additional costs are calculated on the basis of a typical farm, low compensation levels do not necessarily mean that all farmers are only partially compensated. The real implications of compensation levels depend very much on the selected organic and conventional reference farms.

EU-27 (excluding Ireland, Romania and England). Substantial differences between the MS also exist in the design and application of eligibility criteria and requirements such as payment limits, stocking rates and additional scheme requirements beyond organic standards which are not necessarily reflected in the payment rates.

It is important to note that a wide range of options for combining organic with agri-environmental payments exists across most MS covering nearly all the key agri-environmental themes. "Topping up" organic support payments through other agri-environmental payments utilises the comparative advantages of organic farms in providing environmental benefits and public goods, and grants additional financial support to organic farms.

- **Animal welfare** (Measure 215): Cataluña (Spain) provides additional support for organic livestock farmers under Measure 215 aiming to cover additional costs or income foregone due to commitments regarding feeding facilities or free outdoor access. In some other countries, specific organic livestock payments are integrated in Measure 214.

3.1.3. Support under Axis 3: Improving the quality of life in rural areas and encouraging diversification of the rural economy

In the Czech Republic, organic farming was addressed in two RDP measures under Axis 3 in the period 2007-2011:

- **Diversification into non-agricultural activities** (Measure 311)
- **Encouragement of tourism activities** (Measure 313).

Both measures aim to diversify the rural economy through grants for the introduction or expansion of activities related to local services, products, trade and tourism. Similar to provisions made for Axis 1 measures, projects related to organic farming are awarded higher points in the Czech Republic which may increase the likelihood to receive support. References to organic farming are also made in Hungary under RDP measure 313.

3.2. Market and income policy

Besides rural development programmes, some EU MS provide financial support for organic farmers in the framework of Article 68 of Regulation (EC) 73/2009 as well as top-ups in the Common Market Organisation for fruit and vegetables.

The EU rules for direct support schemes under the CAP Pillar 1²² allow MS to support specific types of farming and quality (so-called 'Article 68 measure'). France is using this measure – instead of RDP Measure 214 (agri-environment schemes)²³ – for conversion and maintenance payments for organic farming. Romania is following a dual approach: while maintenance payments are paid under RDP Measure 214, Article 68 is used to finance conversion payments. In Denmark, the current RDP extensification scheme under Measure 214, which provides area payments for organic farmers, is stepwise replaced by a similar Article 68 measure. In addition Greece, Italy, Spain and Sweden have also implemented specific support to farmers for

²² Schemes are based on Council Regulation (EC) 73/2009 establishing common rules for direct support schemes for farmers.

²³ For the contracts concluded by 2010/11 France implements maintenance and conversion payments for organic farming under Axis 2 of its rural development programmes through agri-environment payments (Measure 214). These payments will continue to be carried out until the end of the contracts, having a duration of 5-7 years.

improving the quality of agricultural products. These schemes are targeted not only at organic farmers, but also at farmers participating in other food quality schemes.

The Fruit and Vegetables Regime of CAP Pillar 1 aims to increase the use of environmentally-friendly cultivation and production techniques. To receive a grant, producer organisations have to prepare an operational programme in which they describe how their activities contribute to the specific national goals defined in the national strategies for sustainable operational programmes. Specific provisions are made for organic producer organisations. The Community co-financing rate for organic production in the operational programmes is 60 % of the eligible costs (usually 50 %) with a maximum financial contribution of 4.1 % of the total value of marketed produce. In general, support for the environmental actions covers additional costs and income foregone resulting from that action. Several MS have, however, made country-specific provisions regarding the type of eligible costs related to organic farming. In Belgium, Ireland, the Netherlands and Sweden, only expenditure for specific equipment or means of production is eligible for aid (e.g. for packing and storing of organic products, use of organic dung and compost, etc.). Support for training and advisory costs are granted in Germany and Austria. The Czech Republic provides support for planting new organic orchards. In Spain, financial support is either given as a per-hectare payment or is based on invoices for specific cost items.

4. OTHER NATIONAL OR REGIONAL ORGANIC SUPPORT MEASURES

MS and regions have also introduced a wide range of other national and/or regional policy instruments not (co-)financed by the EU (see Figure 2). Examples include financial support for producing, processing and marketing organic products, a range of communication policies as well as support for research projects related to organic farming. In many cases, the identified measures have some similarities to those implemented under rural development programmes. This is particularly the case for investment aids, marketing aids and support for training programmes and advisory services. Some of them could probably also be financed under the RDP Measures 111, 114, 121 and 123. Clearly, some MS forgo the opportunity of co-financing these measures through the EU in order to retain greater flexibility in programme planning and implementation or to avoid reporting duties.

Figure 2: Overview of identified national or regional public measures addressing organic farming which are not (co-) funded by the EAFRD or EAGF in 2007-2011

	Farm investment	Marketing & Processing	Certification & Regulation	Training & Advice	Information & Education	Public procurement	Promotion campaigns & events	Institutional support	Research	Others
AT										
BE										
BG										
CY										
CZ										
DK										
EE										
FI										
FR										
DE										
GR										
HU										
IE										
IT										
LV										
LT										
LU										
MT										
NL										
PL										
PT										
RO										
SK										
SI										
ES										
SE										
UK										

 Public support measures not (co-) financed by EAFRD or EAGF available in the whole country
 Public support measures not (co-) financed by EAFRD or EAGF available only in certain regions

Source: Sanders et al. (2011)

5. ORGANIC ACTION PLANS

National or regional organic action plans provide a strategic instrument to coordinate different supply-push and demand-pull instruments tailored to local conditions. In total, 17 national and 10 regional action plans or similar support schemes that have been implemented since 2007 were identified in EU MS (Table 1). In many cases, action plans bundle CAP measures and complementary national/regional measures not (co-) funded by the EU. The action plans differ substantially with respect to policy targets, running period, types of actions specified, financial resources, number of previous action plans, and initial year of implementation reflecting different support strategies and developmental stages of the EU's national/regional organic sectors.

Table 1: Overview of organic action plans or similar support schemes in EU MS implemented in 2007-2011

EU Member States	Running period	Number of previous actions plans	Year of implementation of the first action plan	Quantitative targets		Target year
				Share of organic land area in the total UAA	Share of organic food in the total food market	
AT Austria	2011 - 2013	4	2001	20 %	-	2013
BE Flandern	2008 - 2012	2	2000	-	-	-
BG Bulgaria	2007 - 2013	0	2007	8 %	-	2013
CY Cyprus	-	-	-	-	-	-
CZ Czech Republic	2011 - 2015	1	2004	15 %	3 %	-
DK Denmark	2011 - 2013/15	2	1995	14 %	-	2020
EE Estonia	2007 - 2013	0	2007	ca. 3 %	3 %	-
FI Finland	2007 - 2015	-	2007	-	-	-
FR France	2011 - 2013	1	2008	6 %	-	2012
DE Germany	since 2002	cont.	2002	-	-	-
GR Greece	-	-	-	-	-	-
HU Hungary	-	-	-	-	-	-
IE Ireland	2008 - 2012	0	2008	5 %	-	2012
IT Italy	-	-	-	-	-	-
LV Latvia	2007 - 2013	1	2007	10 %	-	2013
LT Lithuania	-	-	-	-	-	-
LU Luxembourg	2009 - 2011	0	2009	ca. 5 %	-	-
MT Malta	-	-	-	-	-	-
NL Netherlands	2008 - 2011	2	2001	-	-	-
PL Poland	2011 - 2014	1	2007	ca. 4%	-	2014
PT Portugal	-	-	-	-	-	-
RO Romania	-	-	-	-	-	-
SK Slovakia	2001 - 2013	1	2006	5 %	-	-
SI Slovenia	2005 - 2015	1	2007	20 %	10 %	2015
ES Spain	2007 - 2010/11	0	2007	-	-	-
SE Sweden	since 2007	-	-	20 %	-	2010
UK	Scotland	1	2007	-	-	-
	Wales	-	-	-	-	-

Source: Sanders et al. (2011)

6. SUPPORT MEASURES ADDRESSING ORGANIC FARMING IN THE FUTURE CAP

The CAP framework explained under section 1 above responded to the challenges EU agriculture faced during the past two decades. However, for the policy to remain relevant, the framework under which it functions has to prove itself capable also to address the evolution which EU agriculture is expected to face in the current decade: economic, environmental and climate change pressures as well as the territorial aspects of the policy.

In this context, the Commission adopted in November 2011 legal proposals to reform the CAP for the period 2014-2020. They aimed to fulfil the three broad objectives of the future CAP, i.e. "Viable food production", "Sustainable management of natural resources" and "Balanced territorial development".

It was proposed to adapt the current CAP framework along the following lines:

- Gearing the CAP measures towards increasing the productivity and the competitiveness of the agricultural sector by:
 - improving the functioning of the advisory system and creating networks (of farmers, advisors, researchers, food operators, consumers etc.) for knowledge creation and transfer and favouring innovative approaches in granting funding for projects for rural development measures
 - encouraging pro-competitive joint action among farmers in order to foster efficient use of resources, product development and marketing
 - provide incentives to use risk management instruments and active prevention strategies
- Improving the environmental and climate change performance of the CAP by:
 - increasing the number of agricultural areas which are under agricultural practices providing environmental and climate action benefits and encouraging the take-up of more advanced agri-environmental measures by MS and farmers;
- Enhancing the effectiveness and efficiency of the policy by:
 - rebalancing the direct payment support to better reflect income support objective and environmental performance
 - reducing the disparities in direct payment support levels between MS and farmers.

After almost two years of negotiations between the Commission, the European Parliament and the Council, a political agreement on the reform of the CAP was reached on 26 June 2013²⁴. A number of instruments agreed for the next programming period have a significant potential to increase the development and visibility of the organic farming sector.

²⁴ http://europa.eu/rapid/press-release_MEMO-13-621_en.htm

6.1. Rural development policy

In the context of the RD policy for the period 2014-2020 as agreed among the institutions, a farmer engaging in organic production will be able to receive support through a number of measures, among which the following ones:

- knowledge transfer and information actions (article 15), covering participation in training activities,
- advisory services, farm management and farm relief services (article 16), for the use of advisory services,
- quality schemes for agricultural products and foodstuffs (article 17), covering certification costs for new participation in organic food quality schemes,
- investments in physical assets (article 18),
- farm and business development (article 20), granting business start-up aid for the development of small farms,
- agri-environment-climate (article 29), when an organic farmer undertakes an environmental or climate commitment not supported under article 30,
- organic farming²⁵ (article 30), compensating for additional costs, income foregone and transaction costs when converting to and/or maintaining organic farming practices in line with Council Regulation 834/2007,
- animal welfare (article 34), for commitments going beyond mandatory standards and not already covered by article 30,
- cooperation (article 36), which supports the development of innovative products, processes, practices, technologies, and cooperation approaches among actors of the food chain.

It will be up to the MS or regions to include in their RD programmes the measures they consider relevant for supporting organic farming and to set out how these measures can be combined with one another in order to avoid double funding and to ensure complementarity/synergy between them.

6.2. Market and income policy

For the period 2014-2020, besides maintaining a basic direct payment for farmers (including organic farmers), the EU institutions have agreed to introduce a **strong greening component** into the first pillar to ensure that all EU farmers in receipt of support go beyond the requirements of cross-compliance and deliver environmental and climate benefits as part of their everyday activities. Thirty percent of direct payments will be tied to the 3 compulsory greening practices (i.e. crop diversification, establishment of ecological focus areas, maintenance of permanent grassland).

In order to avoid penalising farmers that already address environmental and sustainability issues, the agreement foresees a "Greening equivalency" system whereby the application of

²⁵ During the 2007-2013 programming period, support for organic farming was part of the compulsory agri-environmental measure. For the programming period 2014-2020, it has been proposed to establish a specific voluntary Organic farming measure. This is to recognise the importance of organic farming in contributing to various rural development objectives and priorities.

environmentally beneficial practices already in place are considered to replace the basic requirements. For example, **organic producers will have no additional requirements** as their practices are shown to provide a clear ecological benefit. For others, agri-environment schemes may incorporate measures that are considered equivalent. The new regulation contains a list of such equivalent measures. To avoid "double funding" of such measures, the payments through rural development programmes must take into account the basic greening requirements.

The current "article 68" measure is not prolonged in the next programming period.

In receiving support from several of the measures outlined above, a farmer will be able to achieve more easily the objectives of the organic farming regulation, i.e. establish a sustainable management system for agriculture, produce products of high quality and respond to consumers demands for goods produced using processes that do not harm the environment, human health, plant health or animal health and welfare.

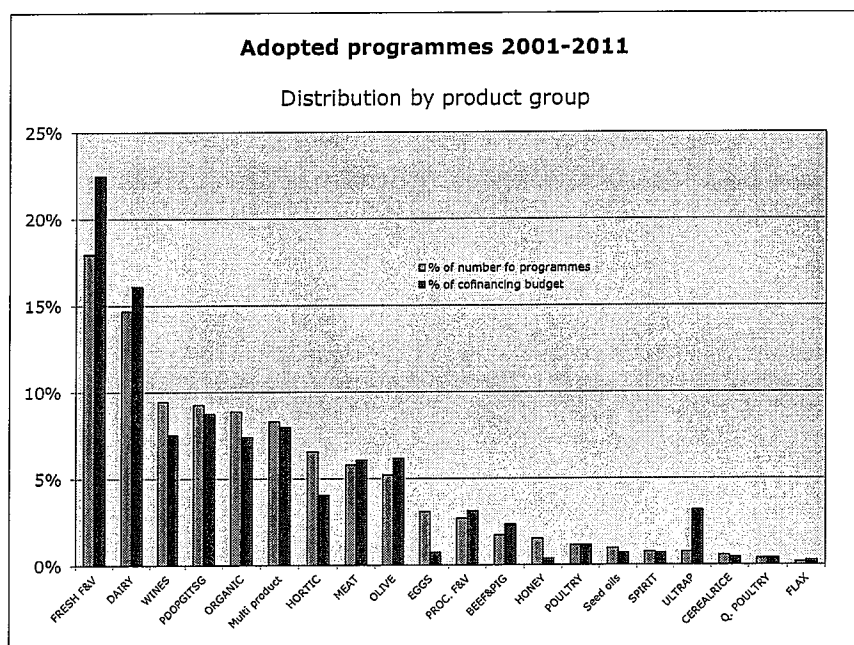
ANNEX 4: INFORMATION AND PROMOTION ON ORGANIC FARMING AT EU LEVEL

The possibilities of financing information, communication or promotion actions in the organic sector are listed below:

1. COFINANCED INFORMATION AND PROMOTION CAMPAIGNS

Through the Council Regulation (EC) n°3/2008 on information provision and promotion measures for agricultural products on internal market and in third countries, the organic sector is eligible to the EU promotion scheme on internal market and in third countries. It is a horizontal policy covering almost all agricultural sectors and emphasising the general characteristics and added value of the CAP such as quality, safety, health, labelling, specific production methods, respect for the environment, animal welfare. The assistance is normally given to professional producer organisations, for example associations representing specific agricultural products, or associations promoting particular approaches to agriculture, such as organic farming. The European Commission allocates **roughly €50 million annually** in financial support.

Between 2006-2010, a total amount of 35.7m€ was spent in promotion activities in the organic sector (17.9m€ under EU co-financing), spread in 15 programmes representing 7.18% of the total programmes. This % is comparable to the amount spent on programmes for the promotion of other products under EU quality schemes (Protected Designations of Origin, Protected Geographical Indications and Traditional Specialities Guaranteed).



Source: DG AGRI, Unit D4

2. INFORMATION AND PROMOTION ACTIONS DIRECTLY MANAGED BY DG AGRI

2.1. Own DG AGRI campaigns through the Council Regulation (EC) n°3/2008 on information provision and promotion measures for agricultural products on internal market and in third countries

In 2004, the European Action Plan for Organic Food and Farming set out 21 initiatives to achieve the objectives of developing the market for organic food and improving standards by increasing efficacy, transparency and consumer confidence. **Action 1 referred to the promotion of the organic sector:**

"Introduce amendments in Council Regulation (EC) No 2826/2000 (internal market promotion) which would give the Commission greater possibilities for direct action in order to organise information and promotion campaigns on organic farming. Launch a multi-annual EU-wide information and promotion campaign over several years to inform consumers, public institutions canteens, schools and other key actors in the food chain about the merits of organic farming, especially its environmental benefits, and to increase consumer awareness and recognition of organic products, including recognition of the EU logo. Launch tailored information and promotion campaigns to well-defined types of consumers such as the occasional consumer and public canteens. Increase Commission cooperation efforts with MS and professional organisations in order to develop a strategy for the campaigns."

As follow up of Action 1 of Action Plan **a promotion campaign on organic food and farming was launched in 2008, with a budget of € 3 million (over 3 years)** and covering all 27 MS. Its results were very positive because albeit its limited budget, simple and effective marketing and information tools were offered to a number of different target groups (see detailed report COM(2010) 692 final). Within the campaign, **a multilingual website www.organic-farming.europa.eu** was developed in 22 languages, offering a wide range of information on organic farming to different target groups, including organic and conventional farmers, stakeholders' organisations, final consumers and their associations, students, and children. The website is also used as a **platform for distributing promotional material** from a "toolbox" available free of charge in 22 languages to anyone wishing to promote organic food and farming in the EU.

The website provides information on organic farming in general, EU policy in the fields of environment, animal welfare, consumer confidence, and relevant institutions in the field of organic farming. After the launch of the website, the focus was shifted to the promotion of this campaign all over Europe to stakeholders, which were the primary target group of the campaign. In this perspective, **the campaign was introduced at 17 promotional events all over Europe.**

The development of the promotional campaign has been closely monitored by an expert group (made up of both governmental and private members) for the promotion of organic farming. National experts followed the development of the content of the website and the toolbox and helped with the revision of texts made available to the public on those supports.

Evaluation has shown that the tools are accepted and used by the target groups, especially in countries where the sector is less developed and there are fewer initiatives at national level. Various co-financed programmes for the promotion of organic products have made use of this new material developed within the campaign. This allowed the programmes to be run with a

smaller budget than would have been possible otherwise, as they did not have to bear the cost of financing the development of new promotional material.

The statistical data on website traffic were also very positive. The website during that period was the most visited of all DG AGRI sub-sites on Europa, with on average 70-80 000 visits per month and 15 000-30 000 downloads of material. During 2009, the website was visited 1 070 000 times (this figure represents 63 % of the total visits to the whole of DG AGRI's site). By scoring high on major search engines, the website has become a point of reference for all those looking for information on organic food and farming.

Current review of the existing EU information and promotion policy of agricultural products

The organic sector will benefit from the current revamp of the information and promotion policy of agricultural products, not only thanks to a budget increase compared to the € 60 million dedicated in 2013 but also because organics have been identified as one of the key themes of interest for the European Union for which information actions are needed. Moreover new elements of the promotion policy to be put in place such as the highlight of the European dimension (through the encouragement of multi-country and multi-product initiatives) as well as the introduction of a European strategy to better target the promotion programmes to specific markets, populations, themes, products or sectors will contribute to various synergies of the organic sector stakeholders at European level.

2.2. Via the Council Regulation (EC) n°814/2000 on information measures relating to the CAP

One project submitted by IFOAM EU was financed in 2011. Its total budget amounted to 139.549€ (50% of eligible costs and 10.000€ for staff costs).

Various issues relate to the organic logo, which is dealt with on a separate fiche. Nevertheless, problems linked to the logo have been included in the present paper (Promotion and information fiche), the logo being the backbone of a promotion policy of organic products.

ANNEX 5: RESEARCH AND INNOVATION IN ORGANIC FARMING

1. EU RESEARCH FRAMEWORK PROGRAMME

During the past 12 years, the European Commission contributed over €150 million to almost fifty research projects on low-input and organic agriculture.

Close interaction between various actors in the organic sector, specifically within the Technology Platform Organics²⁶, resulted in development of a highly relevant research agenda. In acknowledgment of its important role, in July 2013, TP Organics was considered by the European Commission services to fulfil the criteria for recognition as a European Technology Platform (ETP), and is therefore included in the publicly available list of recognised ETPs on the European Commission website²⁷.

The completed and on-going research projects within the low-input and organic subject area have significantly contributed to the development of this sector by, for instance, improvement of organic regulation (e.g. ORWINE²⁸), provision of a wide range of methods for markets' assessments (e.g. OrganicDataNetwork²⁹) as well as enhancement of the productivity by creation and implementation of innovative production methods (e.g. QualityLowInputFood – QLIF³⁰ or LowInputBreeds³¹).

Horizon 2020³² is a financial instrument implementing the Innovation Union³³, a Europe 2020^{34,35} – flagship initiative aimed at securing Europe's global competitiveness. Running from 2014 to 2020, the EU's new programme for research and innovation is part of the drive to create new growth and jobs in Europe. Horizon 2020 reflects the policy priorities of the Europe 2020 strategy and addresses major concerns shared by citizens in Europe and elsewhere. It covers activities from research to market with a new focus on innovation-related activities and will include establishment of links with the activities of the European Innovation Partnerships. To address the challenges of the present and future, funding will be focused *inter alia* on the following Societal Challenges, which are of great relevance for organic farming, namely:

²⁶ <http://www.tporganics.eu/>

²⁷ http://cordis.europa.eu/technology-platforms/individual_en.html

²⁸ Organic viticulture and wine-making: development of environment and consumer friendly technologies for organic wine quality improvement and scientifically based legislative framework, STREP (Specific Targeted Research or Innovation Project) Contract no.:022769, Sixth EU Framework Programme, Priority 8.1 - Policy-oriented Research (SSP), Area 1.2, - Task 1: Organic viticulture and wine processing, Project Coordinator: AIAB

²⁹ http://ec.europa.eu/research/bioeconomy/agriculture/projects/organicdatanetwork_en.htm

³⁰ http://ec.europa.eu/research/research-for-europe/agriculture-quality-low-input-food_en.html

³¹ http://ec.europa.eu/research/bioeconomy/agriculture/projects/lowinputbreeds_en.htm

³² http://ec.europa.eu/research/horizon2020/index_en.cfm

³³ http://ec.europa.eu/research/innovation-union/index_en.cfm

³⁴ http://ec.europa.eu/europe2020/index_en.htm

³⁵ Communication from the Commission - Europe 2020 - A strategy for smart, sustainable and inclusive growth - COM(2010) 2020 of 3 March 2010

- Food security, sustainable agriculture, marine and maritime research and the bio-economy.

The research agenda for the next 7 years is under preparation. The Societal Challenges and the way to address them are of utmost importance in this exercise, which among others encompasses the identification of research and innovation goals that will leverage the organic sector's contribution to healthy planet and healthy food production and enhancement of sustainability in the wider agricultural field.

2. EUROPEAN INNOVATION PARTNERSHIP 'AGRICULTURAL PRODUCTIVITY AND SUSTAINABILITY' (EIP)

Knowledge management and exchange is of primary importance to low-input and organic systems. The diverse nature of organic farming makes it difficult to exchange knowledge between researchers, producers and other stakeholders. The newly developed European Innovation Partnership for 'Agricultural Productivity and Sustainability' will provide a vast array of opportunities to address this issue and boost multidimensional cooperation between the research community and farming practice.

Given that the aim of the EIP is to foster a competitive and sustainable agriculture and forestry that "achieves more from less" and works in harmony with the environment, organic farming can easily find its place in the EIP set up and take a great advantage of it.

The innovation model under the agricultural EIP goes far beyond speeding up transfer from laboratory to practice through diffusion of new scientific knowledge (referred to as a "linear innovation model"). The EIP adheres to the "interactive innovation model" which focuses on forming partnerships - using bottom-up approaches and linking farmers, advisors, researchers, businesses, and other actors within so-called Operational Groups. This will generate new insights and ideas and mould existing tacit knowledge into focused solutions. Such an approach will stimulate innovation from all sides and will help to target the research agenda.

For funding concrete innovative actions, the agricultural EIP will be implemented through actions that are mainly supported by two European Union policies:

- Rural Development Policy provides co-funding for innovative actions of "Operational Groups". The key measures include 'cooperation', 'knowledge transfer and information actions', 'advisory services', 'investment in physical assets' and 'farm and business development'. In addition, the Rural Development Policy will provide the means for setting up an EIP network facility at EU level.
- EU Research and Innovation Policy (Horizon 2020) plays its key role in providing the knowledge base for innovative actions on the ground. Key actions feeding into the EIP include 'applied research projects', 'cross-border initiatives', 'thematic networks', 'multi-actor approaches', 'pilot or demonstration projects', as well as supporting 'innovation brokers' and 'innovation centres'.

As a key instrument of the EIP, the network facility (or Service Point), in place since mid-April 2013, will act as a mediator for enhancing communication between science and practice and fostering their cooperation. It will encourage the formation of "Operational Groups" and support their work through focus groups, seminars and workshops, the establishment and maintenance of

databases with *inter alia* relevant research results and good practice examples, support for partnering, and helpdesk functions.

In this respect, the first three focus groups under the EIP are ready to start their activities. They will work on the following issues directly or indirectly advantageous for the organic sector:

- Organic farming (optimizing arable yields): Why do yields vary so much between organic farms; how can this yield gap be minimized?
- Protein crops: What does the feed sector need in terms of protein? Why is EU farming not able to deliver? Why is EU farming in protein crops not competitive? How can this be remedied?
- Animal husbandry: How can we reduce the use of antibiotic treatments in the pig sector?

Each focus group will bring together up to 20 experts that have practical experience in the relevant field and that are able and willing to share their expertise with others. Experts will be chosen according to their competences based on proven expertise for supporting the progress of the focus group. Attention will be paid to covering a reasonable balance of expertise and represented interest (e.g. scientists, farmers, advisors, representatives from industries, environmental NGOs, consumer groups, etc.).

3. RESULTS OF THE ON-LINE CONSULTATION CONCERNING THE NEED FOR RESEARCH AND INNOVATION

An overwhelming majority of the questioned citizens (i.e. 81%, 33411) during the on-line public consultation expressed the opinion that the organic sector should benefit from a public budget reserved only for research.

In addition, the respondents clearly identified four areas which should benefit from more research and innovation in organic food and farming sector:

- economic and social dimension of organic farming (58%, 26165),
- seeds and plant propagating material adapted to low-input agriculture (52%, 23519),
- local production of protein in-rich crops (48%, 21542) and
- waste management (45%, 20371) followed each other in the ranking set up by the respondents with only few percentage point of difference.

Two areas were selected as areas which would need more research and innovation but with a percentage much lower than the four above listed, namely "low-growth strains of animals" (15%, 6534) and "co-existence of organic farming with conventional farming and GMOs" (12%, 5532).

A significant number of respondents sent also by e-mail a range of other suggestions for research projects that are currently needed in organic farming sector such as: Innovations in organic farming are needed especially in the areas of plant breeding and the regional production of protein crops; Research comprising the comparison of the real production costs of agricultural /food products from organic and conventional farming systems; Research on environmental and health benefits of organic farming system; Research on innovative, renewable (=recyclable) and non-renewable (=non-recyclable) fertilizers and pesticides; etc.

Conclusion:

All the above-mentioned issues (research needs, funding for research and innovation, exchange of knowledge) have their rightful place in the new Action Plan for organic food and farming that will accompany the proposal for a future organic farming legislation.

ANNEX 6: THE EU ORGANIC PRODUCTION RULES

For many decades, the European organic sector was characterised by a system of private standards, with third party inspection and certification. **National legislations on organic farming were introduced in the 1980s.** France was the first country introducing such a legal framework in 1980, followed by Austria in 1983 and Denmark in 1987. The aims of these national legislations were to protect consumers from misleading claims and creating a level playing field for organic producers.

Council Regulation (EEC) 2092/91³⁶ introduced for the first time an EU-wide definition of organic farming and set out rules for organic crop production and indications referring thereto on agricultural products and foodstuffs. Rules on organic livestock and processed products were introduced eight years later with Council Regulation (EC) 1804/1999³⁷, supplementing the existing Regulation.

In the European Action Plan for Organic Food and Farming (EOAP)³⁸ of 2004, the European Commission proposed to **improve and reinforce the Community's organic farming production rules** as well as import and inspection requirements, and specified a number of actions with respect to production rules and inspection.

The legislation was substantially revised with the adoption of Council Regulation (EC) 834/2007 in June 2007, which notably:

- defined organic farming more accurately by describing its **objectives and principles**,
- improved the **harmonisation** of the organic production rules within the EU, by putting an end to national production rules for animal products,
- introduced the **possibility of exceptions to the rules** under the responsibility of MS, intended to replace a multitude of former derogations.

The aspects related to the labelling of organic products, to the control system and to the trade regime are dealt with in separate Annexes.

The new legislation was implemented from 2009 onwards. Since then, the legislation has been extended notably to **organic aquaculture** in 2009 (Commission Regulation (EC) No 710/2009³⁹) and to **organic wine making** in 2012 (Commission Regulation (EC) No 203/2012⁴⁰).

³⁶ Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs – UE OJ L 198, 22.7.1991, p. 1.

³⁷ Council Regulation (EC) No 1804/1999 of 19 July 1999 supplementing Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs to include livestock production – UE OJ L 222, 24.8.1999, p. 1.

³⁸ European Action Plan for Organic Food and Farming Com (2004) 415 final of 10.06.2004.

³⁹ Commission Regulation (EC) No 710/2009 of 5 August 2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production, UE OJ L 204, 6.8.2009, p. 15.

⁴⁰ Commission Implementing Regulation (EU) No 203/2012 of 8 March 2012 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards detailed rules on organic wine, UE OJ L 71, 9.3.2012, p. 42.

At international level, the EU plays an active role in the definition of Codex Guidelines GL-32-1999 for the Production, Processing, Labelling and Marketing of Organically produced Foods and contributes to the up-dates, like the current work for the inclusion of organic aquaculture.

1. THE EU ORGANIC PRODUCTION RULES

1.1. Definition of organic farming

The EU legislation actually defines organic farming. Articles 3 to 7 of Council Regulation (EC) No 834/2007 provide for detailed objectives and principles of organic farming translated into rules (in Regulations 834/2007 and 889/2008).

1.2. Scope of the legislation

Council Regulation (EC) No 834/2007 is limited in scope as it applies to products originating from agriculture, including aquaculture, where such products are placed on the market or intended to be placed on the market:

- agricultural products (live or unprocessed),
- processed agricultural products intended for food,
- feed,
- vegetative propagating material and seeds for cultivation,
- yeast used for food or feed.

The legislation covers all stages of production, preparation and distribution of organic products. However, mass catering operations are specifically excluded from the scope of this Regulation. MS may apply national rules or, in the absence thereof, private standards, on labelling and control of products originating from mass catering operations, as long as these rules comply with EU law.

In Article 41 of Council Regulation (EC) No 834/2007, the Council asked the Commission to submit a report on different subjects including the scope of the Regulation and mass catering which is specifically excluded from the rules.

1.2.1. Commission report

The Commission produced a report in May 2012⁴¹ which was forwarded to the European Parliament and to the Council.

1.2.1.1. Mass catering

The report analyses the experience with mass caterers. This sector is already subject to EU horizontal rules on hygiene and food labelling.

Currently, seven MS have introduced national rules for organic mass catering, while private standards are applied in ten other MS. These rules provide certification of ingredients, dishes, menus or complete catering operations. Following a survey carried out with the MS authorities in charge of organic production, most of them were of the opinion that mass catering operations

⁴¹ COM (2012) 212 final of 11.5.2012 Report from the Commission to the European Parliament and to the Council on the application of Regulation (EC) No 834/2007 on organic production and labelling of organic products

should not be 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 report concluded that there was currently no need to include mass catering operations in the Regulation but that the Commission would closely follow developments in this sector.

1.2.1.2. Textiles and cosmetics

There has been significant market growth for textiles and cosmetics bearing reference to organic production. Those two product categories are not included in the scope of the EU organic legal framework, which is limited to non processed agricultural products or processed agricultural products for use as food or feed. A debate has started on the question of the reference to "organic" for agricultural products outside the scope of the current Regulation and the possible risk for the credibility of the term "organic".

The European Union's general legislation on textiles deals with fibre names and labelling rather than production methods. Within the voluntary EU Ecolabel scheme, criteria have been established for textile products. In the case of cotton, if 95 % of the product is made of organic cotton, the denomination "organic cotton" is allowed under this scheme.

Agricultural raw materials, such as plant oils and plant extracts, are present in many cosmetics. The Union's legislation on cosmetics regulates the use of claims on cosmetic products.

The report concluded that it may be worth exploring the opportunities offered by the Union's legislation to extend the protection of the use of the word "organic" to textiles and cosmetics.

1.2.1.3. Other

The status of certain products outside Annex I of the Treaty but which are closely linked to Annex I products or to rural economy, such as beeswax, essential oils, or maté was not examined in detail in the report but it was underlined that the Commission recognises a need for clarification regarding such products.

1.2.2. Identified problems

- *Should mass catering be included in the scope of the framework?*

Mass catering represents an additional outlet for organic products. The question is whether the introduction of EU harmonised rules is necessary or not. It has been put to the Commission and must be answered in the context of this review.

In the first hearing it was concluded by the experts that there is no need to extend the scope of EU implementing rules to mass catering, the preference is to keep this under the national rules.

- *Should textiles and cosmetics be included in the scope of the framework?*

Organic textiles and cosmetics constitute a valuable outlet for organically produced raw materials. Currently, as they are not included in the scope of the legislation, it could be considered that they are posing a risk to the integrity of the term "organic" in the EU because their organic nature is not regulated in the same way as for food and feedstuffs i.e. in accordance with a production process. To include these categories of products, the legal basis of the EU organic legislation would have to be reviewed.

In the first hearing on the future of organic farming, when this subject was discussed, it was concluded that if textiles were to be included in the scope of the EU organic legislation, the organic standard would have to be a global standard to cover the whole world because natural fibre is mainly produced and also processed outside the EU (cotton is no° 1 fibre in the world).

- *Should the scope be extended to other/new products?*

There was a general agreement on the following. Whatever choice is made regarding a possible extension for the scope, considering that the objectives of the policy are to achieve a level playing field and consumer trust, clear and simple rules are preferable in all cases. The current legislation requires repeated interpretation.

If changes are brought to the scope, this could have an impact on existing international arrangements.

Extension of the scope would add an extra burden in terms of controls (for MS) and compliance and possibly also increase costs for the concerned operators for instance if there was a change from national to EU rules for mass catering.

On the basis of the above mentioned Commission's report, the Council drew conclusions in May 2013. As regards these particular issues, there was a call for "clarifying the situation regarding protection of the use of the term 'organic' for non Annex I products" and "providing guidance on the organic claims associated with the preparation of organic products in mass catering operations."

1.3. General production rules

The **EU organic production rules** are described in Title III of Council Regulation 834/2007 and in Commission Regulation 889/2008.

The starting point for organic plant production is the soil. Prescribed practices aim at maintaining or increasing the soil organic matter and enhancing soil stability and soil biodiversity. The fertility and the biological activity of the soil are essentially ensured by using **multiannual crop rotation including legumes and other green manure crops** and by the application of livestock manure or organic material.

The use of inputs is strictly limited. Annexes I and II to Commission Regulation 889/2008 provide for positive lists of authorised substances (fertilizers, plant protection products, etc).

The **organic livestock production rules** are characterized by **high animal welfare requirements** which aim at meeting animals' species-specific behavioural needs. In particular, a permanent access for livestock to open air areas is required and minimum surface areas indoors and outdoors are set for each species. Animals shall be fed with organic feed preferably produced on the farm or in the region.

Annexes III to VII to Commission Regulation 889/2008 provides notably for positive lists of feed materials authorised, feed additives used in animal nutrition and products for cleaning and disinfection of buildings for livestock production.

Production rules for organic processed food or feed require that the production of processed organic food or feed is separated in time or space from non-organic feed or food. Organic ingredients shall be used but exceptions are possible.

Annex VIII to Commission Regulation 889/2008 provides for positive lists of food additives and processing aids which might be used in organic processed products. Products and substances for use or addition in organic wine are listed in Annex VIIIa. Annex IX provides for a list of ingredients which can be used in their non-organic form in processed organic products.

In addition, MS have the possibility to authorize the use of ingredients in their non-organic form on a temporary basis according to Article 29 of Regulation 889/2008. Before granting such authorization, a MS shall verify that the operator has undertaken the necessary contacts with suppliers in the EU to ensure himself of the unavailability of the ingredients concerned in the organic form.

Farmers willing to convert to organic farming have to undergo a conversion period, during which they have to fully apply the rules of organic farming but they cannot sell their products as organic.

Parallel conventional production on organic farms is prohibited according to the first paragraph of Article 11 of Regulation 834/2007. However, the following paragraph introduces the possibility to run a holding with organic and conventional production, under specific conditions: the holding has to be split into clearly separated units and different animal species or different plant varieties have to be involved.

The use of **genetically modified organisms** (GMOs) and of ionising radiation is prohibited in organic farming.

The perception of the public is that organic production rules should be strengthened (see Annex 2).

1.4. Current situation regarding GMOS

Council Regulation (EC) No 834/2007 prohibits

- the use of genetically modified organisms or GMOs,
- products produced from GMOs and
- products produced by GMOs⁴².

One exception only is made for veterinary medicinal products (vaccines and others).

As organic systems are not isolated from the general production chain, low and accidental presence of GM crops in non-GM farming systems such as organic farming cannot be completely excluded. Council Regulation (EC) No 834/2007 clarifies that the general rules on adventitious and technically unavoidable presence of authorised GMOs apply i.e. that the horizontal rules of Regulation (EC) No 1829/2003⁴³ on GM Food and Feed apply equally to products used in organic farming. That Regulation provides that food and feed containing, consisting of or produced from a GMO must be labelled. Exceptionally, a product is exempted

⁴² Products produced "by GMOs" are mentioned in Council Regulation (EC) No 834/2007, but they are not defined in Regulation (EC) No 1829/2003 on genetically modified food and feed. Therefore only products produced "from GMOs" are considered in the analysis.

⁴³ Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed – UE OJ L 268, 18.10.2003, p. 1.

from this labelling requirement where it consists of, contains, or is produced from GMOs in a proportion not higher than 0,9%, and provided that this presence is adventitious and unavoidable.

Council Regulation (EC) No 834/2007 also introduces specific provisions in Article 9 (3) on the responsibility of the organic operator for avoiding the presence of GMOs in organic products. The leading principles are to have the lowest possible adventitious presence of GMOs in organic products, as set out in recital 10, and at the same time to avoid undue constraints and additional burden on organic operators.

In order to ensure that no GMOs or products produced from GMOs are used as inputs for production processes, the Regulation stipulates in its article 9 (2) that operators can rely on the labels accompanying products or any other accompanying document, affixed or provided pursuant to Directive 2001/18/EC⁴⁴, Regulation (EC) No 1829/2003 or Regulation (EC) No 1830/2003⁴⁵ unless they have obtained information indicating that the labelling of the product in question is not in conformity with those Regulations for instance when the labelling threshold of 0,9% of adventitious presence of GMOs is exceeded.

Products produced from GMOs which are not food or feed are not covered by the GMO legislation and therefore no labelling and traceability obligations are imposed on them. Council Regulation (EC) No 834/2007 provides in its article 9 (3) that the organic operator has to request in such cases a confirmation or vendor declaration to be signed by the supplier of the products. In this document, the vendor must declare that his product has not been produced from GMOs. The vendor declaration represents a commitment of the supplier with legal value.

Council Regulation (EC) No 834/2007 provides within the exceptional production rules the possibility for the Commission to foresee exceptions to the prohibition of using products produced from GMOs when it would be necessary to use food and feed additives and other substances that would not be available on the market other than produced from GMOs. The Commission has not granted such exceptions so far.

1.4.1. Coexistence

The Commission's report to the Council and the European Parliament of 2009 on the coexistence of genetically modified crops with conventional and organic farming⁴⁶ concluded that GM crops have not caused any demonstrable damage to existing non-GM farming. On 13 July 2010 the Commission issued a Commission Recommendation on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops⁴⁷, 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 %.

⁴⁴ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC – UE OJ L 106, 17.4.2001, p. 1.

⁴⁵ Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC – UE OJ L 268, 18.10.2003, p. 24.

⁴⁶ COM (2009) 153 final of 2.4.2009 Report from the Commission to the Council and the European Parliament on the coexistence of genetically modified crops with conventional and organic farming
http://ec.europa.eu/agriculture/gmo/coexistence/index_en.htm

⁴⁷ Commission Recommendation of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops, OJ C 200 of 22 July 2010

Moreover, the Recommendation acknowledges the 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 Regulation proposal to the European Parliament and to the Council which, once adopted, would allow MS to restrict or prohibit cultivation of GMOs on their territory on grounds other than those based on a scientific assessment of health and environmental risks.

1.4.2. Facts, figures and recommendations resulting from the autumn 2012 hearings

- 180 mio ha of GMOs cultivated worldwide, mainly for feed purposes. They represent a 70 Bio\$ market in the US. There are 118 single GMOs authorised worldwide. In the EU, there is a "0" tolerance for non-approved varieties but for feed (not for food) there is a 0,1% tolerance when there are adequate detection methods.
- In the 96 EU laboratories that analyse presence or not of GMOs, the research is conducted in relation to the application of EU legislation. Laboratory analyses complement paperwork. A recommendation was made to the Commission to consult with laboratories when legislating.
- Totally GM free products represent a challenge. A study has been conducted by an external consultant on behalf of the Commission to examine in detail the issue of GM free labelling taking into account the existing schemes and labelling systems, consumers' expectations, feasibility, in order to have the necessary background to launch a reflexion on the possible need for EU harmonisation of GM free labelling. It is possible to ensure imports of GM free supply of soya in the EU, for feed uses.
- Co-existence has a high cost.
- The lower the threshold, the larger the sample to be analysed, the higher the cost of testing. To test for 0,1% you need to test a sample of at least 3000 particles of a product. The cost of testing a sample varies between 300 and 500€. If the sample tests positive, then there needs to be a quantification per ingredient. If the sample tests positive for an unauthorised GMO, the cost of the analysis can run to 10.000€.
- Operators have complained that the "polluter/payer" principle is not being applied for accidental presence of GMOs.
- A balance has to be found between cost and risk.
- Attention must be paid to labelling in order not to confuse the consumer.

1.4.3. Results of the public consultation

- 77,47% of respondents buy organic products because they want GM free products
- 89,5% of respondents consider that GMOs are incompatible with the concept of organic farming
- 51,14% are aware of the 0,9% labelling threshold for adventitious and technically unavoidable presence, and 47,45% are not.
- 68,25% think that organic products should be subject to the same labelling rules as conventional products.

- 56% declared that they are prepared to pay a higher price for a lower labelling threshold and 31,55% are not.

1.4.4. GMO Identified issues relate to:

- Adventitious presence of EU-authorised GMOs in organic products and labelling threshold

Council Regulation (EC) No 834/2007 forbids the use of GMOs, but the labelling rules set in the EU Regulation (EC) No 1829/2003 on Genetically Modified Food and Feed apply. In the absence of specific rules, the horizontal rules of the EU Regulation on Genetically Modified Food and Feed thus apply equally to products used in organic farming. That Regulation lays down a general labelling threshold of 0.9% for the adventitious or technically unavoidable presence of authorised GMOs or products from authorised GMOs. Feed and in particular soya has been singled out as a product category likely to contain adventitious and unavoidable presence of EU-authorised GMOs below 0.9%. As regards organic products grown in an environment where GMOs are cultivated, the Organic Regulation does not determine the responsibility for the costs of analysis and of a possible declassification of the product due to EU-authorised GMO presence in harvest above the 0.9% labelling threshold, as this is an exclusive competence of the MS. The Commission Recommendation on guidelines for the development of national co-existence measures⁴⁸ to avoid the unintended presence of GMOs in conventional and organic crops, 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 0.9% GM labelling threshold. 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.

- Availability of certain products

Some substances such as vitamins, enzymes and amino-acids are regularly reported as available only produced by GMOs and cannot be used in organic production.

1.4.5. Analysis of options

The introduction of a lower GMO labelling threshold for organic food products was considered and extensively discussed.

The information collected during the hearings and in meetings with stakeholders shows that the cost for all operators of such an option would be significant and disproportionate in relation to the dimension of most EU organic operators. From the results of the hearings it can be concluded that the lower the threshold, the larger the sample to be analysed, the higher the cost.

⁴⁸ Commission Recommendation of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops, OJ C 200 of 22 July 2010

Following the discussions in the Council⁴⁹ (May 2013) and the broad consultation with the sector⁵⁰ and with stakeholders, the Commission has concluded that the status quo in relation to the EU approach and legal provisions on GMOs for labelling of organic products are adequate. It was highlighted that current provisions provide a reasonable balance between benefits and costs. In particular, a specific lower tolerance threshold does not appear realistic in view of the practicalities, burden and costs of analysis.

⁴⁹ See a detailed analysis in Annex 6 on production rules.

⁵⁰ In particular during discussions at the AGOF meeting of December 2012.

2. POSSIBLE EXCEPTIONAL RULES UNDER ART 22 OF REGULATION 834/2007

Article 22 of Regulation 834/2007 provides for conditions for possible exceptional production rules. These exceptions shall be kept to a minimum and, where appropriate, limited in time. They are usually granted by MS competent authorities, but some of them can be delegated to the CBs.

2.1. Overview

Exceptional rules intend to provide flexibility, enabling adaptation of the production rules to specific climatic, geographical and structural constraints or stages of development (Article 22 of Regulation (EC) 834/2007 and Chapter 6 of Regulation (EC) 889/2008). Many exceptions are related to the principle according to which the use of external inputs should be restricted to inputs from organic production (Article 4(b) of Regulation (EC) 834/2007). Exceptions can be granted where they are necessary to ensure access to inputs which are not available in organic form on the market (Article 22). Granting exceptions is thus necessary where no alternatives exist; but can also lead to distortion, because non-organic inputs are often cheaper than the organic alternatives.

Exceptions can be granted by the competent authority of the MS if inputs are not available in organic form on the market (or during catastrophic circumstances where temporary measures are necessary to protect organic production).

The possible exceptions according to Article 22 are the following:

- Up to 40% of non-organic female mammals on a holding for the renewal of a herd or flock,
- Management of animals (dehorning, etc),
- Retroactive recognition of a conversion period,
- Tethering of animals in small holdings,
- Parallel production of plant varieties that cannot be easily differentiated,
- Parallel organic and non-organic livestock of the same species for agricultural research or formal education,
- Parallel organic and non-organic bee-keeping units on the same holding,
- Bringing non-organically reared poultry into an organic poultry production unit when a flock is constituted for the first time,
- Use of non-organic beeswax,
- Use of seed or vegetative propagating material not obtained by the organic production method,
- Indoors final fattening phase of adult bovines for meat production (1/5 of their life),
- Use of non-organic feedings stuffs, renewal or reconstitution of a herd or flock, etc due to catastrophic circumstances.

The following possible exemptions are now being phased out:

- Use of non-organic protein feed of plant and animal origin for livestock. Where farmers are unable to obtain protein feed exclusively from organic production, the use of a limited proportion of nonorganic protein feed is allowed for porcine and poultry species. The maximum percentage of non-organic protein feed authorised per period of 12 months for those species shall be 5 % for calendar years 2012, 2013 and 2014.
- Bringing non-organically reared pullets for egg production of not more than 18 weeks into an organic livestock unit when organically reared pullets are not available (31 December 2014).
- Using natural eggshell colouring agents for traditional boiled Easter eggs (31 December 2013).
- The possible addition of non-organic yeast extracts has to be examined by the end of 2013.

In addition, some exceptions are based on other Articles of Regulation 834/2007, notably on Article 40 (transitional measures).

The three main⁵¹ exceptional measures providing temporary authorisation to use non-organic inputs (young poultry, feed and seeds) and the transitional rules for animal housing have been subject to a specific analysis in the framework of the external evaluation. In order to assess the justification for non-organic input use, the following aspects were considered: (a) current availability of organic farm inputs, (b) reasons for undersupply, (c) actions taken (or need to be taken) to develop an appropriate supply, (d) evolution of the supply in the past years, (e) implications of the exceptional rule, considering likely impact on developing supplies, and where appropriate on achieving the objectives of organic farming and on consumer confidence. Where quantitative evidence was available it is presented in the following, along with the analysis of provisions, experts' points of view and literature.

2.2. Exceptional rules for using non-organic young poultry

2.2.1. Legal provisions

Article 42 of Commission Regulation (EC) No 889/2008, based on Article 22 of Council Regulation (EC) No 834/2007, provides that (1) non-organic young poultry up to 3 days old can be introduced when constituting or reconstituting a flock (without specified time limited) and (2) until 31 December 2014 (initially 31 December 2011), non-organic⁵² reared pullets for egg production of not more than 18 weeks may be brought into an organic livestock unit, when *organically reared pullets are not available in sufficient numbers*. There are currently no EU rules for the production of organic chicks or for the rearing of organic pullets.

⁵¹ Based on stakeholders interviews

⁵² Among producers these pullets are often referred to as part-organic, because the articles states that the organic feeding and disease prevention rules must be complied with by the pullet rearing enterprise.

2.2.2. Issues

Current availability of organic pullets: Out of the 13 countries considered by the evaluation, exceptions provided by Article 42 apply in all MS under various conditions, except for Denmark, which has set up national rules for the production of organic young poultry. In Denmark farmers must get supplied with organic young poultry for laying hens as well as broiler production. The supply in young organic poultry is thus adequate in Denmark. Also in Germany the use of non-organic poultry is forbidden, but producers can use non-organic eggs for hatching without derogations. Some regions like North Rhine-Westphalia are starting to set up stricter regulations; for example that from 1st March 2013 mixed flocks (organic and non-organic chicks) have to be built, and unavailability-declarations have to be issued by suppliers. In many other MS, the production of broilers or laying hens relies on the use of non-organic chicks, fed with organic food since the age of one day. Experts from Austria, Denmark, France and the Netherlands reported that there was no need for exceptional rules for young poultry, while experts from the Czech Republic, Estonia, Italy, Poland and Slovenia stressed that there is no or only a limited supply of organic young poultry in their countries.

Causes of the undersupply of organic young poultry: The lack of EU production rules regulating young organic poultry production constrains the development of the sector, as MS are reluctant to develop production rules at national level to avoid potential disadvantages for their producers. This is referred to in Recital (3) of Commission Regulation (EC) 505/2012 of 14 June 2012, *“the development of harmonised organic production rules for young poultry at Union level is complex, the viewpoints on technical requirements vary widely between the parties concerned.”* As a result, Recital 3 states that *“in order to allow more time to develop detailed rules for the production of organic pullets, the exceptional rule for using non-organic pullets should be prolonged.”*

Actions to develop the supply of organic chicks and pullets have been taken in Denmark. The Ministerial Order N° 1112 of 21 November 2008 of production and marketing of organic pullets sets provisions related to marketing conditions, feeding, welfare demands (physical production demands), prohibitions of trimming of beaks and the use of allopathic veterinary medicinal products and treatments. **According to Danish operators and experts interviewed, the provision of using organic pullets led to the development of an appropriate production of organic pullets.** In France and the United Kingdom producers tend to support the introduction of EU production rules for rearing organic pullets, but wish to maintain exceptions on using non-organic chicks for the time being. In France, producers appreciate the great diversity of breeding species that the exceptional rule allows them. Operators interviewed by the contractor have also highlighted that introducing organic chicks from organic breeding stocks will (a) raise the price of organic pullets (see further below) and (b) bring strong technical and sanitary constraints in breeding stock management, particularly because of the mandatory open-air access areas.⁵³

Implications of the exceptional rule for using non-organic pullets: The existence of these exceptional rules, (one of them with no end date, the other extended recently), has an adverse effect on the development of the organic supply. In case study countries, authorities and/or operators agreed that a 100 % organic supply would be possible if there were no market

⁵³ This point would not affect northern countries that require access to open-air areas only if weather conditions permit.

perturbation like the possibility provided by the exceptional rule. To postpone the ending date hampers the development of supplies and is not fair for sectors that have started to adapt to the end of the exception. In Denmark, the use of conventional young poultry has been prohibited for many years which fostered the development of a market for young organic poultry. Differences in supply, whether it is from (non-)organic chicks or part-organic pullets, leads to significant differences in costs.

In the United Kingdom, experts estimate full organic rearing of pullets to be approximately 40 % more expensive than part-organic pullets and in France the price of organic chicks is estimated to be twice as high as of conventional day-olds.⁵⁴

2.3. Exceptional rules for using non-organic feed

2.3.1. Legal provisions

For the feeding of pigs and poultry, Article 43 of Commission Regulation (EC) No 889/2008 based on Article 22(2, b) of Council Regulation (EC) No 834/2007 authorises the use of a maximum percentage of non-organic high protein feed when organic quality high protein feed is not available.⁵⁵ Initially, the exception was in force between 2009 and 2010. In 2012, the 5 % rate was extended until the end of 2014.

2.3.2. Issues

Current availability of organic high protein feed: Typical high protein content feed for monogastrics is usually soy products, corn gluten or potato protein, because it contains specific amino acids such as lysine and methionine. **It is not possible to estimate the availability of organically sourced protein feed in the EU, since official data on feedstuff demand and availability do not exist.** The ICOPP⁵⁶ project (Improved contribution of local feed to support 100 % organic feed supply to pigs and poultry) will assess available feed resources and the current demand in selected MS. A survey on feed resources is now in progress in 12 countries, making use of national information to provide best estimates. A report is due at the end of the project in October 2014.⁵⁷

Interviewed experts declared that these types of protein crops are not available in sufficient quantities from organic sources at EU level, and that **the majority of pig and poultry farmers rely on the exceptions of the 5 % non-organic high protein feed rule.** Insufficient supply of organic feed was specifically mentioned by experts from Austria, Czech Republic, Germany,

⁵⁴ Example of costs of production difference in United Kingdom (exchange rate EUR/GPB = 1.19):

- Costs of organic chicks for broilers: £0.70/per bird (0.83 €) whereas non-organic chicks likely at £0.40/per bird (0.47 €)
- Fully organic reared pullets for layers (using non-organic chicks): £6.00 to 6.95/ per bird (7.12 to 8.25€). Part reared (free range using only organic feed): £4.40 to £4.70 (5.22 to 5.58 €).
- Rapport ITAVI (text A), 2010 compares the price of conventional chicks of slow growing strains of 29.61€ for 100 heads to the price of organic chicks of intermediary growing strains of 65€ for 100 head).

⁵⁵ This rule does not apply to herbivores.

⁵⁶ The project is coordinated by the International Centre for Research in Organic Foods Systems (ICROFS) and funded under the CORE Organic II - FP7 ERA-Net project).

⁵⁷ The report will present estimates of organic stock numbers of all animals (including herbivores) and of organic production of concentrated feedstuffs including protein, broken down by crop/type in 12 countries as well as balancing calculations and tentative conclusions.

Denmark, Estonia, France⁵⁸ and Slovenia. They are concerned about the threat represented by imports of organic feedstuff from third countries (mostly China and India); with little guarantee on control and large carbon footprints. Recent cases of melamine contamination in organic soy imported from China and fake organic soy traded from Italy have had an impact on the demand for locally produced protein feedstuffs, which the market is unable to meet.

Causes of the systematic use of the 5 % of non-organic protein exceptional rule: Interviewed experts stated that a 100 % organic diet could hardly meet animal requirements (mostly with high performance breeds), and supplementation with non-organic high protein feed (as well as amino acids) is a necessity to reach a balanced supply of methionine and lysine for the high performance standards. Natural amino-acids are provided by corn gluten or potato protein incorporated in the 5 % of non-organic authorised ingredients, and by increasing the share of soy in feed. The obligation of 100 % organic feed would force farmers to find new sources of natural amino-acids, since corn gluten or potato protein are not available organically.⁵⁹ A number of potential high protein feed sources (rapeseed, peas & beans but also micro-algae) could be developed as alternatives, but some require further research. As part of the EU funded EEC (organic) 2092/91 Revision Project, Sundrum et al. (2005) carried out a meta-analysis of the available literature to evaluate whether restrictions in protein supply can be compensated for by other measures that are more in line with organic objectives and principles. The report concluded that due to the restricted availability of feedstuffs with a high content of limiting amino acids, growth rates and protein accretion of organic pigs and poultry are clearly lower in organic compared to conventional production. However, it claimed that there is sound scientific proof that both poultry and pigs can compensate to a high degree for imbalanced feed rations without the onset of specific health and welfare problems, with the exception of the animal's first weeks of life. Strains with a high genetic yield capacity seem to be more sensitive to suboptimal feed rations than slow growing strains or robust breeds. There also are numerous studies that describe the undesirable side effects of breeding for high protein accretion, especially in poultry production, making the lower intensity of feeding potentially an asset of organic production and suggesting that organic production of pigs and poultry needs to be protected from unwanted intensification through feed ingredients (Sundrum et al., 2005). The ICOPP project is expected to contribute to new approaches of ration formulation.

Implications of the exceptional rule for using non-organic high protein feed: In the current situation, the financial implications of the phasing-out of this exceptional rule would represent an increase of the total feed budget⁶⁰ to reach the required level of 100 % organic feed, because of the increase in price between non-organic and organic protein feed.⁶¹ Another impact would come from the change of the feeding content. Since some high value protein feedstuffs (e.g. potatoes protein, maize gluten, soy meal) used to balance rations are not (or not fully) available from organic sources, farmers will increase the overall protein content when increasing the share of organic raw materials to achieve a diet that provides adequate amounts of the limiting amino acids. This could result in a decrease in yield and, as a consequence, an increase in price. Consumers perceive organic husbandry as a production method based on natural/healthy feed (e.g. Zanolli et. al 2004). They are not aware of the details of production rules and expect

⁵⁸ For example in France, according to expert estimates, the need for organic soy for animal feed is around 55 000 tons, and national production is 5 000 tons, which means that 90 % of organic soy for feed is imported (mainly from third countries).

⁵⁹ EGTOP (2011), Final report on feed, 3rd plenary meeting on 29 and 30 June 2011

⁶⁰ According to United Kingdom expert interviewed, to move from 95 % to 100 % will cost producer + £15/t in increased feed cost and +3p/doz in production cost.

⁶¹ This assumption doesn't take into account potential adjustments such as adaptation of breeds

livestock used for organic meat to have been fed 100 % organic feed and their preference goes to local feed sources. **The organic principles for farming oblige farmers to practice land-related livestock production** and the feeding rule also express a preference for feed from the farm or region.

2.3.3. Results of the public consultation

As an immediate and transitional measure, the use of synthetic amino acids for organic monogastric feed production is discussed in some MS (for example Germany). The argument is made that in this case animal needs and species-specific feeding should have higher priority than the principles to use 100 % organic inputs. However, some representatives of the organic farming movement e.g. in Germany, strongly dismissed this suggestion as not being in line with organic principles and stated that instead the search for alternative solutions needs to be intensified. **Only 1% of the respondents to the public consultation would agree with such a measure.**

The majority of the respondents (66%) 29575) stated that the effective solution for reduction of insufficiency in terms of organic protein-rich feed in Europe was to introduce in the EU legislation initiatives to boost European production of organic protein crops. Following, as many as 27336 (61%) questioned citizens found that in order to address this issue a specific organic protein-crop production strategy should be developed. In turn, only 11% (4947) claimed that the organic sector should be allowed to continue to rely on imports if needed. Promising alternatives are already developed: methods to produce methionine via enzymatic fermentation based on organic raw materials, or the use of insect larvae or algae as a protein source for feed (method in development). These new techniques are considered by interviewed experts as very promising, but not entirely ready for a broad practical use yet.

2.4. The use of seed or vegetative propagating material not obtained by the organic production method

2.4.1. Legal provisions

The general rule imposes the use of organic seeds: "for the production of products other than seed and vegetative propagating material only organically produced seed and propagating material shall be used. To this end, the mother plant in the case of seeds and the parent plant in the case of vegetative propagating material shall have been produced in accordance with the rules laid down in this Regulation for at least one generation, or, in the case of perennial crops, two growing seasons." (Article 12 1) i).

Exceptions are possible according to Article 22 b) where it is necessary to ensure access to seed and vegetative propagating material (seeds) where they are not available on the market in organic form. According to Article 45 of Commission Regulation (EC) No 889/2008, MS can authorise the use of seed from a production unit in conversion to organic farming or the use of non-organic seed if not available from organic production. Non-organic seed may be used provided they are not treated with plant protection products not allowed in organic farming.

MS may delegate the responsibility for granting the authorisation referred to in paragraph 1) b) to another public administration or to the control bodies in charge of the controls of the organic production on its territory.

Species for which it is established that organically produced seeds are **available in sufficient quantities** and for a significant number of varieties in all parts of the EU are set out in Annex X to Regulation 889/2008 and their use in the non-organic form may not be authorised. **This list has always been empty.**

According to Article 48 of Regulation 889/2008, each MS shall ensure that a **computerised database** is established for the listing of the varieties for which seeds obtained by the organic production method are available on its territory. Varieties for which seeds produced by the organic production method are available shall be registered in the database at the request of the supplier. Conditions for registration include the demonstration that the seeds to be placed on the market comply with the general requirements for organic production. Any variety which has not been registered in the database shall be considered as unavailable. However, there is no legal obligation for suppliers to notify their organic seed to the database.

The system of national seed databases is intended to encourage the use of the available organic seed supply nationally by making it easier to find information about availability. The management of the exceptional rule system is done at MS level based on three categories: (1) where organic seed availability for species/varieties is sufficient, exceptions are no longer granted; (2) species or varieties with partial availability of organic seed, so exceptions apply and (3) species or varieties where there is no organic seed available, so a general authorisation to use non-organic material is given (see Table 1).

Table 1: Management of the non-organic seed exceptional rule in 2011 in some EU MS

	Category 1 Out of derogation	Category 2 Number of species and varieties concerned by derogation	Category 3 General authorization to use non organic material
AT	None	55 sp. 522 var.	13 sp.
BG	None	56 sp. 152 var.	None
DE	None	124 sp. 173 var.	180 sp.
DK		546 sp. 99 var.	~ 170 sp.
EE	None	17 sp. 84 var. (incl. 28 tomato var.)	All species not available in the database
ES	None	70 sp.	yes ^c
FR	YES (~13 sp.) ^a	3 000 var., belonging to 149 sp. are registered in the data base Alert screen: var. that will soon be included in cat 1 ^b	8 sp. and 7 var. of vegetables 15 sp. and 3 var. of field crop
NL	YES (>70 sp.)	159 sp. >1064 var.	Arable: 8 sp. Vegetable: 9 sp. Covered: 5 sp.
PL	None	201 sp. 1 629 var. As long as organic seed material is available, no derogation is granted	None
SI	None	Ca. 99 sp. Ca. 346 var. Var. database prepared by the Ministry	None
UK	None	Ca. 598 sp. Ca. 4 000 var.	None

var. = varieties, sp. = species

^a Exceptional cases of derogation for these species have been granted (for ex. 49 concerning maize in 2011).

^b In 2010: carotte nantaise, chicorée frisée, oignon jaune hybride, triticale.

^c The national report does not mention category 3 as such but states that, in Spain there is no offer of organic seed for many species, including : maiz, chickpeas, lentils, bitter vetch, canola, garlic, asparagus

Source: Own data from on case studies and annual national reports

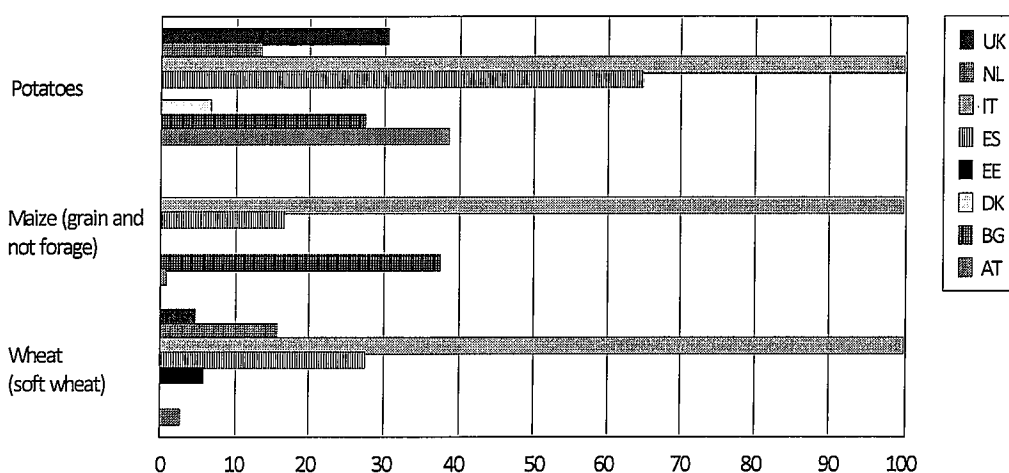
Bodies designated to grant authorizations to use non-organic seeds shall report to the MS competent authorities.

MS competent authorities shall send **an annual summary report** to the Commission and to the other MS.

2.4.2. Issues

Current availability of organic seeds and propagation material: The organic seed market is growing, but levels of supply vary between MS and crops. In Austria, Germany, Denmark and France the organic seed supply is reaching satisfactory levels overall, according to interviews with authorities and professionals (see Figure 2), exceptions for seeds were reported to be necessary in Bulgaria (although farmers usually use their own seeds), the Czech Republic, Spain, Italy, Poland and the United Kingdom. The sectors that mostly rely on exception requests are fruit and vegetable producers, as they use a wide range of species and varieties. To assess the degree of use of the exceptional rule system, the share of the organic area grown with conventional non-treated seeds (exceptional seeds) has been compared with total organic area, for three different crops in 8 MS. The data are presented as an index, the highest proportion for each crop being given an index of 100.

Figure 2: Share of area grown with exceptional rule non-organic seeds of total organic area, 2011 (ha)



Note: The index is calculated from the quantitative data registered in the statutory annual report of 2011 for each member state (Art. 54 of Reg. 889/2008). The amount of non-treated conventional seeds granted through derogations were converted in areas, using the following seeding rate - soft wheat (kg/ha): 175; grain maize (kg/ha): 30; potatoes (kg/ha): 2000. (This does not cover all the non-organic seeds use, because some non-treated seed can be used without requiring derogation when there is permanent derogation: In Denmark, general derogations are granted on soft wheat and grain maize species, whereas in Estonia, general derogations are granted on soft wheat and potatoes varieties). Then the corresponding area were divided by the total organic area, and indexed so that the max rate was equalled to 100. In United Kingdom, data concerning maize are not available but organic maize cultivation is very limited.

Source: Data from the consultant

Among the countries observed, supply of organic varieties of wheat, maize and potatoes seems to be limited in Italy (the highest rate of use of non-organic seeds). This might also be the case in Denmark and Estonia, where the use of species or varieties classified in category 3 with general exception (see definition of categories below) means there is no record-keeping of non-organic

seeds used. This may lead, in turn, to farmers favouring cheaper non-organic seeds, even when adequate organic supply is available for specific varieties. However, very high levels of organic supply for soft wheat have been achieved in Austria and the United Kingdom. For maize, the share of organic areas cultivated from organic seed is close to 100 % in the Netherlands, Austria and Spain. Organic supply for seed potatoes is adequate in Austria, Bulgaria, Denmark, the Netherlands and the United Kingdom (index below 30%).⁶²

Of the 12 countries studied⁶³, only France and the Netherlands developed a list of species for which organic seed supply is sufficient in quantity and diversity (Category 1).⁶⁴ The majority of countries operate a regime where exceptions have to be justified for each species on a case by case basis. Requested exceptions vary significantly and can reach up to 4 000 varieties of around 600 species (United Kingdom). The third category, a list of species and varieties under permanent exception, is active in six MS.

Causes for undersupply: The reasons for the low level of organic seed use are twofold, technical and economic.

- According to ITAB (French Organic Farming Technical Institute) quoted by the consultant, obtaining organic seeds from conventional breeding techniques is not straightforward, since very few producers are compliant with organic principles. Research studies have been launched by multi-actor partnerships like ITAB and ECO-PB (European Consortium for Organic Plant Breeding), to further develop organic seed supply and quality, and are addressed in some research projects (e.g. SOLIBAM).⁶⁵
- From a financial perspective, organic seeds are more expensive than non-treated conventional ones, which is an adverse incentive at individual and collective level to use or develop organic seed production. Odefey et al (2011) compared the production costs of some organic enterprises with conventional in five countries. Based on FADN data, they showed that seeds represent an important share of production costs in organic crop production (from 21 % in Sweden to 35 % in France for wheat; from 18 % in Germany to 25 % in Sweden for potatoes). Indeed, the average costs for organic seeds are higher than for conventional seeds (two to four times higher in Sweden and Germany for wheat; two to five times higher in Sweden and Austria for potatoes). As a result, the potential to use non-treated conventional seeds under the exceptional rule leads to financial advantages.

⁶² Stakeholders in the United Kingdom mentioned that supply of organic seed potatoes has fallen dramatically in the last two years, because one major supplier withdrew from the organic market.

⁶³ Data from Czech Republic could not be analysed.

⁶⁴ No conventional seeds can be used by the operators for these crops, except for exceptional cases under appropriate justifications (e.g. specific use, e.g. pop-corn).

⁶⁵ Strategies for Organic and Low-input Integrated Breeding and Management, financed by the European Commission under the 7th Framework programme- <http://www.solibam.eu/>

Implications of the exceptional rules for using non-organic seeds: The organic seed supply was first limited by the size of the sector, which did not provide a large enough market. The sector has grown but the seed price difference is significant and the diversity of supply might not be sufficient to meet the need of the sector. Now, providing access to the conventional seed market through this exceptional rule plays against the development of the organic seed sector.

Generally, exceptions have increased over the past years. The overview (see Table 3) shows that there is only a limited number of cases where the quantity of exceptional seeds has decreased with regard to the respective organic area: for potatoes in Italy, for wheat and spelt in Denmark and for carrots in Italy and the Netherlands (of the thirteen MS considered, complete data was only available for Denmark, Spain, Italy, the Netherlands, Poland and the United Kingdom).⁶⁶ The diversity of the varieties managed through the databases has increased in most cases. This data and the previous information on the use of the seed management database, shows generally **an extensive and increasing use of the exceptional rule system at EU level**. Accordingly, Annex X of the EC Regulation has remained empty, showing the limited progress made towards supply of organic seeds and propagating material at EU level.

The mandatory use of organic seeds will reduce the risk of contamination with pesticides and GMOs from using conventional seeds and propagation material. However, organic principles also require the use of locally adapted varieties, of which seeds are less likely to be available in organic quality. For this the reason, some stakeholders see the use of non-organic seeds as a necessity for the sector to develop, even though it impedes or slows down the development of organic seed production.

⁶⁶ Decreased in greater proportion than the area or increased in smaller proportion.

Table 3: Analysis of the evolution of the exceptions granted (volume and diversity) compared to the development of organic areas between 2007 and 2011 (Rate 2011 over 2007)⁶⁷

		Denmark	Spain	Italy	Netherlands	Poland	UK
Potatoes	Organic area	38%	n. a.	-8%	9%	56%	-30%
	Seeds under exception (quantity)	1523%	118%	-95%	217%	284%	-29%
	Diversity (Number of varieties effected by the exceptions)	88%	26%	33%	132%	85%	13%
Wheat & Spelt	Organic area	-52%	n. a.	-13%	-26%	n. a.	-11%
	Seeds under exception (quantity)	-79%	733%	14%	-75%	834%	120%
	Diversity (Number of varieties effected by the exceptions)	-71%	6%	-9%	100%	8%	-5%
Carrots	Organic area	41%	n. a.	-25%	50%	n. a.	n. a.
	Seeds under exception (quantity)	113%	174%	-95%	44%	21%	-92%
	Diversity (Number of varieties effected by the exception)	-13%	0%	n. a.	23%	100%	-2%

2007 data is the average 2006-2007, and the 2011 data is the average of 2010 and 2011 (except for DK where only the 2006 data were available).

Calculation is based on Eurostat data for organic areas and national seeds reports. When registered in seed units, the derogations were changed into kg using the following coefficient: potatoes (0.05); wheat and spelt (0.000045) and carrot (0.0000012). Then, the rate of change was calculated : [(average of 2011 and 2010) - (average of 2006-07)] / (average of 2006-07).

Source: calculation of the consultant based on national reports and Eurostat.

2.5. Issues with the exceptional rules allowing the use of non-organic inputs

The possibilities of use of non-organic inputs when they are not available in their organic form have been introduced with precautions in the EU legislation.

In particular, **transparency about the availability of the inputs in their organic form** has been sought. For instance, the availability of organic seeds should be known thanks to national seeds databases. In other respects, MS are required to notify their authorizations of use of non-organic ingredients in organic processed products via the "organic farming information system" (OFIS), a Commission software.

This transparency has entailed high administrative burden on national administrations (see assessment of administrative burden in Annex 17). The procedures in place often involve individual applications and decisions, which become numerous and difficult to manage for MS competent authorities. The seed database has been identified as particularly burdensome.

The transparency policy has not helped limiting the use of exceptions. To the contrary, the external evaluation shows that **exceptions are more and more used**. Inputs producers are not encouraged to develop inputs in their organic form, since the possibility of derogation is known and used.

⁶⁷ Sufficient data allowing the analysis of both (a) exceptions granted and (b) organic areas for the selected species (potatoes, wheat and spelt, carrots) were available only in 5 countries. One of the limiting criteria was the different units used to specify the volume of exceptions, which prevented a clear view of the total amount granted.

2.6. Transitional measures concerning animal housing

2.6.1. *Legal provisions*

Transitional measures were designed to allow progressive adaptation to the EU production rules, by allowing flexibility regarding animal housing conditions (stocking density, Article 95(2) of Commission Regulation No 889/2008), and cattle tethering in buildings existing before August 2000 (Article 9(1)). These measures were intended to end on 31 December 2010, but they were extended until the 31 December 2013.⁶⁸

Both measures have been extended in a significant number of MS: the transitional measure concerning tethering of animals still applies in ten of the thirteen studied countries (Austria, Bulgaria, Czech Republic, Germany, Denmark, Estonia, France, Netherlands, Poland and Slovenia); and the measure regarding stocking density in nine of the 13 studied MS (as above but not in Slovenia). In countries which have extended these measures operators had a 13-year transition period from 2000 to 2013. Both rules are justified by the cost of adapting animal housing to organic welfare standards introduced in 2007 in Council Regulation (EC) 834/2007. To support the transition, specific aid is offered under rural development programmes, which enables farmers to invest in new buildings corresponding to the new requirements. However, this aid is offered/implemented with specific provisions for organic farming only in very few countries (e.g. Austria, parts of Germany).⁶⁹

Both transitional rules are exceptions to the animal welfare standards as stated in the principles of organic production (species specific behavioural needs and meeting consumers demand).

2.6.2. *View of stakeholders*

Stakeholders interviewed by the consultant argued that transitional measures concerning animal housing were adequate and justified to stop farmers quitting organic farming and to help to maintain supply on the market. However, when asked whether the transitional rules should continue or stop after 2013, views differed. On one hand, some stakeholders in Germany, Estonia, Italy and Netherlands considered that tethering is not in line with the organic principles and that the sector has had sufficient time to adapt and reorganise. On the other hand, some interviewees suggested that tethering of cattle, when done in conditions that respect animal welfare (regular exercise provided, access to outdoor pasture, spacious stables with sufficient bedding, etc.), could be allowed permanently (Czech Republic, Poland, Netherlands).

⁶⁸ There also is a permanent exceptional rule related to structural constraints, the tethering exemption for small holders in Article 39 of Regulation (EC) 889/2008.

⁶⁹ See information about Measure 121: Modernisation of agricultural holdings in Sanders et al. (2011).

3. CONCLUSIONS

3.1. Scope

Harmonised and clear rules at EU level are essential to guarantee a level playing field for all EU organic operators. This is needed to ensure a smooth and well functioning EU market and to avoid unfair competition and fraud.

The three options that have been examined for the impact assessment, address the scope issue in the same way and include a clarification of the scope of the legislation by listing precisely the products covered, which can be labelled as "organic". The result will be to improve transparency and legal certainty for all operators of the sector and for consumers also. It will also contribute to reducing the administrative burden resulting from the frequent questions on scope that are put to the Commission and to the national administrations. Improved clarity and transparency will have a positive effect on consumers' and producers' confidence in the EU organic system.

The findings of the Commission's report, of the hearings and of the consultations did not show or justify the need for the inclusion of additional products or sectors of activity. In particular, as regards mass catering which hardly has any cross-border dimension, there is no evidence, at this stage, of an EU added value that would result from its inclusion in the scope of the European organic rules or from the elaboration of EU guidelines. Therefore the extension of the scope of EU organic legislation to mass catering was discarded.

The same conclusion was drawn for textiles and cosmetics. The introduction of EU production rules for textiles and cosmetics was considered but discarded because the need for EU action was not demonstrated.

To further encourage the consumption of organic products, the Commission intends to include in the Action Plan a general recommendation to prioritize the use of organic products in public procurement schemes.

3.2. GMOs

It results from the fact finding exercise and consultations carried out during the impact assessment that the GMO question is complex and cannot be addressed only from an organic agriculture point of view but must be considered for all agricultural crops. The issue is relevant to ensure GMO free organic (protein) feed.

The results of the public consultation have shown that consumers of organic products want GMO free products and the organic sector is committed to meet this expectation.

However, the sector is concerned about the consequences of the introduction of a lower labelling threshold notably for reasons of practicality, burden and costs. Lowering the labelling threshold or introducing a specific threshold for organic products would involve significant costs for operators which they do not consider worthwhile. Laboratories have also warned that this would

involve heavy analysis costs. Furthermore, there is no specific request from MS to change the current rules (see 2013 Council conclusions⁷⁰).

An on-going exercise conducted by the Commission is examining the appropriateness and workability of introducing or allowing "GM-free" labelling and what this would encompass.

After having issued the first Best Practice Document for coexistence of genetically modified crops with conventional and organic farming on "maize crop production", the European Coexistence Bureau is now working on honey and co-existence. MS remain in charge of devising co-existence rules on their territory.

The conclusion is not to change the current rules and to leave the competences inside the Commission as they are, including as regards the European Coexistence Bureau.

Therefore the options that are being considered do not contain any proposal to amend the current approach or the EU legislation in force.

3.3. Exceptional rules

Exceptional rules have been identified as a key-issue, which is addressed in three different ways in the three policy options:

- Option 1: status quo
- Option 2: integration of exceptions as permanent rules in the EU legislation on organic production,
- Option 3: removal of exceptions to the rules.

Impacts:

Options 1 and 2 would have negative consequences on the long-term because exceptional rules contradict organic principles and consumers' expectations. Their existence can adversely impact on the organic sector, notably by harming the development of the organic market and preventing the development of organic inputs.

In addition, option 1 is associated with heavy and increasing administrative costs (see Annex 17).

Option 3 could have short-term adverse but limited economic impacts on the production sector, notably organic chicks, seeds and propagating material. Precise data on the number of producers concerned is not available. The external evaluation shows that exceptions are more and more used. The sector had already time to adapt and at one point a decision to stop the exceptions is needed, otherwise the exceptions become the rule. Appropriate transitional measures should be decided. Exceptions in the case of catastrophic circumstances should in any case remain possible.

Several research projects financed by the Commission have been designed to find solutions to the issues of insufficient availability of some inputs in their organic form. Their results are

⁷⁰ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/agricult/137076.pdf

expected in 2013 and 2014. It should help the transition towards the end of exceptions planned end 2014 (allowing the use of 5% non-organic feed and of non-organic pullets).

In the longer term, the sector will benefit from stricter rules which will maintain consumer confidence in organic products, allowing further developments of the market. In addition, the sector of "organic inputs" (organic seeds, organic pullets and cheeks) will be boosted.

ANNEX 7: AUTHORISATION OF SUBSTANCES AND TECHNIQUES IN ORGANIC FARMING

1. CURRENT SITUATION AND LEGAL FRAMEWORK

Organic farming relies on objectives and principles, as well as practices designed to minimise the impact on the environment. The substances and products used as inputs should follow as much as possible these principles.

Organic farming rules include:

- Restrictions on chemical synthetic pesticide and synthetic fertiliser use, livestock antibiotics, food additives and processing aids.
- Prohibition of the use of genetically modified organisms.

The legal base for the general principles is title II of Council Regulation (EC) No 834/2007⁷¹ "objectives and principles of Organic farming".

Title III "production rules" provides the specific requirements for each of the different productions from general farm production with rules for plants, seaweed, livestock and aquaculture to the production of processed feed and food, including yeast.

The Commission is in charge of the authorisation of substances and products in accordance with Article 16 of Regulation (EC) No 834/2007. Restricted lists of products and substances that may be used in organic farming are established for the following purposes:

- plant protection products;
- fertilisers and soil conditioners;
- non-organic feed materials from plant origin, feed material from animal and mineral origin and certain substances used in animal nutrition;
- feed additives and processing aids;
- products for cleaning and disinfection of ponds, cages, buildings and installations for animal production;
- products for cleaning and disinfection of buildings and installations used for plant production, including storage on an agricultural holding.

Products and substances contained in the closed lists may only be used if the corresponding use is authorised in the MS concerned in accordance with the relevant EU provisions and/or national provisions.

⁷¹ 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. (O.J. L 189 , 20/07/2007, p. 1.)

Beside these general and specific rules, Commission Regulation (EC) No 889/2008⁷² implements and develops more detailed rules, through positive lists (Annexes I to XIII) covering substances and products such as:

- Fertilisers, soil conditioners and nutrients in Annex I,
- Pesticides and plant protection products in Annex II,
- Minimum surface areas in Annex III,
- Maximum number of animal in Annex IV,
- Feed materials in Annex V,
- Feed additives in Annex VI,
- Products for cleaning and disinfection in Annex VII,
- Certain products such as food additives, carriers, processing aids in Annex VIII,
- Products for use in the wine sector in Annex VIII a,
- Products not produced organically but needed for the food organic industry in Annex IX,
- Aquaculture in Annex XIIIa.

Although Articles 15 to 21 of Council Regulation (EC) No 834/2007 explain in detail the criteria for the authorisation of substances and the rules of production, still in many cases, it is difficult for the Commission to judge if certain substances and/or techniques requested by MS to be included in the annexes, fall under these objectives, principles and criteria. Therefore, the Commission consults experts with technical and scientific knowledge in order to get advice on whether to update the legislation (usually Commission Regulation (EC) No 889/2008) and whether to include new substances or practices.

In the past this technical advice was provided by ad-hoc expert groups working on a temporary basis. In order to streamline this work, the 2004 European Action Plan on organic food and farming proposed the setting up of a group of experts for technical advice in the field of organic production (Action No 11).

Commission Decision 2009/427/EC,⁷³ establishing the expert group for technical advice on organic production (EGTOP) was the first step towards the implementation of Action No 11. Further steps included (i) the publication of a call for applications with a view to select the relevant experts, followed by (ii) the appointment of the experts and the setting up of the pool list

⁷² 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, OJ L 250, 18.9.2008, p. 1–84

⁷³ COMMISSION DECISION of 3 June 2009 establishing the expert group for technical advice on organic production (2009/427/EC) L139/29

by Commission Decision 2010/C 262/03⁷⁴, and (iii) the publication on Internet of the rules of procedure⁷⁵ for the group.

The expert group has ensured access to highly qualified technical expertise and has provided recommendations to the Commission on different fields such as plant protection products, feed, additives, food processing aids or greenhouse production.

The experts work under the principles of "Independence, Excellency and Transparency"; therefore, members of the group make an annual declaration of their commitment to act in the public interest and a declaration of interests indicating either the absence or existence of any interest which might be considered prejudicial to their independence.

However, as the sector is so specialised, the number of experts is limited.

2. THE PROCESS OF EVALUATION OF SUBSTANCES AND TECHNIQUES

In order to request to include or withdraw a substance or a product from the lists in the Annexes to Commission Regulation (EC) No 889/2008, or to amend specifications of use, MS have to send a technical dossier to the Commission and to the other MS, on the basis of Article 16 (3, b) for farm production and Article 21 (2) for processed food.

On the basis of the dossier, the Commission drafts a **mandate** on which EGTOP is requested to give its advice in a given period of time.

The mandate is presented first to the SCOF (Standing Committee on Organic farming) and then to the plenary EGTOP group. The plenary group can consider and decide on the selection of member experts that may participate in a subgroup that will be created for evaluating that specific mandate. The experts from that subgroup are chosen from the pool of experts. The subgroup experts are temporary members, who have the mission to draft a report with some recommendations about the specific subject. Once it has been finalised, the report is adopted by the EGTOP plenary group.

Once the recommendations are adopted by EGTOP plenary group, under consensus decisions, the report is published together with the minutes of the meeting and the names of the experts who have participated in the subgroup.

So far EGTOP has met six times in plenary sessions (twice a year) and four times at subgroup level, on specific topic/s (e.g. fertilisers, plant protection products, etc.). The outcomes of those meetings are 6 final reports on: Feed, Fertilisers and soil conditioners, Plant protection products, Food (I), Poultry and greenhouse production. Two mandates are on-going in 2013, Food (II) and Aquaculture.

Once the reports are published, the Commission takes decisions on the basis of the EGTOP recommendations and possibly proposes to the SCOF the appropriate amendments of Commission Regulation (EC) No 889/2008.

⁷⁴ COMMISSION DECISION of 28 September 2010 appointing the members of the group for technical advice on organic production and drawing up the pool list

⁷⁵ http://ec.europa.eu/agriculture/organic/files/eu-policy/expert-recommendations/expert_group/rules_of_procedure_20-21_June.pdf

3. ISSUES

More and more requests are received by the Commission, because the organic sector is growing and there is a need for technical advice on developing sectors such as greenhouses, pullets, processed food, etc.

The process by which EGTOP can provide technical recommendations to the Commission is complex, technical and time-consuming, for which a high degree of specialisation is required. The rules of procedure of EGTOP are intended to prevent any conflict of interest but a complete independence of the experts cannot always be ensured.

EGTOP experts work on a voluntary basis and perceive only the travel costs and per diem.

In November 2011 the Budget Authority voted at the initiative of the Parliament EUR 2 million in reserve on committees. The reserve was lifted only when the Commission committed to revise the rules on experts group⁷⁶⁷⁷. MEPs considered that smallholder farmers are underrepresented in DG Agri expert and advisory groups.

4. CONCLUSIONS AND OPTIONS

Two possibilities have then been envisaged during the impact assessment:

Examination by an expert group organised by the Commission, under options 1 (improved status quo) and 3 (principle-driven). The horizontal Commission Decision No 2004/391/CE⁷⁸ of 23 April 2004 provides the possibility of designating such expert groups. Although that Decision will be revised in the near future, it relies on a longstanding procedure, well established and simpler than the EGTOP procedure. The technical requests would be examined by experts proposed by the stakeholders organisations already represented in the AGOF, who would transmit their conclusions to the Commission.

Impacts:

In one hand, it will solve one of the issues highlighted in the reserve from the European Parliament as smallholder farmers will be represented and in the other hand, the procedure of examination of the requests would be quicker and innovative techniques and practices could be incorporated more easily in the production rules. It would be to the benefit of organic producers' competitiveness.

The Commission could ensure a balanced representativeness of experts working on the technical assessment of requests.

⁷⁶ <http://register.consilium.europa.eu/pdf/en/11/st17/st17470-ad05.en11.pdf>

⁷⁷ In particular, the Commission committed to modify the rules on expert groups as to adopt common selection criteria through out all DGs, that guarantee balance among different categories of stakeholders and absence of Conflict of Interests for experts. It was agreed to establish an obligatory open selection process with a public call and a published mandate of each expert group which goes beyond a simple representation of Member states authorities.

⁷⁸ Commission Decision No 391/2004 of 23 April 2004 on the advisory groups dealing with matters covered by the common agricultural policy UE OJ L 120, 24.4.2004, p. 50.

Authorisation of substances and practices for organic farming under the responsibility of the sector under option 2.

The requests would be transmitted for examination to representative stakeholders, who would transmit their conclusions to the Commission.

Impacts:

It can be difficult in practice to determine the representative stakeholders. There is a risk of watering down of the standard, which could undermine consumer confidence. Finally this option raises the issues of transparency.

ANNEX 8: LOGO AND LABELLING

1. GENERAL RULES ON LABELLING OF ORGANIC PRODUCTS

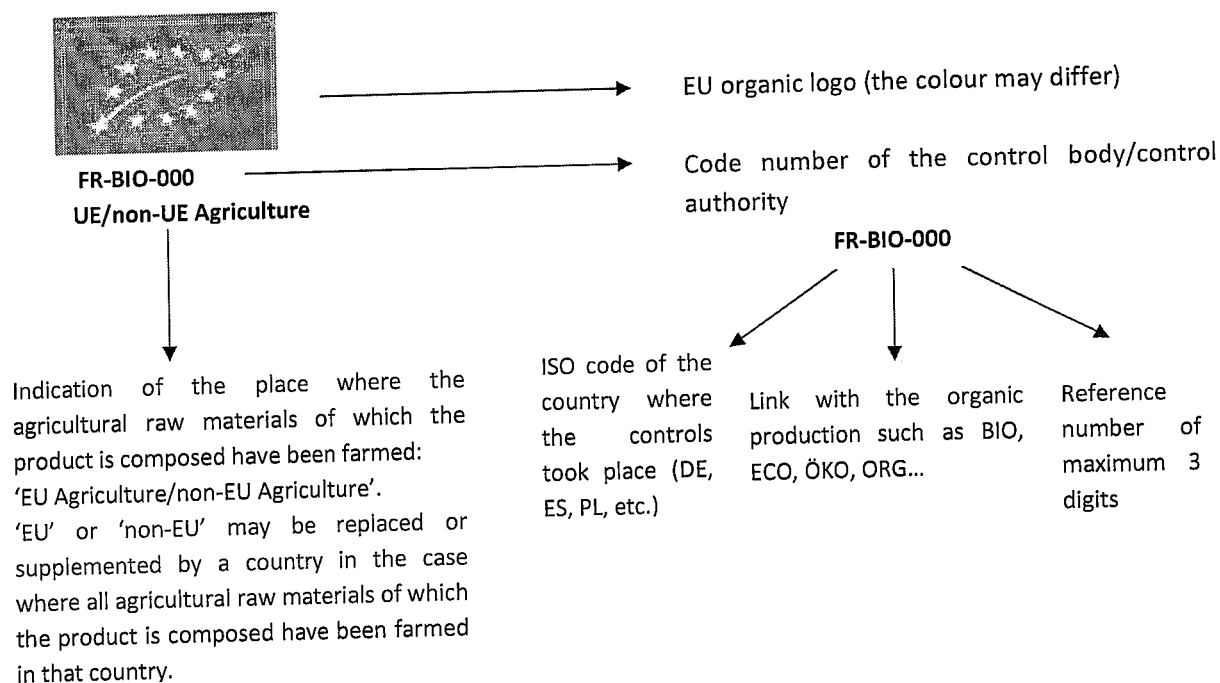
General rules on labelling of organic products are defined in detail in Title IV of Council Regulation (EC) No 834/2007. These rules are specified and defined (notably as regards the model of the EU organic logo) in detail in Title III of Commission Regulation (EC) No 899/2008.

Article 23 of Council Regulation (EC) No 834/2007 provides for the **protection of the terms** referring to the organic production method. These terms are listed in the Annex to this Regulation in all EU languages. The use of these terms and their derivatives and diminutives such as "bio" and "eco" for purposes of labelling and advertising is restricted to agricultural products produced according to the provisions of this regulation throughout the EU and in any language of the EU.

The **labelling rules and the use of the EU organic logo** are laid down in Articles 24 and 25.

Article 24 defines the **compulsory indications** where terms referring to the organic production method are used: code number of the control authority/body who carried out the most recent production or preparation operation, EU logo and an indication of the place of origin.

The following model shows the logo and the compulsory indications as printed on the product:



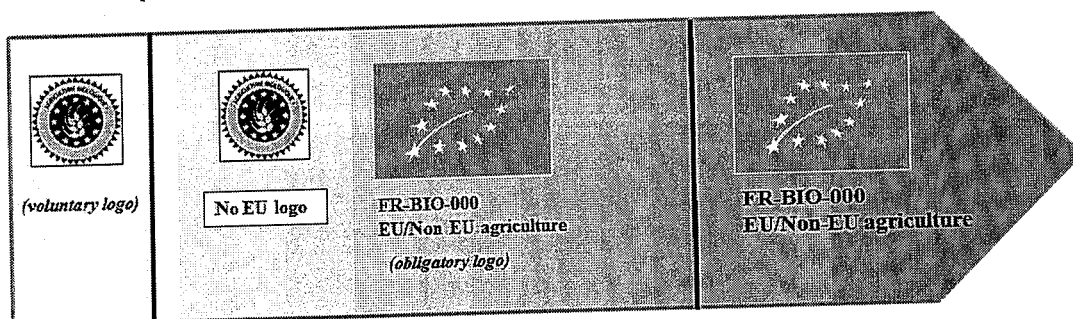
Rules on the use of the **organic production logo** are laid down in Article 25. The use of the EU logo is not exclusive, national and private logos are allowed. The use of the logo is optional for products imported from third countries.

The use of this logo and the compulsory indications are obligatory for the labelling of processed pre-packaged food since 1 July 2010⁷⁹:

**New labelling
rules apply
1 July 2010**

Transition period:
*Products labelled before
1/7/2010 to be sold until
stocks exhausted*

1 July 2012



The EU organic logo may be displayed on non-pre-packaged or imported food products on a voluntary basis. When used on a product, the EU organic logo indicates that this product is in full conformity with the rules laid down in the EU Regulations. For processed products it means that at least 95% of the agricultural ingredients are organic.

The EU organic logo is registered since 2010 as a trade mark⁸⁰ in the EU and has international registrations⁸¹ in key third countries such as Switzerland, the United States, Japan and Norway.

⁷⁹ Even if the EU organic logo was compulsory from 1 July 2010 on, the gradual placing of the new logo on the market lasted until 2012. This transitional period was designed to help operators adapt to the new regulation and to avoid waste of existing packaging.

Packaging material compliant to the organic legislation as in force before the introduction of the new logo could be used, and possibly renewed, until 1 July 2012, with or without the old organic logo. Products produced, packaged and labelled before 1 July 2010 could continue to be placed on the market and sold until stocks are exhausted.

⁸⁰ The logo was filled as an individual and collective trademark in the Office for Harmonization in the Internal Market (Trade Marks and Designs) – OHIM. It is registered and protected as an individual trademark since 2010 and as a collective trademark since 2012.

⁸¹ The international registrations followed the EU legal protection and were completed in 2010-2012 period (with the exception of China). Internationally the logo is registered as a collective trademark.

2. AWARENESS OF THE EU LOGO, CONFUSION ASSOCIATED WITH MULTIPLE LOGOS

According to a Eurobarometer survey conducted in July 2012, the EU organic logo had already gained **24%⁸² of the citizens' awareness**. Taking into account 2 years of transitional period (to facilitate operators adapting to the new rules) and lack of costly campaigns, this result can be considered as successful. The logo was selected through a competition among students and finally chosen by European citizens through an Internet vote, which gave it already some recognition. In comparison the logo identifying Protected Designations of Origin (PDO) and Protected Geographical Indication (PGI) is recognised by 14% of the population.

Overall knowledge of the EU organic logo varies widely between MS (from 13% to 39%) depending on how developed the organic sector is and whether there was a strong national logo before.

The vast majority of respondents to the public consultation (35357, or 79% of the total), declared that they recognize the European organic logo. Only 20% of the questioned publics were not familiar with the European organic logo. This result confirms that the respondents to the public consultation were mostly familiar with the organic sector, but cannot be interpreted as a level of awareness among the general EU population.

The national and European logos were equally known by the respondents to the public consultation. National logos (66%; 29605) and the European logo (66%; 29416) are the most common and trusted indications of distinguishing organic among conventional products.

The EU organic logo has a long term potential: once understood, it can be easily recognised by European consumers in all MS without a need for translation every time it crosses an EU language border.

In addition, there are many private logos relating not only to private organic standards but also to other schemes, which add to the confusion⁸³.

⁸² Eurobarometer report n° 389 (What Europeans think of food security, food quality and the relation between agriculture & the countryside - July 2012)

⁸³ SODEXO, COPA-COGECA, Carrefour, ECF-European Coffee Federation, Vossen&Co (organic essential oils) Autumn hearings

Fewer labels would likely diminish confusion amongst consumers, especially if consumers can reliably begin to attach credible association with one well known and well understood label:



Name	Region	Label
Biogarantie	Belgium	
EKO	Netherlands	
Soil Association	UK	
Organic farmers and growers	UK	
North America		
USDA National Organic Program (NOP)	USA	
Canada Organic	Canada	

Other		
Australian certified organic	Australia	
NASAA certified organic	Australia	
JAS	Japan	
Bio-Gro	New Zealand	

3. INDICATION OF THE PLACE OF FARMING: COMPLEX BUT IMPORTANT FOR CONSUMERS

Whenever the EU organic logo is used on a product, it always has to be accompanied by the code number of the control body and the place where the agricultural raw materials of which the product is composed have been farmed.

The geographical origin of food is considered very important by the majority of European consumers. The introduction of the obligatory indication of the place of farming on the packaging of organic products, besides the organic logo in Regulation 834/2007 was an improvement in this respect.

However, stakeholders have reported that the rules for the indication of the place of origin are complex and that they could be simplified.

4. THE ISSUE OF DOUBLE LABELLING OF COUNTRY OF ORIGIN

The horizontal legislation provides with several cases where the indication of the country of origin of primary ingredients is required, notably Regulation (EU) No 1169/2011⁸⁴ on food information to consumers (not yet implemented). In these cases, it has been suggested that the legislation on organic farming should not impose the same indication twice. Currently the indication of country of origin is obligatory for beef and beef products in the EU. Mandatory origin provisions have been developed on the basis of vertical approaches for instance for honey, fruit and vegetables, fish, beef and beef products and olive oil. There is also a possibility to extend mandatory origin labelling for other food products. In particular, on the basis of Article 26(8) of Regulation (EU) No 1169/2011 the Commission shall

⁸⁴ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 – OJ L 304, 22.11.2011, p. 18.

adopt by 13 December 2013 an implementing act concerning the mandatory indication of the country of origin or place of provenance for meat of swine, sheep and goat, and poultry. The aim is to simplify the labeling of country of origin and avoid double labeling of products falling under the provisions of Regulation (EU) No 1169/2011.

5. COMPLEXITY OF THE LABELLING OF ORGANIC PROCESSED PRODUCTS

According to the legislation on organic production, the country of origin can only be indicated on the packaging of processed products if all agricultural raw materials of which this product is composed are farmed in this country. The threshold for ingredients allowed from other origin is only 2 % by weight. This has as consequence that in the case of organic processed products including ingredients from various origins, the indication "EU agriculture", "non EU agriculture" or even "EU/non EU agriculture" has to be used. The sector has requested this 2% limit to be expanded to 5%, in order to be consistent with the possibility for processed food to be sold as organic provided they include at least 95% by weight of organic ingredients of agricultural origin.

Inexact obligatory labelling on organic aquaculture products

The legislation on organic production imposes to use the indication "EU agriculture", "non EU agriculture" or "EU/non EU agriculture", instead of "EU Aquaculture" / "non-EU Aquaculture" / "EU/non EU Aquaculture".

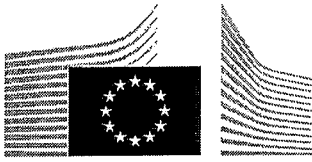
6. POLICY OPTIONS

Labelling issues are addressed by measures proposed proposed in the improved status quo option, and are therefore extended to all options. They are supported by stakeholders and MS.

The following improvements are proposed:

- Measures to avoid double labelling of the origin
- Simplification of the labelling of organic processed products (see above).
- Introduction of the possibility to use the indication "EU Aquaculture" / "non-EU Aquaculture" or "EU/non EU Aquaculture" instead of "EU agriculture", "non EU agriculture" or "EU/non EU agriculture" on the labelling of organic aquaculture products,

Impacts: the proposed measures intend to simplify the labelling requirements, thus improving the competitiveness of operators. It will also bring clarification to consumers, in particular in the case of aquaculture products.



EUROPEAN
COMMISSION

Brussels, 24.3.2014
SWD(2014) 65 final

PART 3/3

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

**Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on organic production and labelling of organic products, amending Regulation (EU)
No XXX/XXX of the European Parliament and of the Council [Official controls
Regulation] and repealing Council Regulation (EC) No 834/2007**

{COM(2014) 180 final}
{SWD(2014) 66 final}

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ANNEX 9: CONTROL SYSTEM

1. LINK WITH CONTROLS ON FOOD AND FEED

1.1. The legal framework

Council Regulation (EC) No 834/2007 on organic production and labelling¹ requires MS to set up and manage a control system to ensure that organic products are produced in compliance with its rules.

It places the organic control system under the general umbrella of the **official controls on food and feed (OFFC)** laid down in **Regulation No 882/2004** that applies to all food, organic or not, produced or imported in the EU in order to guarantee food safety, fair practices and the protection of consumers' interests.

To cater for the specific needs of organic production, it sets out additional control requirements and/or derogations as appropriate to the food and feed official control rules.

Commission Regulation No 889/2008 provides the detailed control implementing rules.

The following table gives an overview of the organic control provisions:

Table 1: Control provisions

	Regulation No 834/2007	Regulation No 889/2008
Set-up of the control system	Article 27(1) and (2)	Title IV: minimum control requirements
Nature and frequency of controls	Article 27(3)	Title IV: Articles 65 and 90 Title V: Article 95(2)
Possibility to confer control competences to control authorities	Article 27(4)(a)	
Possibility to delegate control tasks to (private) control bodies	Article 27(4)(b) Article 27(5) Article 27(5)(b),(d),(e) - <i>in compliance with Article 5(2)(b),(e), (f) of Regulation No 882/2004</i>	
Criteria to approve control bodies	Article 27(6)	
No possibility to delegate supervision and granting of exceptions	Article 27(7)	
Audits of control bodies	Article 27(8) - <i>in compliance with Article 5(3) of Regulation No 882/2004</i>	

¹ OJ L 189 of 20.7.2007, p. 1.

	Regulation No 834/2007	Regulation No 889/2008
Additional criteria for supervision of control bodies	Article 27(9)	
Control bodies: code number, access to facilities, report on control activities	Article 27(10) to (14)	
Specific control requirements for: • plants & plants products • livestock & livestock products • preparation of products • imports • contracting to third parties • units preparing feed		Title IV

1.2. Identified problems

The interaction of different acts makes the legal framework quite complex and entails a number of **gaps, overlaps, grey areas and inconsistencies**.

Some official controls provisions are repeated or mirrored in the organic legislation while others - for instance, controls at market or retail level - are not.

The definitions are not always the same in the regulations on official controls and on organic: for instance, control authority(ies) are only referred to in the legislation on organic production.

This has led to several requests for interpretation², uncertainties and/or different approaches by MS in implementation of the rules, including **non-effective implementation**.

The audits carried out by the Food and Veterinary Office of the European Commission (FVO) in 2012 and 2013 to verify the proper functioning of the organic control system showed **weaknesses in market controls** in the audited MS³.

Other than on market controls, several issues have been brought up as regards the interaction with the official food and feed regulation: **unannounced control visits, risk-based approach and sampling** as well as **sanctions** – on which please see sections 5 and 7 of this annex.

Secondly, the architecture of the official food and feed controls relies on a system of **several competent authorities**.

Here again, the audits carried out by the FVO show that the **coordination** between these authorities is **not always effective or efficient**.

² DG AGRI prepared in 2011 a Working document on official controls in the organic sector (http://ec.europa.eu/agriculture/organic/files/eu-policy/data-statistics/control_guidelines_version_08072011_en.pdf) to explain a number of aspects of the control system set by EU organic legislation and by EU horizontal legislation on food and feed controls. It also produced two interpretative notes on specific control aspects for the organic sector: RIPAC Notes No 2 and 3/2012.

³ See under section 4 for an overview of the findings of the audits carried out by the FVO.

1.3. Review of official food and feed controls

In **May 2013**, the Commission adopted a **proposal** (COM(2013)265 final) to review Regulation No 882/2004 on official food and feed controls.

The proposal aims at tackling the gaps, overlaps and inconsistencies due to the presence of control requirements in different pieces of legislation.

- It explicitly refers to organic as part of the scope of official controls, thereby removing previous uncertainties on market and border controls that have to be carried out in the organic sector.
- It mentions the control authorities and control bodies in the organic sector, hence clarifying their specific situation (eg. possibility to delegate application of measures in case of non-compliance), and provides for derogations to address the identified inconsistencies and, more in general, the organic sector specific features⁴.

The main principles and rules for the official controls are kept in the basic act (EP/Council regulation), while delegated acts will supplement them on specific and/or additional aspects so as to cater for the needs of the various sectors.

The Commission is therefore empowered to adopt a delegated act concerning controls on organic production under the future OFFC Regulation.

This act would lay out, as it is currently the case in Council Regulation (EC) No 834/2007, specific or additional measures such as on control responsibilities and tasks, minimum control frequency (=annual inspection requirement set out in Council regulation No 834/2007), measures for non-compliance, specific reporting obligations and allow for derogations as appropriate.

The integration of specific rules on official controls in the organic sector under the reviewed OFFC would only apply once the basic act and delegated acts are adopted. At this stage, it is estimated that the reform will enter into force in 2016.

The Commission proposal is taken into account in the impact assessment as part of the **baseline scenario**.

⁴ The proposal extends mandatory fees to most official controls; however, the official controls performed for the verification of compliance with the rules governing the organic production and labelling of organic products are exempted from mandatory official control fees.

2. COVERAGE

2.1. Activities and operators

The EU organic control system covers the activities performed by operators at all stages of the production, preparation and distribution chain: from farm to fork.

Any operator who produces, prepares, stores, imports or places on the market organic products shall notify his activity to the MS competent authority and shall submit his undertaking to the control system (article 28(1) of Regulation No 834/2007).

MS may exempt retailers (operators who sell products directly to the final consumer or user) from adherence to the control system if they:

- do not produce or prepare organic products;
- do not store organic products, other than in connection with the point of sale,
- do not import organic products,
- have not contracted to a third party the activities of production, preparation including labelling, storage or import of organic products.

Subcontracted activities are also subject to the organic control system. In particular:

- The main operator (= the one who contracts out some activities to a third party) shall notify the subcontracted activities to the MS competent authority.
- The subcontracted activities shall be part of the description of activities of the main operator; the subcontractor shall provide his written agreement that his holding will be subject to the control system (Article 86 of Regulation (EC) No 889/2008).
- Finally, the main operator and his subcontractor shall provide a declaration, if they are checked by different control bodies, that the two control bodies can exchange information (Article 92(1) of Regulation (EC) No 889/2008).

2.2. Identified problems

- The wording of Article 28(1) of Regulation (EC) No 834/2007 is not very clear as to whether exporters are covered by the control system. This uncertainty can concern third countries importing organic products from the EU.
- Retailers may be treated differently across the EU: some may be covered by the control system and some may not, depending on MS choices.

A documentary analysis carried out as part of the external evaluation on 13 case study countries shows that the exemption is applied in all of them (in detail: Austria, Bulgaria, the Czech Republic, Denmark, Estonia, France, Germany, the Netherlands and Poland - preliminary findings, September 2013).

In addition, the wording of Article 28(2) of Regulation (EC) No 834/2007 is somehow cumbersome on the conditions to be fulfilled for granting the exemption to retailers. This can lead to different interpretations across MS, as it is shown by the preliminary findings of the external evaluation.

Several requests for clarifications have been addressed to the Commission, in respect of which concrete activities fall into the category of preparation, of what can be considered a storage in direct connection with the point of sale, of which operators can be exempted⁵.

Can MS exempt from the control system operators who prepare organic products, if they do the preparation activity at the point of sale and do not pre-package the products (e.g. bakers or butchers)? In other words: do the words "other than in connection with the point of sale" in this article only refer to "store" or to they also refer to "produce" and "prepare"?

Should the process of baking off pre-baked be considered as an act of preparation?

Can operators who bake-off pre-baked bread and who sell this bread to the final consumer/user be exempted from the control system?

What is the status of Internet commercial platforms for sale of organic products?

Overall, the exemption to retailers makes management, as well as supervision and control, more difficult.

- Finally, MS have some difficulties to understand and apply the rules concerning controls of subcontractors and subcontracted activities⁶.

2.3. Opinion by MS and Stakeholders

Recent discussions with MS in the framework of the Standing Committee on Organic Farming (SCOF) – established to ensure close cooperation with the authorities responsible for the organic sector and guarantee uniform application of EU organic legislation - showed that some MS may be against the possibility to include retailers in the control system.

As for stakeholders, Eurocommerce considers that including retailers in the specific organic control system will increase the costs for retailers and the costs of organic products without adding any value for consumers. While not providing figures for the operators concerned, it mentions that in practically all MS all "regular" retailers are selling organic products and in several MS retailers have also developed their own brand organic products.

Bio-Austria, in the free contribution submitted to the Commission as part of the stakeholders' consultation – also indicated that including retailers in the control system would not improve the quality of controls and would reduce the number of retailers offering organic, ultimately weakening the market.

IFOAM considers that pre-packed products do not need more controls at the retail level.

⁵ The Commission services produced an interpretative note (RIPAC): Note No 2012/3, Exemption from control, Council Regulation No 834/2007, article 28(2).

⁶ Interpretative note (RIPAC note) No 2012-02, May 2012.

2.4. Conclusion

With a view to addressing the identified problems, the following actions are proposed:

- **Clarification** of the provisions on **exporters** and **subcontractors**, under the **improved status quo (1) policy option** – as for all other measures under this option, it is also included in the market-driven (2) and the principle-driven (3) policy option.
- **Removal** of the **possibility for MS to exempt retailers** from the control system, as a sub-option under the **improved status quo (1) policy option**.

Retailers are in direct contact with the consumers and play a key role for consumers' confidence in organic products. They carry out several activities that require due verification as part of the MS measures to ensure correct use of labelling.

The impact of this action on operators is difficult to assess because the number of the retailers concerned, in the MS that apply such exemption, is not known. Figures, or estimations, were requested but could not be obtained.

However, retailers are subject to general control requirements under the food law: the specific control requirements as organic operators – for which the control frequency may be adapted - are not expected to generate a significant additional burden.

3. SET-UP OF THE CONTROL SYSTEM

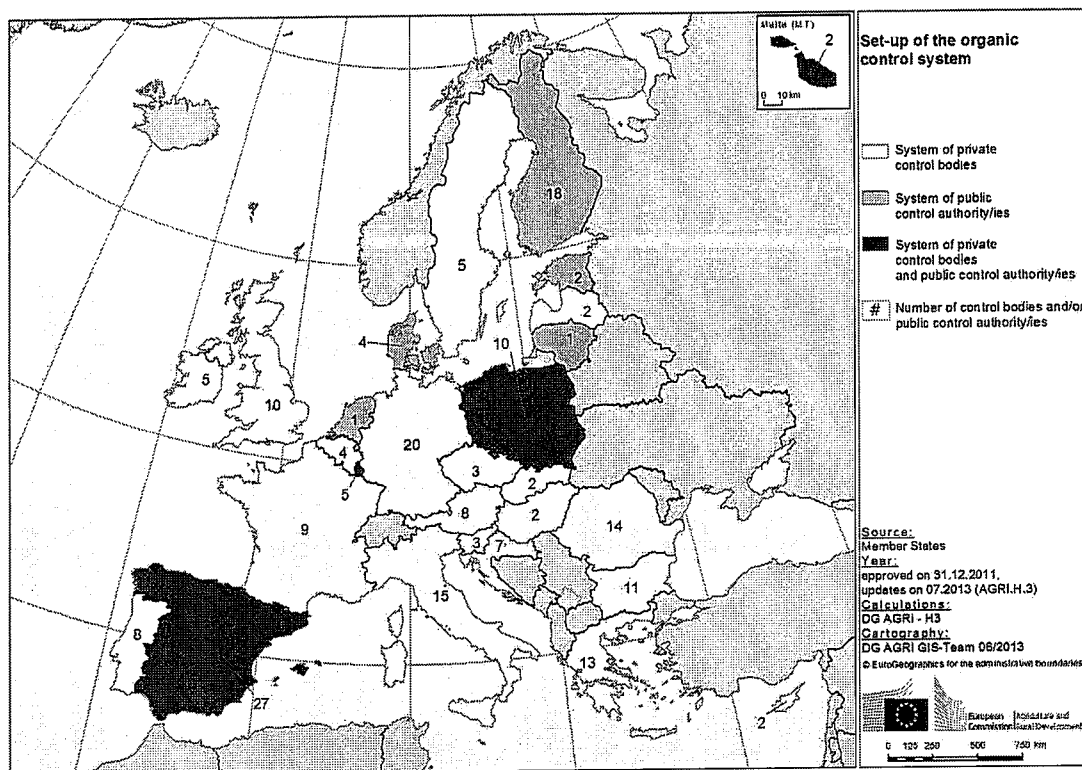
3.1. Private control bodies, public control authorities or mixed system

Each MS shall designate one or more authority(ies) responsible for controls in organic. This **Competent Authority** may

- A. Delegate its control tasks to one or more **private Control Bodies** that it shall approve and supervise, or
- B. Confer its control responsibility to one or more **Control Authority(ies)**.
- C. A **mixed system**, with private control bodies and public control authority(ies) is also possible.

The picture below shows the **set-up of the control system** in the EU 28:

Chart with the set-up of the organic control system in the EU 28



The control system with **private control bodies** is applied in the wide majority or 19 MS. In total, **143** control bodies operate in these countries.

In 5 MS (DK, EE, FI, LT, NL), the control system is based on **public** control authorities.

Finally, a **mixed** system is in place in 4 MS (ES, LU, MT and PL).

3.2. Identified problems

- In MS with a system of **private control bodies**, each operator is free to choose any of the control bodies that have been approved by the competent authority(ies) to operate in the MS territory.

The high competition among control bodies can entail **loosening control requirements**: operator may choose or change control body with a view of having lower requirements, sanctions etc. ("control body shopping").

- The control bodies charge operators with a **fee** for their control and certification services. In general, fees are not regulated and vary across and within MS; information on the amount of fees charged to operators and on the methodology for applying them is not publicly made available by control bodies.

The stakeholders' consultation showed that for **small farms** the control and certification costs – together with the record keeping obligations – are considered amongst the major barriers to entry into the organic system. Annex 10, with the cost of controls in the EU organic production scheme, provides details.

3.3. Conclusion

With a view to addressing the identified problems, the following actions have been taken (taken into account in the impact assessment as part of the **baseline scenario**).

- **Commission Regulation (EU) No 392/2013** to amend the implementing rules on the control system was adopted in April 2013. The new provisions, applicable as from 1 January 2014, enhance supervision on Control Bodies.
- A **new cycle of audits by the Commission** to assess the proper functioning of the organic control system both in MS and in Third Countries and recognised Control Bodies for imports into the EU resumed in 2012 and are now part of the annual work programme of the Food and Veterinary Office in DG SANCO.

and the following action is proposed to be taken:

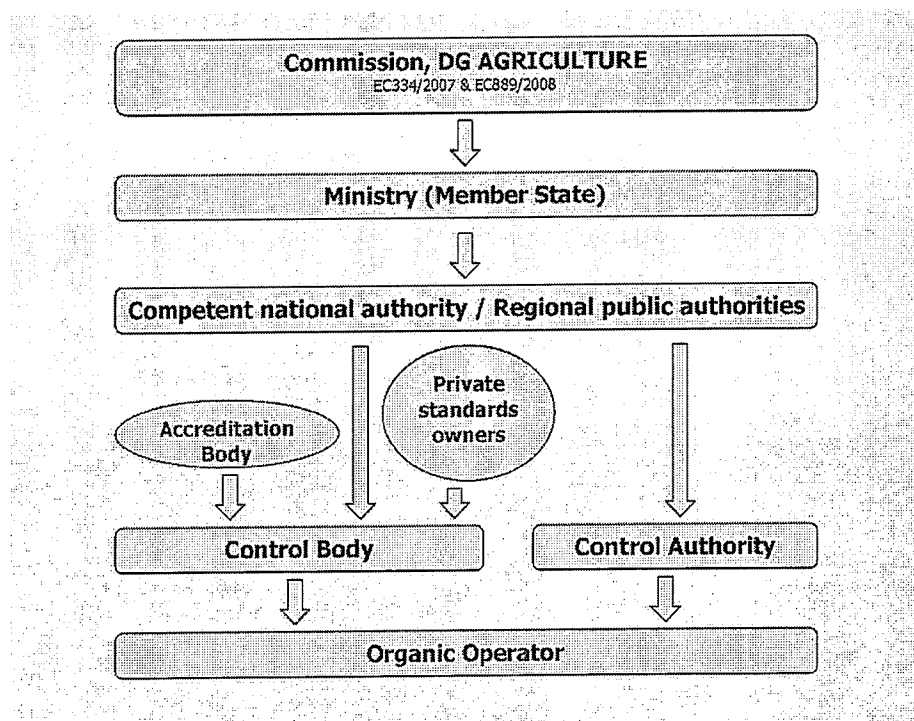
- **Group certification**, as a sub-option under the **principle-driven (3) policy option** to address the problems that small farmers face in entering the system. Please see further details in Annex 16, Small farms and enterprises: simplification, group certification.

4. SUPERVISION AND CONTROL CHAIN

4.1. Roles and responsibilities

The chart below shows the authorities and bodies in the supervision and control chain

Chart: the organic supervision and control chain (Source: Zorn et al, Economic Concepts of Organic Certification, 2009)



In detail, their roles and responsibilities are as follows:

European Commission

- **Supervision on MS** to ensure that they fulfil their responsibilities, through:
 - the assessment of **information** on the functioning of the control system. MS provide specific notifications on irregularities and their follow up as well as regular reporting on their supervision and control activities under the Multiannual National Control Plans as required by the general provisions in the food and feed official controls;
 - **system audits**. The **Food and Veterinary Office (FVO)** in DG SANCO, in close cooperation with DG AGRI, carries out audits on the control systems set up for the organic production and labelling of organic products. In terms of scope, these audits assess the performance of the Competent Authorities as well as the organisation of the controls carried out by Control Bodies, including import controls, controls of operators producing, preparing and distributing organic products, controls of the labelling and marketing of organic products, and verification procedures and audits⁷.

DG AGRI carries out audits on the implementation of **Rural Development Programmes** that in most cases include amongst agri-environmental measures support to the conversion to, or maintenance of, organic farming. These audits verify the implementation of the measure supporting organic farming from the point of view of any risk for the Fund. In particular, they assess the system for the cross notification of findings detected respectively by the control bodies (during their inspection and certification of organic operators) and by the Paying Agency for rural development (during its on-the-spot checks).

- Supervision of the **Third Countries** and of the **Control Bodies/Control Authorities recognised as equivalent**, through the assessment of information on notified irregularities and their follow-up as well as through the assessment of annual reports and through on-the-spot examinations and audits by the FVO⁸.

MS

- Set-up the organic control system, in compliance with the official controls in food and feed, and ensure its proper functioning
- Ensure that any operator who complies with the organic rules and who pays a reasonable fee is entitled to be covered by the control system
- Notify irregularities and infringements to the organic provisions to other MS and to the Commission⁹
- Investigate irregularities and infringements to the organic provisions that are notified by other MS and inform them of the results of action taken

⁷ The FVO carried out, between January 2012 and July 2013, audits to six MS (Portugal, Poland, Italy, Romania, United Kingdom and Germany).

⁸ The FVO carried out, between January 2012 and July 2013, audits to three TCs (India, Tunisia and Israel). Please see annex 12, The EU trade regime for organic products, for more details on the Commission's supervision.

⁹ Please see section 7 of this annex for further details.

- Take measures and put in place procedures for the exchange of information amongst control bodies, and with the paying agency for rural development in case of irregularities by operators who benefit from rural development support (notably for the conversion to or maintenance of organic farming as part of agri-environmental measures¹⁰)
- Publish an updated list of organic operators
- Report to the Commission on supervisory and control activities on organic, as part of the multiannual national control plans and annual reports under the official food and feed controls legislation

Competent authority in MS

- Approve, suspend and withdraw approval of control bodies
- Define a catalogue of measures in case of infringements and irregularities

Accreditation Body

- Accreditation and surveillance of Control Bodies.

Accreditation is a third party attestation related to a conformity assessment body (in this context a control body performing certification in the organic sector) conveying formal demonstration of its competence to carry out specific conformity assessment tasks. Accreditation is performed by an authoritative body – whose authority is generally derived from government.

Regulation No 834/2007 introduced the mandatory requirement of accreditation for control bodies, by setting out that they shall be accredited to the most recent version of standard EN 45011 or ISO Guide (article 27.5.c)¹¹.

¹⁰ For a comprehensive review of support to organic farming under the CAP, Study Report: Use and efficiency of public support measures addressing organic farming, 2011, http://ec.europa.eu/agriculture/external-studies/2012/organic-farming-support/full_text_en.pdf

¹¹ The standard specifies the conditions that control bodies have to fulfil, in respect of their organisation and functioning, to be able to operate the (organic) certification system. It is superseded by international standard EN ISO/IEC 17065:2012. The date of cessation of presumption of conformity is set on 15 September 2015, in the Commission communication in the framework of the implementation of Regulation (EC) No 765/2008, Decision No 768/2008/EC and Regulation (EC) No 1221/2009 of the European Parliament and the Council, published in the Official Journal C 258 of 7.9.2013.

Subsequent legislative developments entailed additional requirements:

- Regulation No **765/2008 on accreditation and market surveillance**¹², applicable as from 1 January 2010, provides for the first time a comprehensive and harmonized framework for accreditation. Accreditation may only be granted by a (single) national accreditation body, which shall be member of the European Cooperation for Accreditation (EA) and shall have successfully undergone peer evaluation.
- The EA, in cooperation with DG AGRI, recently developed **guidelines** for the **accreditation of organic production certification** with a view to addressing the specific features and needs of the sector¹³.

Control body

Vis-à-vis the competent authority(is)	Vis-à-vis other control bodies	Vis-à-vis operators
• Reporting obligations: list of operators + summary report of control activities		• Carry out an annual physical inspection of each operator + additional risk-based visits
• Information if operator changes control body or withdraws from the control system • Immediately exchange information in case of irregularities/infringements • Exchange relevant information on control results	• Hand over control file if operator changes control body • Immediately exchange information in case of irregularities/infringements • Exchange relevant information on control results	• Verify the operator's declaration and documentary accounts • Take and analyse samples • Draw up a control report • Provide documentary evidence (certificate) to each compliant operators • Prohibit operator from marketing organic products, if case of irregularities or infringements

¹² Regulation (EC) No 765/2008 of the European Parliament and the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 – OJ L 218 of 13.8.2008, p. 30. For the purpose of this Regulation, accreditation shall mean an attestation by a national accreditation body that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity. Please see further information on accreditation in the Europa website: http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/accreditation/index_en.htm

¹³ EA Policy for the Accreditation of Organic Production Certification (Ref: EA-3/12 M: 2013), <http://www.european-accreditation.org/publication/ea-3-12-m>

4.2. Identified problems

4.2.1. *Supervision by the Commission*

- The ECA recently audited the effectiveness of the organic production control system, focusing on how the various actors involved had carried out their responsibilities.

In its special report No 9/2012, published on 26 June 2012¹⁴, the Court concluded that **MS' reporting to the Commission** was very limited, often incomplete and subject to major delays.

At the time of the audit, organic production issues were not included in the annual **audit** work programme by the FVO, which considered food safety as the main risk factor. A recommendation was therefore made to remedy the identified weaknesses.

- A second identified problem for the Commission's supervision of MS is that, apart from the infringement procedure, there are currently **no specific EU enforcement measures** in the organic sector in case MS do not comply with their responsibilities.

Community enforcement measures set out under the food and feed controls apply in case of evidence of a serious failure in a MS' control system which may constitute a possible and widespread risk for human health, animal health or animal welfare. They are not relevant for organic as such.

NB. this problem does not refer to the possible misuse of EU funds, in case the irregularities concern beneficiaries of support under the CAP that are dealt with through conformity clearance procedures.

- As concerns the **import regime**, the control system does not provide the same level of supervision with regard to CBs recognised by the Commission for the purpose of equivalence as for CBs in the EU which are supervised by MS Competent Authorities.

Please see annex No 12, The EU trade regime for organic products, for further details on the identified issues and on the proposed actions to address them.

¹⁴ European Court of Auditors Special Report No 9/2012: Audit of the control system governing the production, processing, distribution and imports of organic products (26 June 2012), www.eca.europa.eu

4.2.2. *Supervision by MS Competent Authorities*

- ECA's audit identified several **shortcomings** in supervision of control bodies by the MS competent authorities: in three of the six audited MS with a system of private control bodies, the Court concluded that the procedures for approving, withdrawing or supervising control bodies were not sufficiently detailed.

These findings were confirmed by the audits carried out in 2012 and 2013 by the FVO and by DG AGRI, which identified shortcomings in several MS.

- Another aspect that weakens competent authorities' supervision of control bodies is the fact that most MS do not have a **graduated system of sanctions** towards non-compliant control bodies. The only measure clearly set out by the organic control legislation is the withdrawal of control bodies' approval. It is not effective as most of the times it would be disproportionate for the findings of the audit on control bodies and hence very rarely used in practice.

4.2.3. *Accreditation*

- By their very nature, the surveillance activities carried out on control bodies by the national accreditation body **overlap**, to a certain extent, with the supervisory activities carried out by the competent authorities. This entails a duplication of activities and increases the cost of the control system.
- There are **no specific rules** in the organic legal framework as regards the cooperation and the exchange of information between MS competent authorities and accreditation bodies. As a consequence, the situation largely varies across MS.
- The requirements on accreditation are **not the same** for control bodies **in the EU and in Third Countries**.

Accreditation bodies based in Third Countries that are not members of the European cooperation for Accreditation (EA) and are not signatories to the Multilateral Recognition Agreement (MLA) under the auspices of the International Accreditation Forum at international level may not adhere to the same level of surveillance on control bodies applicable in the EU.

This may lead to an uneven playing field amongst control bodies, and ultimately amongst operators, in the EU and in Third Countries.

4.3. Opinion by MS and stakeholders

During the hearing held by the Commission services on 25 and 26 October 2012 to discuss supervision and control issues, the following remarks were made:

- FiBL (Research Institute for Organic Agriculture, Austria): supervision should enhance risk orientation; importance of qualifications of accreditation bodies; supervise the effectiveness of control bodies
- DakkS (National Accreditation Body, Germany): the surveillance approach needs to be risk-oriented (focus on non-compliant control bodies); surveillance by different institutions should be well coordinated
- IFOAM (International Federation of Organic Agriculture Movement): accreditation – need to improve standards; clear requirements of experience of accreditation bodies
- Certisys (Belgian control body): request for regulated tariffication system for controls (fees to control bodies)
- Copa-Cogeca: Commission to strengthen supervision of MS through more frequent audits; MS to strengthen supervision of control bodies – need for harmonized approach to supervision of control bodies in the EU

A representative from the European cooperation for Accreditation (EA) made a presentation to the ISSG group in its meeting of 30 May 2013, describing all the various formal and practical steps of accreditation.

4.4. Conclusion

With a view to addressing the identified problems, the following actions have been taken (taken into account in the impact assessment as part of the **baseline scenario**).

- **Commission Regulation (EU) No 392/2013** was adopted in April 2013 to amend the implementing rules on the control system for organic production. The new provisions, applicable as from 1 January 2014, enhance MS supervision and control activities.
- **Commission audits** resumed in 2012 and are now regularly carried out to assess the proper functioning of the organic control system. The audit reports identify shortcomings, on which recommendations for remedial action are made to the Competent Authorities, and describe good control practices¹⁵.

¹⁵ All MSs and TCs visited by the FVO between January 2012 and July 2013 had control systems for organic production in place, with Control Bodies (CBs) entrusted with inspection and certification tasks. In general, staff of the Competent Authorities and CBs were competent and had the powers to fulfil their tasks. The shortcomings found refer to weaknesses in market controls and in the import control system for organic products, as well as a lack of appropriate supervision of CBs. The audits also show significant differences between CBs regarding the quality and intensity of inspections at operators - mitigated in some countries by harmonised provisions on sanctions, risk assessments of operators, off-farm verification programmes and sampling. Furthermore, a wide range of shortcomings related to derogations, exemptions and management of animals were found, and not all inspections observed by the audit teams were effective. The audits also revealed problems regarding a clear separation of accreditation and supervision tasks, which in some cases led to duplications and incomplete checks. The FVO presented the audit findings in the meeting of the Standing Committee on Organic Farming (SCOF) of 26 September 2013.

and the following actions are proposed to be taken:

- **Clarification** of the general rules for the **accreditation** of Control Bodies, both in the EU and in Third Countries, in respect of the standard against which they should be accredited and of the conditions to be fulfilled by the accreditation bodies, under the **improved status quo (1) policy option**. This will enhance legal certainty for the organic sector and ensure a level playing-field for control bodies, and ultimately operators, in the EU and in Third Countries.
- Introduction of a system of **electronic certification**, integrated in a EU-web database, under the **improved status quo (1) policy option**.

This will contribute to the competitiveness of organic operators, to simplification, and through the improvement of transparency and traceability, to the enhancement of the supervision and control chain.

5. CONTROL FREQUENCY

5.1. Minimum control frequency and risk based approach

As a general rule, all operators shall be subject to verification of compliance **at least once per year** (article 27 of Regulation No 834/2007). The implementing rules regulation qualifies this annual verification of compliance as a **physical inspection** (article 65 of Regulation No 889/2008).

Exception: can be inspected less frequently than once per year:

- wholesalers who deal only with pre-packaged products
and
- retailers who do not produce or prepare organic products, do not store organic products other than in connection with the point of sale, do not import organic products and have not contracted to a third party the activities of production, preparation including labelling, storage or import of organic products

Regulation (EC) No 834/2007, while maintaining in any event the obligation of an annual verification of compliance for all operators, introduces a **risk-based approach** to controls. Namely, it sets out that the nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements.

Commission Regulation (EC) No 889/2008 details the implementing rules as follows:

- in addition to the annual inspections, the control body or control authority shall carry out random control visits, primarily unannounced, based on the general evaluation of the risk of non-compliance with the organic production rules.

Three risk factors shall be taken into account for the risk evaluation:

- (1) the results of previous controls,
- (2) the quantity of products concerned and
- (3) the risk of exchange of products.

DG AGRI gave practical guidance for control bodies and control authorities as to how the risk based approach to control should be applied in chapter 8 of its Working document on official controls in the organic sector, 2011¹⁶.

- New provisions will apply as from 1 January 2014 for the risk assessment and the related organization of the control visits:
 - the risk analysis shall provide the basis for the intensity (=number) of the unannounced or announced control visits
 - random visits in addition to the annual inspection shall be carried out on at least **10%** of operators in accordance with the risk category
 - at least **10%** of the total annual inspections and additional random visits shall be unannounced

Example: a control body with 100 operators shall carry out at least 100 annual physical inspections and 10 additional random, risk-based, visits = 110 in total. At least 10% of them=11 inspection and control visits shall be unannounced.

5.2. Identified problems

- **Wholesalers and retailers** might be treated differently in different MS as regards to the control frequency. In addition, it is not clear who – the MS competent authority or the control body - should determine the control frequency for these operators.
- The **risk based approach**, applying to the organic sector as from 1 January 2009, is still relatively new.

ECA's recent audit on organic production detected **shortcomings** related to risk assessment in 7 out of the 12 selected control bodies.

- Some MS and stakeholders consider that the **mandatory physical inspection of all operators prevents the full implementation of the risk-based approach**.

Operators with a consistently clean record cannot be inspected with less frequency. This **does not represent an efficient use of resources**, which should rather focus on riskier operators. So far, the major fraud cases in the organic sector (Gatto con gli stivali, Italy, 2011) did not affect the yearly inspected producers but traders selling conventional products as organic with import certificates: control visits to address effectively such cases are more difficult and time-consuming.

¹⁶ http://ec.europa.eu/agriculture/organic/files/eu-policy/data-statistics/control_guidelines_version_08072011_en.pdf.

- The current control rules that require annual inspection of **all** operators (articles 27(3) and 28 of Regulation No 834/2007) **do not allow group certification**¹⁷ that is accepted for small producers in Third Countries as a measure of equivalent control effectiveness in case of imports.

5.3. Position by Stakeholders

The Inter-Service Steering Group (ISSG) set up as part of the process for the Impact Assessment of the review of the organic farming regulation organised a **hearing** on 25/26 October 2012 to discuss supervision and control issues¹⁸.

Main remarks/suggestions on the *risk-based approach*:

- FiBL (Research Institute for Organic Agriculture): Focus should be put on 10 % of operators with risk of irregularities; the burden for compliant operators should be reduced by removing the obligation for a mandatory annual inspection; flexible risk assessment
- DakkS (National Accreditation Body for Germany): intensification of risk-oriented controls, in particular in third countries
- Finnish Food Safety Authority (Evira): lowered inspection frequency should be an option for the future; additional inspections should focus on higher risk operators
- Ecocert Group (Control Body): need for guideline for risk based inspections
- IFOAM (International Federation of Organic Agriculture Movement): clear guidance on how risk-based inspections should work is needed for consistency across EU and outside. The contribution that IFOAM subsequently developed - June 2013 - states that the focus on the risk-based approach should not undermine the audit approach (announced inspection) of each operator; moreover, parameters for risk classification as well as possible risk-orientated control measures need to be pre-defined at EU level.
- Certisys (Belgian control body): annual inspection needed for wholesalers; no parallel selling & communication rules for retailers; notification in case of subcontractors is not clear.

The **stakeholders' consultation** showed the following results on the *minimum control frequency*: while only 49,7% of stakeholders participating to the consultation actually know that organic operators are inspected at least once per year, the majority of respondents (57%) are for maintaining the annual inspection¹⁹.

The free contributions submitted to the consultation show that the European Poultry Association, the Soil Association, Bio-Austria, the FNSEA, Synalaf are in favour of the annual inspection.

¹⁷ Under the group certification scheme, group members operate under contractual or binding membership requirements that specify their commitment to comply with the organic production rules and allow inspection. Please see further details in annex 16, Small farms and enterprises: simplification, group certification.

¹⁸ A technical meeting with experts took place on 26 June 2013 to examine the issues identified for small farms, including in respect of the control system (e.g. cost of certification, group certification as applied in Third countries, reflections on possible simplified requirements for small farms).

¹⁹ Full report posted in the Europa organic farming page: http://ec.europa.eu/agriculture/organic/files/eu-policy/of_public_consultation_final_report_en.pdf

Only 35% of respondents to the public consultation would support a reduced control frequency for operators with a proven clean record (in addition to FiBL and IFOAM, this was also the position by the Norwegian Food Safety Authority).

As for *group certification*, 70% of respondents to the public consultation would support it, with variations across stakeholders' categories (from 55% for farmers up to 80% for public authorities in Third Countries).

In detail, Slow Food, the Soil Association, the Women of Europe for a Common Future are in favour. Bio-Austria and Copa-Cogeca are against. IFOAM EU is positive towards group certification, under conditions still to be developed.

5.4. Conclusion

With a view to addressing the identified problem, the following action has been taken:

- **Commission Regulation (EU) No 392/2013** was adopted in April 2013 to amend the implementing rules on the control system. The new provisions, applicable as from 1 January 2014, further enhance the risk-based approach. This action is taken into account in the impact assessment as part of the **baseline scenario**.

and the following action is proposed to be taken:

- Reinforce the risk-based approach **under the policy-driven option (3) by adapting the control frequency** through the removal of the obligation of a mandatory annual physical inspection for all operators independently from their risk profile.

This action is expected to lead to a fairer balance of the control pressure on operators by reducing the burden on those with a proven track record of compliance with the rules.

It is also expected to help achieve better control effectiveness, by targeting MS resources towards higher risk situations and operators, and control efficiency.

6. PAPER-BASED CERTIFICATION

There are two different types of certificates provided by Regulation (EC) No 834/2007: the **documentary evidence** attesting that an operator has placed his undertaking under the organic control system (Article 29) and the **certificate of inspection** that accompanies a given lot of imported organic products and certifies that the product has been produced according to equivalent production rules and subject to equivalent control measures (Article 33).

6.1. Documentary evidence

More than 225 000 organic producers²⁰ submitted their operation to the organic control system, in accordance with Article 28 of Regulation (EC) No 834/2007, and were registered in the EU-27 in 2011.

²⁰ Farmers which produce, produce and process or produce and import organic products.

Documentary evidence is issued by the control authority or control body after a satisfactory annual inspection of the operator under its control and is generally valid for a year until the next annual inspection.

Operators throughout the organic production chain have to verify that the operators from whom they purchase organic products are subject to the control system and have valid documentary evidence. Equally, they must provide documentary evidence attesting their status as organic operators at the request of other operators, control authorities or control bodies.

Documentary evidence is drawn up on the basis of a model in EU legislation (annex XII to Regulation No 889/2008) that is not mandatory in its layout and text.

Identified problems

- **Different models** of documentary evidence **exist across and within MS**, depending on specific conditions and needs, which make the control of documents and products by both control bodies and competent authorities more difficult. A questionnaire prepared to gather structured information on the existing situation showed that only in 12 MS a harmonised model for documentary evidence (= a compulsory model detailing the content, wording and layout of information) exist at MS level²¹.
- Paper-based documentary evidence is vulnerable to **forgery, fraudulent issuance or continued use** during the stated period of validity despite withdrawal or suspension of the operator.
- Documentary evidence does not enable a **real-time verification** that the amount of products originating from the operator is within the estimated production quantities or exceeds these.
- **Consumers cannot easily access traceability information.** Consumers buying organic products are paying a premium price based on their trust in the integrity of the system, symbolised by the organic logo. The responses to the public consultation show that they place very high value in traceability of organic production and information about the organic operator. They are not offered a user-friendly means of verifying who carried out the last substantial production process.

Operators in third countries not recognised as equivalent must subject their operations to a control body or control authority accredited for EU-equivalent organic production certification. Equivalent production rules and control measures must include an annual inspection and issuance of documentary evidence to the operator. Consequently, **the above listed problems equally apply to documentary evidence issued to such third country operators.** Whilst recognised CBs and CAs must maintain an up-to-date list of certified operators on their website, they have no obligation to publish the equivalent documentary evidence, which presents an added risk.

²¹ Information as of September 2013: a compulsory model for the content, wording and layout of information exists at MS level in CR, CZ, DK, EE, EL, FI, DE, IT, LT, NL, PL, SK. In the other 16 MS the model varies.

6.2. Certificate of inspection

A certificate of inspection is a document issued by the control authority or control body of the exporter in accordance with Article 13 of Regulation (EC) No 1235/2008 to certify the organic status of the product for import into the EU. The certificate is only valid for the lot of organic products identified on the certificate.

The **original paper-based** certificate of inspection must be presented for endorsement at import into the EU.

The certificate of inspection is the **only document indicating the organic nature of the imported products** as the customs import declaration does not allow the identification of organic products. The presence of a certificate of inspection can be indicated on the customs import declaration, but this is optional and handled differently by MS. Unless national customs require the identification of the certificate of inspection on the customs import declaration, there is **no link between the certificate and the customs import declarations**.

The certificate of inspection, which must be based on a mandatory model (Annex V of Regulation (EC) No 1235/2008), is **not linked to the documentary evidence** issued to the operators in the third countries. To be considered equivalent, control measures must enable the traceability of processed products' ingredients and control bodies and control authorities must be able to provide the documentary evidence therefore.

Recognised control bodies and control authorities can only issue certificates for products exported from third countries and belonging to product categories for which they are recognised.

Identified problems

- **Cumbersome** administration of the original certificate of inspection (delays /not presented at import). Operators complain about the administrative burden of presenting an original paper-based certificate of inspection at every import and about the delays in forwarding the originals that pose problems for the clearance of perishable imported organic goods.
- Paper-based certificate of inspection is **vulnerable to forgery and fraudulent issuance**. Fraudulent issuance implies a certificate being issued for a scope, geographical or product category, for which the third country or the CB/CA is not recognised or whose recognition has been reduced. Equally, fraudulent issuance can concern a processed product for which the CB/CA has not verified that the ingredients were purchased from operators under the control of a recognised CB/CA, from an EU country or from a recognised third country.
- **Traceability** of organic chain behind imported organic products is **difficult**. Equivalent control systems should ensure traceability throughout the organic production chain. Where this is based on obtaining copies of equivalent documentary evidence, the above-described problems apply in equal measure to recognised Third countries, recognised Control Bodies or Control Authorities. Recognised CBs and CAs have to publish a web-based, up-to-date list of certified operators. Whilst this facilitates the verification of the status of an operator, it does not necessarily facilitate traceability of organic products covered by a certificate of inspection.
- Under the import regime with recognised Control Bodies **MS no longer have a verification role** before the certificate of inspection is issued as it was the case for import

authorisations. However, MS continue to endorse the certificate of inspection upon entry into the EU.

6.3. Conclusion

With a view to addressing the identified problems, a system of **electronic certification** integrated in a EU web-database is proposed to be introduced, under the **improved status quo (1) policy option**.

7. IRREGULARITIES, INFRINGEMENTS AND SANCTIONS

7.1. State of play

Regulation No 882/2004 on food and feed official controls to verify compliance with the rules aiming, in particular, at guaranteeing fair practices and protecting consumer interests, including labelling (article 1), includes the following **enforcement measures**:

- When the **competent authority** identifies **non-compliance**, it shall **take action** to ensure that the operator remedies the situation (article 54), with a wide choice of measures that it deems appropriate. NB: The competent authority cannot delegate action to be taken in case on non-compliance (article 5.1).
- MS shall lay down the **rules on sanctions** applicable to the infringements of feed and food law and take all necessary measures to ensure they are implemented. Sanctions shall be effective, proportionate and dissuasive; the provisions on infringements shall be **notified to the Commission** (article 55).

According to **Regulation No 834/2007** on organic production and labelling

- when an **irregularity** is found, the control authority or control body shall ensure that the reference to organic production is removed from the entire lot affected, and where **severe infringements** or **with a prolonged effect** are found the operator shall be prohibited from marketing organic product for a period to be agreed (article 30).
- Information on **infringements and irregularities** shall be **immediately communicated** between Control Bodies, Control Authorities, MS and where appropriate the Commission (article 30).
- The **competent authority** has the following responsibilities:
 - when approving a control body, take into account the measures that it intends to apply in case of detection of irregularities and/or infringements (article 27.5);
 - as part of its supervision of control bodies, take cognisance of the irregularities and infringements found and corrective measures applied (article 29).

Regulation No 889/2008 requires the control body or control authority to take action in substantiated suspicion that an operator intends to place on the market a non-compliant product. It has recently been amended to require **Competent Authorities** to adopt and communicate to control bodies a **catalogue** at least listing infringements and irregularities that affect the organic status of the products and corresponding **measures** to be applied (new article 92d). This provision will apply **as from 1.1.2014**.

In case **organic operators benefit from financial support under the CAP**, MS shall adopt all legislative, regulatory and administrative provisions and take any other measures necessary to ensure the effective protection of the EU financial interests, according to **Council Regulation (EC) No 1290/2005** on the financing of the CAP²². In particular, they shall prevent and pursue irregularities and recover lost sums.

They shall communicate to the Commission irregularities and suspected fraud cases in the organic sector that have or would have consequences for the EU budget through the **OLAF's** Irregularities Management System (IMS).

7.2. Identified problems

- The legal provisions are not clear and/or not entirely consistent.

The terms in the food and feed official controls and the organic regulation differ: the former refers to "non-compliance" and "sanctions", while the latter mentions "irregularities", "infringements" and corresponding "measures". The two acts are not entirely consistent: the food and feed official control regulation prevents the competent authorities from delegating to control bodies the measures to be taken in case of non-compliance, which creates a problem for control bodies in the organic sector.

The organic farming regulations include the terms "irregularity", "severe infringement" and "infringement with a prolonged effect" without providing a definition.

When organic operators benefit from financial support under the CAP, the EU provisions on the protection of the EC financial interests - both in the general and sectoral legislation - apply which include specific definitions for irregularities and fraud²³.

Irregularities and fraud, when referred to in the organic sector, include therefore both the unlawful use of the organic labelling provisions, through the marketing of conventional products or products not complying with the organic rules, and the potential misuse of EU funds - in the latter case, with additional responsibilities for sound financial management by MS and the intervention by OLAF.

- The **absence of specific tolerance levels** and/or the **lack of a harmonised approach** is dealt with in Annex 11.
- The ECA concluded in its special report 9/2012 that in several MS the competent authorities have **not defined detailed categories of non-compliance and corresponding sanctions**. Namely, this was the case for 3 out of the 6 audited MS (Germany, France and the UK).

²² Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy, OJ L 209, 11/08/2005, p. 1.

²³ Irregularity shall mean an infringement of a provision of Community law resulting from an act or omission by an economic operator which has or would have the effect of prejudging the general budget of the Community or budget managed by them, either by reducing or losing revenue accruing from own resources collected directly on behalf of the Community or by an unjustified item of expenditure (Regulation No 2988/959, article 1.2).
Fraud, in respect of expenditure, is defined by the Convention on the protection of the Communities' financial interests as any intentional act or omission relating to the use of presentation of false, incorrect or incomplete statements or document which has as its effect the misappropriation or wrongful detention of funds from the general budget of the EU or budget managed by or on behalf of the EU; non-disclosure of information.

- As a consequence, each CB defines the non-compliance and applies sanctions in a different way, with considerable differences in control results. This situation leads to **operators being sanctioned differently**, across MS and even within the same MS, for the same case of non-compliance.
- On-the-spot audits carried out by the FVO in 2012 confirmed weaknesses in some MS' **follow up to cases of non-compliance**. They did not always ensure that irregularities were followed-up and sanctions were imposed in a systematic and timely manner.

7.3. Position by stakeholders

The stakeholders' hearing held on 25 and 26 October 2012 in the context of the Impact Assessment process for the review of the EU political and legal framework for organic production showed the following remarks and suggestions.

- BMWFJ (Federal Ministry of Economy, Family and Youth, Austria): there should be one single sanction catalogue for the EU, one single sanction catalogue for equivalent CBs
- Copa-Cogeca (Committee of Professional Agricultural Organisations-General Committee for Agricultural Cooperation): need to clarify infringement and irregularity and corresponding sanctions and to promote good practice. Statistics for each MS/CB should be published annually by the Commission.
- DakkS (National Accreditation Body for Germany): suggestion to set up a clearing facility for complaint cases.
- Ecocert group (Control Body): need to define irregularities and infringements; EU catalogue of sanctions; EU practical guidelines with stakeholders' participation
- EOCC (European Organic Certifiers Council): define irregularity/infringement; set out a basic EU sanction policy
- FiBL (Research Institute of Organic Agriculture): envisage an international complaint procedure at EU level, a rapid alert system and a whistleblower system.
- IFOAM: guidance on sanctions, with procedures and measures relevant to all operators in case they fail to meet the requirements of good organic quality management.

7.4. Evaluation and studies

Amongst the wide array of studies carried out within the CERTCOST project, one consisted in the **statistical analysis of German supervision and control data**: all CBs' activities for a two-year period, 2006-2008 were reviewed. The number of irregularities and infringements detected and the sanctions imposed showed significant statistical differences with regard to sanction behaviour.

This underpins the first recommendation included in the report "Improving the organic certification system – How to increase the effectiveness and efficiency of organic certification". It is recommended to harmonise supervision of the certification system, namely to **clearly define at EU level different types of non-compliance and sanctions to allow an easy understanding by all stakeholders** – to be developed in a participatory process; to harmonise the use of terms and

definitions as well as data collection specifications, and to produce and publish annually a supervision report at EU level.

7.5. Conclusion

With a view to addressing the identified issues, the following action has been taken (taken into account in the impact assessment as part of the **baseline scenario**):

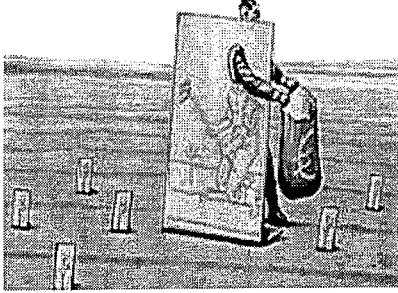
- **Commission Regulation (EU) No 392/2013** was adopted in April 2013 to amend the implementing rules on the control system for organic production. The new provisions, applicable as from 1 January 2014, require the Competent authorities to adopt and communicate to the Control bodies a catalogue of infringements and irregularities affecting the organic status of the products and corresponding measures to be applied to the operators concerned.
- The Commission proposal (COM(2013)265 final) to review Regulation No 882/2004 on **official food and feed controls** includes new provisions that aim at a more effective enforcement. In particular, MS will be required to ensure that the financial penalties applicable to intentional infringements at least offset the economic advantage sought by the perpetrator of the violation.

and the following action is proposed to be taken:

- **define irregularities and infringements** and require MS to set measures that ensure the **liability of all operators** in the control chain, under the **policy-driven option (3)**.

8. FRAUD CASES REPORTED IN THE MEDIA

A non-exhaustive selection of articles, translated and available on-line by PressEurop, is shown below²⁴

	<i>Politika, 8.8.2011, Warsaw, Circulation: 200,050²⁵</i> The article refers to particularly attractive conditions for subsidy-hunters in Poland in the case of organic walnuts, amongst other things due to alleged lax controls by the control bodies.
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²⁴ Translation online at Press-europe: <http://www.presseurop.eu/en/category/section/economy/agriculture>

²⁵ <http://www.polityka.pl/rynek/1518054,1,jak-polacy-doja-unie-na-eko-zywnosci.read>



Die Welt, 25 February 2013²⁶ - City: Berlin, Circulation: 263 000

The article reports the investigation launched in 2011 and revealed by the weekly *Der Spiegel*.



Die Tageszeitung, 21 May 2013, City: Berlin, Circulation: 57,000²⁷

The article covers the Green War operation. Fraud in the organic farming sector is described as thriving international industry, made up of a complex network of companies bearing all the marks of traditional organised crime. The president of Federbio, the umbrella organisation for organic producers, processors and distributors in Italy, is quoted: "They have been able to carry on because supervisors have failed time and time again to do their jobs".

²⁷ <http://www.taz.de/Italien-und-Lebensmittelbetrueger/1116553/>

ANNEX 10: COSTS OF CONTROLS IN THE EU ORGANIC PRODUCTION SCHEME

1. INTRODUCTION

This annex aims at providing:

- an overview of the main types of costs resulting from the EU organic control and certification system, and
- some concrete examples as to the actual level of costs borne by different actors along the chain.

It is based on information from the CERTCOST - Economic Analysis of Certification Systems in Organic Food and Farming – project²⁸.

2. OVERVIEW OF THE MAIN TYPES OF CONTROL RELATED COSTS IN THE ORGANIC CHAIN

The most evident cost of the organic production control system is the cost for obtaining a documentary evidence (=certificate) that the operator's production meets the requirements set by the EU organic regulation. Certification costs are considered to be a major factor for operators to decide about participating in a particular quality scheme, including organic.

The distribution of the costs of controls between different actors of the chain varies among MS. It largely depends on the choice of the control system set-up made by the MS and on the choice of the public measures to support operators' certification costs that are implemented by the MS.

2.1. Control system set-up

Each MS has the possibility to:

- delegate control and certification of operators to one or more private control bodies which it has to first approve²⁹ and then supervise³⁰ (this is known as "system A" and is currently used by 18 MS), or
- confer the control and certification of operators to one of more public control authorities (this is known as "system B" and is currently used by 5 MS, or
- set-up a mixture of both (system of control bodies and control authorities) known as "system C", currently used by 4 MS.

²⁸ It is a research project under the EU 7th Framework Programme, run by a consortium of 11 institutions (universities, research centres and two private control bodies working in the organic sector) from 11 countries, from 2008 to 2011. The full set of reports is available under www.certcost.org. The most relevant information regarding the cost of controls is to be found in report D21.b (Report on total costs of three organic certification systems in six European countries with particular focus on organic supply chain) http://www.certcost.org/Lib/CERTCOST/Deliverable/D21_B.pdf.

²⁹ Approval of control bodies is to be understood as (one-off) verification carried out by the competent authority to ascertain that the control body to which tasks will be delegated fulfils all conditions and requirements set by Council Regulation (EC) No 834/2007.

³⁰ Supervision of control bodies is to be understood as the (continued) verification carried out by the competent authority to ascertain that the control body performs the delegated tasks in a satisfactory manner.

Currently, there are approximately 150 private control bodies and 40 public control authorities operating in the EU.

The different implications on the distribution of control costs between the different actors in "system A" and "system B" are shown in Table 1 below.

Table 1: Overview of main types of control related costs incurred by different actors along the chain

Actor	System of private control bodies (=System A)	System of public control authorities (=System B)
Competent authority (= MS)	Costs related to approval and supervision of control bodies	No costs of approval and supervision but direct control cost of control authorities
Control body (private entity)	Costs of accreditation to EN 45011 Costs of control and certification of operators (in terms of resources needed) NOTE: The costs incurred by control bodies are fully compensated by the fees charged to the operators	N/A
Control authority (public entity)	N/A	Costs of control and certification of operators, in terms of resources needed NOTE: These cost are (partly) compensated by fees charged to operators
Operators (farmers, processors, traders, etc.)	Fees paid to control body for control and certification (=inspection fees)	Fees paid to control authority for control and certification (=inspection fees) or no fees (controls and certification free of charge – e.g. Denmark)

2.2. Public support of certification costs

MS have the possibility to implement support schemes, which may compensate the organic farmers for their control costs.

The current rural development programmes give the possibility, under Axis 1, to use measure 132: "Participation of farmers in food quality schemes"³¹. Several MS or regions use this measure to cover part of the control and certification costs incurred by farmers (Austria, Belgium, Cyprus, Estonia, Germany, Greece, Malta, the Netherlands, Poland, Portugal, Slovenia, most regions of Italy and Spain and parts of the UK). However, not all farmers that apply can be supported as resources are limited.

Certification costs of organic processors or other organic operators are not supported in any of the EU countries except Denmark. In Denmark, the control of organic farmers, processors and other organic operators is provided by the public control authorities free of charge.

³¹ See Annex 3, Main instruments of the Common Agricultural Policy supporting the organic farming policy, for more details.

It is to be added that organic farmers can be also subsidized under other measures in Axis 1, 2 and 3 of the rural development programmes. Out of these, agri-environmental payments under measure 214 are the most important. With the exception of the Netherlands and France³², all MS have implemented specific area payments for organic farming under the measure 214. However, those payments are not meant to cover directly the certification costs but rather overall organic management.³³

3. CONCRETE EXAMPLES OF CONTROL RELATED COSTS IN SOME MS

3.1. Inspection fees paid by operators to control bodies and to control authorities

In general, inspection fees mainly depend on type of operator (e.g. higher fees for processors than for farmers), complexity of operations (e.g. higher fees for operators with parallel production), and size of operations.

Inspection fees also largely vary both across MS and, within MS, across control bodies.

According to the CERTCOST project, the inspection fee is the most relevant monetary expenditure for organic operators with respect to the certification costs. The level of the inspection fee has been estimated on average as 900 – 1000 € per farm, which corresponds to a share of up to 0.4 % of the raw income³⁴ of a farm and up to 1 % of the organic turnover of processors.

For the CERTCOST study countries³⁵, the median of the inspection fee amounts to 500 € per farm, (ranging from 318 € in the Czech Republic to 647 € in the UK). For processors, the median varies considerably from 477 € per processor in the Czech Republic up to 1.400 € per processor in the UK.

To illustrate the variety of fees across the EU, tables 2 and 3 provide information on fees charged by selected control bodies/control authorities in different MS.

³² France has implemented conversion and maintenance payments for organic farming under the 1st pillar of the CAP on the basis of Article 68 of Regulation No 73/2009.

³³ A detailed mapping of the public support measures which are currently in place in the EU MS can be found in a study report "Use and efficiency of public support measures addressing organic farming – Institute of Farm economics - Thünen Institute – financed by the European Commission, November 2011. The main results are presented in Annex 2 to this report.

³⁴ Raw income is calculated as revenues minus variable and fixed costs however without the imputed labour costs of the farm family.

³⁵ Czech Republic, Germany, Denmark, Italy, UK, Switzerland and Turkey

Table 2: Fees of selected control bodies (2009-2010 data extracted from the CERTCOST database)

Control body	Fee for farmers	Fee for processors
ABCERT, Germany	Control fees for farmers are based on the type of production and the area farmed. The minimum control fee (lump sum) for farmers is 195 € and the maximum is 440 € per year. If inspection time included in the lump sum is exceeded, further time is charged with 65 € per hour.	Control fees for processors are structured into a lump sum based on the type of production and the time spent for controlling. The minimum fee is 160 € and the maximum fee is 260 € per year. Time spent for inspection and certification is charged with 65 € per hour.
Bio-dynamic Agriculture Association (BDAA), UK	Fees are set in bands according to farm size, different rates for horticulture and top fruit. A 50ha mixed farm (cropping and livestock) would have paid about €720 in 2009	Fees are set in bands according to turnover, lower rates apply for on-farm processing
Biokont CZ, Czech Republic	Basic fee: 8.4 € + travel costs: 24.4 € excl. VAT; variable fee according to the size of the holding: 1.2 €/ha + inspector's time, which is priced at 14.3 €/15 minutes. Holdings with parallel conventional production must pay extra 20%.	Basic fee: 8.4 € + travel costs: 24.4 € excl. VAT; Variable fee according to size of the annual organic turnover: Less than 200000 €: 78.8 €, 200000 - 800000 €: 201.7 €, > 800000 €: 399.2 €, plus inspector's time which is priced at 14.3 €/15 minutes. Processors with parallel conventional production must pay extra 20%.
HS certifiering, Sweden	Plant production: < 20 ha: € 312, 20 - 50 ha: € 399.75, 50 - 100 ha: € 438.75, 100 - 200 ha: € 477.75, 200 - 500 ha: € 507, > 500 ha: € 585. Animal production incl. plant production: < 20 ha: € 390, 20 - 50 ha: € 516.75, 50 - 100 ha: € 575.25, 100 - 200 ha: € 672.75, 200 - 500 ha: € 731.25, > 500 ha: € 828.75. Poultry production > 3000 animals: € 575.25	Processing on the farm: € 165.75, Processing, simple, only organic: € 370.50, Processing, simple, not fully converted: € 516.75, Processing, comprehensive, fully converted: € 517.75, Processing, comprehensive, not fully converted: € 711.75

Table 3: Fees of selected control authorities (2009-2010 data extracted from the CERTCOST database)

Control authority	Fee for farmers	Fee for processors
Comité de Agricultura Ecológica de la Comunidad de Madrid, Spain	Basic application fee: 170 € + a variable fee according to Ha, type of crop and number and type of animals. Variable fee: Crops: from 6 €/ha to 55 €/ha, maximum variable fee: 2100 € for each crop. Animals: from 0.9/each to 1,75 €/each depending on type, maximum variable fee for each animal species: 1000 €.	Basic fee: Mixed organic and conventional processors: 550 €; 100 % organic processors: 350€. Variable fee depending on the number of labels - e.g. 21,5 € for 2000 labels.
Danish Plant Directorate, Denmark	Free of charge	N/A
Danish Veterinary and Food Administration, Denmark	N/A	Free of charge
National Supervisory Authority for Welfare and Health, Finland	N/A	1st time registration fee: 105 € 1st time control : 72 € Basic control fee: 72 € Variable control fee: 95 €/hour Approval of derogations: 95 €/case

In order to calculate the total control and certification cost incurred by an operator, the operator's effort connected to documentation of practices relevant for organic standard, preparing for the control visit and the control visit itself must be added to the inspection fee paid by the operator. The CERTCOST project calls these additional costs "opportunity costs" and calculates that their level ranges from 133 € per year for a farmer in the Czech Republic to 590 € per year for a farmer in the UK (for processors the range is higher).

3.2. Cost of approval and supervision of control bodies borne by the national authorities

For CERTCOST study countries, the workload of competent authorities for supervising the private control bodies ranges from 33 € per operator in the Czech Republic to 79 € per operator in Germany (2008 data).

As part of the impact assessment, MS have been requested in 2013 to complete this information.

According to an estimate provided by the German administration, approximately 300 working hours are spent on an approval of one control body. This amount of working hours, using the hourly earning rate for Germany (category clerk) provided by the EU Standard Cost Model, translates to an amount of 8.340 € per approval of one control body.

Regarding supervision, the German administration estimates that approximately 120 working hours (= 3.336 €) is spent annually per supervision of one control body. Other national administrations provided similar estimates: 92 hours (= 2.318 €) for annual supervision of one control body in Sweden and 155 hours (= 558 €) in Romania.

According to an estimate by the French administration, two full time persons are assigned annually for the approval of the 9 control bodies and their supervision, for a total of approximately 2.800 working hours. Using the hourly earning rate for France (category clerk) provided by the EU Standard Cost Model, this translates to an estimated amount of EUR 6.688 for the approval and annual supervision of one control body.

3.3. Cost of accreditation

The cost of accreditation is paid by control bodies as compulsory accreditation to EN 45011 (ISO 65 Guide). The cost includes a fee paid for the 1st time accreditation and an annual fee for maintenance of accreditation.

Table 4: Cost for the CB of accreditation for selected MS (2009-2010 data extracted from the CERTCOST database)

Member State	Fee paid for the 1 st time accreditation	Annual fee for maintenance of accreditation
Czech Rep.	10722 €	2600 €
France	3135 €	Fixed annual fee of € 2289; Variable fee: 0,225*(Fixed fee * N° of systems accredited)+ 0,039 *(fixed fee*No of equivalences)
Germany	Fees depend on the number of employees of the control body: at least 2540 Euro (for bodies with 1-2 employees) excluding travel costs	At least 605 Euro (for bodies with 1-2 employees)
Spain	6.903 €	4.125 €
Italy	1550 € accreditation fee + 860 €/day for inspector	From 0,15 to 2,5% of the organic turnover of the control body (minimum fee 2066 €)
Austria	Basic fee: 5595 € plus 36 € per scheme (organic, PDO/PGL, TSG)	2180 € per standard area, e.g. product certification

3.4. Aggregated control data

CERTCOST estimates that about 1500 staff full time years were spent by the competent authorities, accreditation bodies, control authorities and control bodies on organic control in the 27 EU countries in 2008.

With 1500 employees the annual cost of the workforce of the organic certification sector was estimated to about EUR 35-55 million.

4. CONCLUSIONS

It has been observed that:

- In the system of private control bodies (=system A), the costs of control and certification are borne by the operators. In addition, the MS competent authority bears the costs for approval and supervision of control bodies.

One can assume that the fees charged by private control bodies are set in such a way as to fully cover all costs incurred by the control body, including costs of accreditation.

- In the system of public control authorities (=system B), the costs of control and certification are borne by the operators (but seem to be generally lower than in system A) or by the administration (in case controls and certification of operators is provided free of charge).

It is not known whether the fees charged by the public competent authorities fully cover all costs incurred by the control authority.

- In some MS, the costs for control and certification paid by operators are (partly) compensated by support paid under the RD Programmes.

Given that the certification fee is a major cost item in the total cost of organic certification, it could be reduced by reducing the cost for the control visit and thus the corresponding control fee. This could be achieved by reducing the number of control visit per operator, e.g. by introducing a risk-based control system where low-risk operators are controlled less often than high-risk operators.

The conclusion from CERTCOST underpins the proposed **action to reinforce the risk-based approach under the policy driven option (3)**.

ANNEX 11: PRESENCE OF NON-AUTHORISED SUBSTANCE RESIDUES IN ORGANIC PRODUCTS

This Annex describes the issues related to the presence of non-authorised plant protection products residues. The issues identified are examined in relation to the situation in the EU and concerning imported organic products, as well as in relation to the perception and expectations of consumers.

1. OVERVIEW EU LEGISLATIVE FRAMEWORK

The EU organic production legislative framework defines in a detailed way the **substances and plant protection products that can be used** by producers (Annex II of R. 889/2008 established in accordance with the provisions in Art. 16 of R. 834/2007).

The EU organic production legislative framework **does not lay down rules on any tolerance levels for accidental** presence of any substance other than those explicitly authorised in Annex II of R. 889/2008.

The substances explicitly authorised under organic production rules have to comply with the horizontal EU legislation. In particular, plant protection products that are authorised for use in organic production follow the rules under relevant EU legislation concerning the placing of plant protection products on the market (Regulation No 1107/2009³⁶) and the maximum residue levels (MRL) (Regulation No 396/2005³⁷). As a result, the list of substances and plant protection products authorised in organic farming is very limited. By principle, the use of most of synthetic substances used as pesticides in conventional agriculture is not authorised in organic farming.

Organic production is established according to the **principles of precaution and prevention** (Art. 4 of R. 834/2007), developed in different parts of the relevant legislation such as:

- the maintenance of plant health by preventative measures (Art. 5(f) of R. 834/2007)
- disease prevention and veterinary treatment (Art. 14(1)(e) of R. 834/2007)

For the implementation of the organic production control system, **operators are required to take precautionary measures in order to reduce the risk of contamination by unauthorised products or substances** and the cleaning measures to be taken in storage places and throughout the operator's production chain (Art. 63(c) of R. 889/2008).

Article 30(1) of R. 834/2007 stipulates that "*Where an irregularity is found as regards compliance with the requirements... shall ensure that no reference to the organic production method is made in the labelling and advertising of the entire lot or production run affected by*

³⁶ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC - OJ L 309, 24.11.2009, p. 1–50.

³⁷ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC - Text with EEA relevance - OJ L 70, 16.3.2005, p. 1–16

this irregularity, where this would be proportionate to the relevance of the requirement that has been violated and to the nature and particular circumstances of the irregular activities".

Article 91 (1) of R. 889/2008 requires operators, **in case of suspicion**, to only put organic products in the market after elimination of any doubt as to compliance with organic production rules. In case of **substantiated suspicion with regard to compliance with EU organic production rules**, Article 91(2) of that Regulation enables control bodies and control authorities to suspend/prohibit the marketing of the products as organic.

Article 8 of R. 882/2004 on Official Food and Feed Controls stipulates that MS Competent authorities shall carry out official controls in accordance with documented procedures. These procedures shall contain information and instructions for staff performing official controls including, inter alia, the areas referred to in Annex II, Chapter II, which, under point 5 require: *"Sampling procedures, control methods and techniques, interpretation of results and consequent decisions"*.

2. IDENTIFIED ISSUES

On different occasions, **residues of plant protection products not authorised for use** under organic production rules **are found** in products labelled as organic. This is regularly reported, among others, by the European Food Safety Authority (EFSA) in its annual reports on pesticide residues in food

Such cases can be differentiated between:

- substances that are authorised under horizontal EU legislation (i.e. in conventional production) but not authorised under the specific EU organic production legislation and,
- substances that are not authorised under horizontal EU legislation. In the latter case, the products cannot be marketed, even as conventional.

Under the following paragraphs, the issues related to the **accidental presence of pesticide residues in organic products that are not authorised under the specific EU organic production rules** are examined³⁸. As "accidental"³⁹ is considered the presence of any substance for which it can be established that no use⁴⁰ by the operator of the substance in question was made and that all the measures necessary to avoid such contamination were taken. The origin of such accidental presence may be related to:

- spray drift on the organic plant products by plant protection products used in neighbouring farms or cross-contamination in storage facilities;
- environmental pollution in case substances persist in the soil or the water where organic production is established;

³⁸ Similar issues can arise with substances used for other purposes, for instance cleaning and disinfection of buildings and installations which are not authorised under the EU legislative framework on organic production but can however be detected in organic products.

³⁹ The term "technically unavoidable" or "inadvertent" are also used to describe such cases.

⁴⁰ It should be noted that the term "use" is not defined under the EU organic production legislation.

EFSA noted in its 2010 report⁴¹ that "3,571 samples of organic origin were taken in 2010 by a total of 28 countries, which corresponds to 4.9% of all surveillance samples taken overall in the reporting countries. For fruit and nuts, a lower rate of MRL exceedances (0.9%) was found in comparison to conventionally grown fruit and nuts (2.9%). For vegetables, the exceedance rates of the surveillance samples were 1.0% and 3.8% respectively for organic and conventionally grown products. Overall, the MRL exceedance rate for organic food was 0.8%. In total, 131 different pesticides were found in organic products in measurable concentrations; of those, 26 pesticides were found in at least five samples. **It is noted that 25 out of these 26 substances are not allowed in organic farming**".

It should be noted that the issue of accidental presence of pesticide residues in organic products is closely linked to the approach applied by the laboratories that perform the relevant analysis of samples. This relates in particular to:

- the **scope of analysis**, i.e. which and how many substances are/or have to be sought in the sample analysis performed by the laboratories;
- the **'limit of determination'** (LOD)⁴², i.e. the validated lowest residue concentration which can be quantified and reported by the laboratory, which may vary according to the substance, the nature of the product (i.e. processed/unprocessed) and/or equipment used for the analysis of the sample.

At present, **no specific harmonised guidelines exist at EU level concerning the approach to be used by official laboratories for samples of organic products and interpretation of the results**. Guidance is available for samples of conventional products⁴³.

2.1. Situation in the EU

In the absence of specific EU rules concerning the accidental presence of pesticide residues in organic products, different approaches are implemented in form of national legislation adopted in some MS or guidelines put forward by stakeholders.

In MS like **Italy**⁴⁴ or **Belgium**⁴⁵ specific provisions were adopted in form of legislation to deal with accidental or technically unavoidable presence of pesticide residues and/or interpretation of analysis results. Discussions are on-going in the Czech Republic⁴⁶ and in other MS concerning the approach to adopt.

⁴¹ <http://www.efsa.europa.eu/en/efsajournal/doc/3130.pdf> - See comparative tables at the end of this annex.

⁴² Definition from the REGULATION (EC) NO 396/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC.

⁴³ Method Validation and Quality Control Procedures for Pesticide Residues Analysis in Food and Feed. Document N° SANCO/12495/2011

⁴⁴ Ministerial Decree No 309 of 13 January 2011 on "accidental and technically unavoidable contamination of phytosanitary products in organic farming".

⁴⁵ Order of the Regional Government of Wallonia on organic production and labelling of organic products, 11th of February 2010, Annex I, Chapter 3 concerning planning, execution and interpretation of analysis mentions.

⁴⁶ Guideline for handling pesticide residues in Czech organic production – FiBL, 6 June 2013

IFOAM EU Group⁴⁷ has issued/updated in 2012 a set of guidelines on the matter prompting an **action level** (general value of 0.01 mg/kg). Residues found equal or above the action level in an organic product trigger an investigation with reference to Article 91(1) of R. 889/2008. Products are not automatically decertified and no such specific level has been set for such decertification. *"By this approach strong detailed investigations are made of the most serious contaminants".*

IFOAM EU Group stresses that *"organic agriculture is a method, which cannot be replaced by the absence or presence of residues under or above a certain level"*. It underlines that *"organic legislation is structured as legislation for a process based agriculture and food processing system. In the discussion about the need for harmonisation in the residue topic, we might make the mistake of transforming a more or less privately developed action level into a strict decertification level in the EU legislation"*. In its contribution of 14 May 2013, IFOAM EU Group claimed that *"it could be a mistake to transform a more or less privately developed action level into a strict decertification level"*.

EOCC⁴⁸ issued in 2013 specific guidelines⁴⁹ concerning presence of pesticide residues in organic products that uses an **action level** (set at 0.02 mg/kg). Findings equal or above the action level require an investigation. Reference is made to Art. 91(2) of R. 889/2008. The decision to block or not the product can be taken by the control body of the operator. For findings below the action level, the control body requires the operator to investigate the case and eliminate the cause. Reference is made to the provisions of Art. 91(1) of R. 889/2008.

The approach promoted by BNN⁵⁰, the Organic Traders and Processors Association in Germany uses an orientation value (set at 0.010 mg/kg). BNN members use the orientation value as a **"critical level"**, meaning in practice that products exceeding it are not commercialised as organic.

In its contribution of 7 July 2013, BNN stated the following: *"... Therefore, pesticide residues might be evidence of illegal use of substances not permitted in organic agriculture. But those residues might as well be tracked back to unavoidable or accidental contamination. A threshold would have to reliably differentiate between usage of pesticides and unavoidable or accidental contamination. Because of the multitude of pesticides, plants, combinations and application techniques, defining such a threshold might be difficult and would imply the risk of decertification of products although they had been produced and processed according to organic regulations. This as well would result in an amount of extra-costs not yet estimated"*. BNN praised a *"Case-by-case evaluation and investigation of pesticide findings in organic products still seems the most appropriate answer, preventing extra-costs and cutback of cultivation areas."*

⁴⁷ IFOAM EU Group "Guideline for Pesticide Residue Contamination for International Trade in Organic" (http://www.ifoam-eu.org/workareas/regulation/pdf/Guideline_IFOAMEU_pesticides_residues_contamination_03.12.pdf)

⁴⁸ European Organic Certifiers Council.

⁴⁹ Pesticide Residues Guideline: A guidance document for the certification decision making process Version: January 2013 (http://eoec.nu/home/pdf/guidelines/EOCC_task_force_residues.pdf)

⁵⁰ BNN Orientation Value for pesticides1 – A guideline to evaluate pesticide residues in organic products (http://www.bnn.de/html/img/pool/BNNOrientierungswert_EN_1208.pdf)

2.2. Situation concerning imported products

Organic products can be imported in the EU under 3 different regimes, namely import authorisations granted by MS (in phase-out), from Third Countries or from CBs (Control Bodies/Control Authorities) recognised under the equivalency regime.

At different occasions in the past, questions were raised by stakeholders and MS concerning imported organic products containing low levels of accidental presence of residues of pesticides and other substances in organic products. This was for example the case with imports of organic fruits from different Third Countries containing residues of DDAC⁵¹ in 2012 (quaternary ammonium compound) or endosulfan in soya beans in 2011.

A specific approach concerning the presence of pesticides in organic products was recently adopted by the US⁵². It consists in establishing a threshold such as a **critical level** (5% of the US tolerance level for conventional products⁵³) above which any product cannot be commercialised as organic. Products below this threshold can still be commercialised as organic provided no use of the substance was made by the producer and that an investigation was carried out to identify the causes of the contamination. In addition, products that contain lower or equal to 0.01 parts per million (equivalent of 0.01mg/kg) of pesticides can still be commercialised as organic. Investigations are also required in this case in order to identify the source of contamination.

In the margins of the meeting of the Enlarged AGOF⁵⁴ of April 2013, a representative of a Third country recognised by the EU under the equivalency regime, sent the following statement:

"... notes that zero tolerance for the low-level presence of residues not included in the approved list of substances in EC No. 889/2008 may unnecessarily restrict trade by not sufficiently taking into consideration growing conditions in Third Countries. This potentially constitutes a trade concern for many of the European Union's (EU) key organic trade partners. Despite the implementation of accepted isolation measures, farm size, geography and climate can in some cases lead to the unintended low-level presence of residues on organic commodities from plant protection products used in conventional production. ... is concerned that an approach that does not consider growing conditions in Third Countries could lead to trade disruptions due to the unintended and unavoidable low-level presence of residues of non-listed substances. This situation could constitute a serious and unnecessary trade irritant for key EU trading partners."

Bio Suisse,⁵⁵ the federation of Swiss organic farmers, developed a decision chart concerning presence of pesticide residues in organic products. It sets at 0.01 mg/kg the general level which triggers an investigation and suspends marketing of the products in question. For products with substances below 0.01 mg/kg marketing is possible but investigations are carried out to identify the source of contamination.

⁵¹ Didecyldimethylammonium chloride.

⁵² NOP 2613 of 4 March 2013 - (<http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5102727>)

⁵³ US tolerance levels are in general much higher than EU MRL due to the different interpretation or treatment of the statistic data obtained by the pesticide residue trials.

⁵⁴ EU Advisory Group for Organic Farming.

⁵⁵ http://www.bio-suisse.ch/media/en/pdf2011/e_bio_suisse_decision_chart_pesticide_06122011.pdf

2.3. Conclusion

The different initiatives adopted so far with respect to the presence of pesticide residues in organic products do not necessarily convey towards the same approach. They **substantially differ on issues related to:**

- **Action level:** the level of pesticide residues that needs to be reached in order for any action to be considered.
- The actions that are taken, such as **investigations** with regard to presence of pesticide residues in organic products.
- **Critical level:** the level of pesticide residues that, when exceeded, prevents the products from being commercialised as organic.

In several of the different approaches examined, particularly in Europe, the **value of 0.01 mg/kg** is used for the interpretation of the results of samples taken on organic products – value generally known as the "**baby-food directive**" **limit**⁵⁶. However, this value is used differently as shown above.

Technical progress with laboratories allows currently the detection of substances in products at very low levels⁵⁷.

The absence of specific tolerance levels in the EU organic legislation and/or the lack of a harmonised approach concerning the presence of pesticide residues in organic products, together with the interpretation of the analysis results, may have the following **impacts**:

- uncertainty for producers and Control Bodies/Control Authorities;
- potential differences in treatment of producers according to the MS and to the CB involved;
- economic losses, in case products cannot be commercialised as organic.

Similar impacts can occur with respect to international trade of organic products. In addition, there are risks of delays in EU customs as products remain without clearance until the situation is clarified.

⁵⁶ Directive 2006/141/EC also encompasses the specific rules on the presence of pesticides residues in infant and follow-on formulae, previously set out in Commission Directive 1999/50/EC. It requires that baby food contains no detectable levels of pesticide residues, meaning not more than 0.01 milligrams of pesticide residues per kilogramme.

⁵⁷ Costs for sampling of organic products may vary from one laboratory to the other. In general, it is estimated that they can vary from EUR 75 for one simple analysis to EUR 150 or higher for multiple pesticides residues analysis.

3. CONSUMERS' EXPECTATIONS

The public consultation of January to April 2013 in the framework of the review of the EU policy on organic production comprised a series of closed questions on the issue of pesticides. The replies showed that:

- 80% of respondents buy organic products because they want to avoid food containing pesticide residues or residues of other synthetic substances;
- 61% of respondents agreed that testing all organic products for pesticide residues should be made compulsory, even if it would increase production costs and so make them dearer for consumers. However, a significant share was against (25%) or had no opinion (14%);
- 88% of respondents agreed that the level of pesticide residues for organic products be set at a lower level than for conventional products;
- The issue of presence of non-authorised substance residues is very sensitive for the public, as shown by the results of the public consultation:

In addition to the replies to the questionnaire, several free text contributions from respondents concluded along the same lines. Interesting reaction presented below from a group of respondents on the issue.

*"... If a food may be classified as organic or not (in case of pesticide content) has to be decided on a case by case basis by control authorities and control bodies. **These decisions require clear procedures and a clear legal framework that should be further developed.** ..."*

4. CONCLUSIONS

With a view to address the shortcomings that can occur as a result of the different approaches applying in the EU concerning the interpretation of the results on accidental presence of pesticide residues in organic products, different options can be envisaged. These options, combined with the establishment of a requirement for an investigation on the causes of the contamination (see below) aim to maintain a high level of consumer trust. They may however produce different results and impact differently on operators.

4.1. Investigation requirement

The precondition for the application of any of the options envisaged below is to clearly set a **requirement for an investigation concerning the causes for presence of pesticide residues in organic products**. Such investigations have always to take place in order to confirm that the presence of pesticides in the products is accidental or not, to guarantee the principles of organic farming and also to allow taking any appropriate measures to avoid accidental contamination of organic products in the future.

4.2. A critical level for the commercialisation of organic products

Option No 1 (improved status quo) and Option No 3 (principle driven) foresee the introduction of a **critical level for non-authorised substance residues**, beyond which products may not be commercialised as organic - regardless of whether the presence of such residues is proven to be

accidental or not. Such a level could, for instance, be based on the **"baby-food directive" limit** (see above).

These options offer operators with a clear legal framework concerning the commercialisation of their products in case of accidental presence of pesticide residues above a certain level. They acknowledge the possibility for accidental presence of pesticides / technically unavoidable in organic products resulting thus in less economic losses. Such options are considered compatible with the proposed risk based approach regarding controls and are not expected thus to create additional controls costs.

4.3. Product oriented approach

Option 2 (market-driven approach) suggests that organic production will shift from process to a product oriented approach. Such approach will imply intensification of samples on organic products. The method used for the analysis of the results of the samples taken could either consist on specific to the organic products threshold or using an approach based on the "baby-food" directive limit as described above. On the basis of the information gathered on the presence of pesticide residues in organic products, such approach may be considered disproportionate⁵⁸. In all cases, such approach would result in additional costs for the organic operators and finally higher prices for consumers.

⁵⁸ Other than EFSA (see above), see also "10 years of organic monitoring 2002-2011" Baden-Württemberg (http://www.mlr.baden-wuerttemberg.de/mlr/bro/10_Jahre_Oekomonitoring_engl.pdf).

Comparative tables – sampling results by production (TABLE I: EU+NCP – SURVEILLANCE SAMPLING: RESULTS BY PRODUCTION TYPE FOR ANIMAL PRODUCTS, BABY FOOD, CEREALS, FRUIT, VEGETABLES AND OTHER PLANT PRODUCTS IN EFSA 2010 REPORT)

Animal products

Production type	N° of samples	Samples with no measures residues				Samples with residues below or at the MRL				Samples with residues above the MRL			
		N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)
Battery production	13	13	100	80.7	100	0	0	0	19.3	0	0	0	19.3
Domestic or cultivated	56	54	96.43	87.9	98.9	2	3.57	1.1	12.1	0	0	0	5.1
Free range production	69	68	98.55	92.3	99.7	1	1.45	0.3	7.7	0	0	0	4.2
Industrial production	214	194	90.65	86	93.9	20	9.35	6.1	14	0	0	0	1.4
Non-organic production	1287	1226	95.26	94	96.3	61	4.74	3.7	6	0	0	0	0.2
Organic production	229	180	78.6	72.8	83.4	48	21	16.2	26.7	1	0.44	0.1	2.4
Other organic method	1	1	100	22.4	100	0	0	0	77.6	0	0	0	77.6
Production method unknown	3335	2803	84.05	82.8	85.3	526	15.8	14.6	17	6	0.18	0.1	0.4
Traditional production	55	54	98.18	90.4	99.6	1	1.82	0.4	9.6	0	0	0	5.2
Wild or gathered	2	1	50	9.4	90.6	1	50	9.4	90.6	0	0	0	63.2
Total	5261	4594	87.3	86.4	88.2	660	12.5	11.7	13.5	7	0.1	0.1	0.3

(a): Lower confidence limit;

(b): Upper confidence limit

Baby food

Production type	N° of samples	Samples with no measures residues				Samples with residues below or at the MRL				Samples with residues above the MRL			
		N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)
Industrial production	252	252	100	98.8	100	0	0	0	1.2	0	0	0	1.2
Non-organic production	365	327	89.59	86	92.3	36	9.86	7.2	13.4	2	0.55	0.2	2
Organic production	297	268	90.24	86.3	93.1	27	9.09	6.3	12.9	2	0.67	0.2	2.4
Other organic method	2	2	100	36.8	100	0	0	0	63.2	0	0	0	63.2
Production method unknown	878	791	90.09	87.9	91.9	55	6.26	4.8	8.1	32	3.64	2.6	5.1
Traditional production	34	34	100	91.8	100	0	0	0	8.2	0	0	0	8.2
Total	1828	1674	91.6	90.2	92.8	118	6.5	5.4	7.7	36	2.0	1.4	2.7

(a): Lower confidence limit;

(b): Upper confidence limit

Fruit, vegetables and other plant products

Production type	N° of samples	Samples with no measures residues				Samples with residues below or at the MRL				Samples with residues above the MRL			
		N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)
Domestic or cultivated	3	3	100	47.3	100	0	0	0	52.7	0	0	0	52.7
Industrial production	80	75	93.8	86.2	97.2	4	5	2	12.2	1	1.3	0.3	6.7
Integrated Pest Management	377	176	46.7	41.7	51.7	193	51.2	46.2	56.2	8	2.1	1.1	4.1

Production type	N° of samples	Samples with no measures residues				Samples with residues below or at the MRL				Samples with residues above the MRL			
		N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)
Non-organic production	24204	12723	52.6	51.9	53.2	10455	43.2	42.6	43.8	1026	4.2	4	4.5
Organic production	2482	2189	88.2	86.9	89.4	269	10.8	9.7	12.1	24	1	0.7	1.4
Other organic method	1	0	0	0	77.6	1	100	22.4	100	0	0	0	77.6
Outdoor / open-air growing condition	1613	825	51.2	48.7	53.6	732	45.4	43	47.8	56	3.5	2.7	4.5
Production method unknown	27922	12097	43.3	42.7	43.9	15068	54	53.4	54.5	757	2.7	2.5	2.9
Traditional production	1842	944	51.3	49	53.5	856	46.5	44.2	48.8	42	2.3	1.7	3.1
Under glass / protected growing condition	425	246	57.9	53.1	62.5	173	40.7	36.1	45.4	6	1.4	0.7	3
Wild or gathered	45	39	86.7	73.7	93.7	6	13.3	6.3	26.3	0	0	0	6.3
Total	58994	29317	49.7	49.3	50.1	27757	47.1	46.6	47.5	1920	3.3	3.1	3.4

(a): Lower confidence limit;

(b): Upper confidence limit

Cereals

Production type	N° of samples	Samples with no measures residues				Samples with residues below or at the MRL				Samples with residues above the MRL			
		N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)
Industrial production	6	5	83.3	42.1	96.3	1	16.67	3.7	57.9	0	0	0	34.8
Integrated Pest Management	20	16	80	58.1	91.8	4	20	8.2	41.9	0	0	0	13.3

Production type	N° of samples	Samples with no measures residues				Samples with residues below or at the MRL				Samples with residues above the MRL			
		N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)	N°	%	LCL ^(a)	UCL ^(b)
Non-organic production	1654	1054	63.72	61.4	66	580	35.07	32.8	37.4	20	1.21	0.8	1.9
Organic production	554	509	91.88	89.3	93.9	43	7.76	5.8	10.3	2	0.36	0.1	1.3
Outdoor / open-air growing condition	88	64	72.73	62.6	80.9	23	26.14	18.1	36.2	1	1.14	0.3	6.1
Production method unknown	1501	935	62.29	59.8	64.7	535	35.64	33.3	38.1	31	2.07	1.5	2.9
Traditional production	367	273	74.39	69.7	78.6	87	23.71	19.6	28.3	7	1.91	0.9	3.9
Wild or gathered	10	7	70	39	89.1	3	30	10.9	61	0	0	0	23.8
Total	4200	2863	68.2	66.7	69.6	1276	30.4	29.0	31.8	61	1.5	1.1	1.9

(a): Lower confidence limit;

(b): Upper confidence limit

ANNEX 12: THE EU TRADE REGIME FOR ORGANIC PRODUCTS

The EU Trade regime is provided in Title VI of Council Regulation No 834/2007, which covers in fact import rules only.

1. IMPORT REGIME

Two basic import regimes are provided: imports of compliant products and imports of products providing equivalent guarantees. The 'equivalence regime' itself has been developed according to three different approaches. The different possible approaches to import organic products into the EU are summarised in the following table.

Table: The different approaches and options of the import regime

Approach	Option	Status
Equivalence with EU production rules and control system	Option 1: Import authorisations granted to importers by MS competent authorities, consignment by consignment.	Implementation started under Council Regulation (EEC) No 2092/91. Prolongation as transitional measures under Council Regulation No 834/2007. To be halted in July 2014.
	Option 2: Recognition of third countries having a national system complying with principles and production rules equivalent to EU rules and applying control measures with equivalent effectiveness to EU rules.	Implementation started under Council Regulation (EEC) No 2092/91, currently under Article 33 (2) of Regulation 834/2007.
	Option 3: Recognition of control bodies competent to carry out controls and issue certificates in third countries on products produced according to principles and production rules equivalent to EU rules and applying control measures with equivalent effectiveness to EU rules. In principle for imports from non-recognised countries.	Implementation under Article 33(3) of Regulation 834/2007.

Compliance with EU rules	Option 4: Recognition of control bodies competent to carry out controls on products produced according to the EU rules and principles, and to issue a documentary evidence. Accreditation according to EN 45011.	Implementation according to Article 32 of Regulation 834/2007, postponed until October 2014.
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Imported products may bear the EU organic logo.

2. EQUIVALENCE

Because the compliance regime is not yet applied, only organic products produced according to equivalent production rules and controlled according to equivalent control measures can currently be imported into the EU.

The term 'equivalent' is defined in Council Regulation 834/2007, "in describing different systems or measures, means that they are capable of meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity". A more general definition of equivalence is provided in Codex Alimentarius Guidelines⁵⁹.

2.1. Equivalence assessment and recognition

2.1.1. *Third Countries recognised for the purpose of equivalence*

The following box summarises **the process for recognition of a third country** as equivalent.

Summary of the EU process for recognition of a Third Country as equivalent

- The starting point is **an official request** from the Third Country.
- The Commission services check if the preconditions listed in the Commission regulation are met: "The request shall be completed by **a technical dossier**, which shall comprise all the information needed".
- Once the preconditions are met, the assessment of the request can start and two co-reporting MS are appointed to assist the Commission.
- A side-by-side comparison of production standards and control systems is built up; then the assessment of equivalency can start, which may lead to the identification of differences with EU rules, ranging from minor variances to significant differences.

⁵⁹ CAC/GL 20-1995

The assessment has to take into account the relevant *Codex Alimentarius* guidelines. **Additional information** is usually needed to clarify points where there are differences. This generates exchanges of mails/letters on technical questions. When the examination is complete, a list of "**critical differences**" can be built up.

- The Commission assisted by co-reporting MS decides on critical differences. In the case of a mutual recognition, a negotiation on acceptance of those differences usually takes place with the third country.
- Once the issues linked to critical differences are solved, the competent unit in DG AGRI may organise a **mission** in the Third Country for on-the-spot verification, the objective of which is to verify the effectiveness of the control system. The **mission report** has to be agreed by both sides.
- If it can be concluded that the Third Country's production standard is equivalent and that the control measures are of equivalent effectiveness to those in force in the EU, the Third Country is proposed for inclusion in the list annexed to the Commission Regulation. The entire internal Commission procedure is followed: inter-service consultation, vote in the relevant committee, where **a majority is necessary**, written procedure, translations and publication in the EU official journal.

The EU recognizes presently 11 countries as equivalent: Australia, New Zealand, Argentina, Costa Rica, India, Israel, Tunisia, Switzerland, United States, Canada and Japan. While in general these agreements are unilateral, in recent years the Commission has developed mutual equivalence arrangements with third countries, notably with the U.S., Canada, Switzerland and Japan.

Besides these countries, there are presently **16 applications from other countries:** China, Turkey, Serbia, Taiwan, Thailand, Peru, Chili, Bolivia, Colombia, Paraguay, Salvador, Honduras, Ecuador, Nicaragua, Mexico and the Dominican Republic. The assessment of equivalence with those countries is underway.

Some countries recognised as equivalent have applied to **extend the scope of their recognition**. For example, after the adoption of rules for the production of organic wine, Australia, New Zealand and Argentina have applied for the recognition of their own wine-making rules as equivalent to the EU ones. Japan, Canada and Israel have similar requests on processed products including imported ingredients. For each of these requests, the Commission has to follow the same process as for a third country recognition, which is technical, long and resource-consuming; delays generate **trade irritants with applicant countries**.

2.1.2. CBs recognised for the purpose of equivalence

The process to recognise CBs as equivalent is similar to the process to recognise a third country. However, a CB applying for equivalence recognition shall provide a technical dossier which includes **an assessment report demonstrating and confirming the equivalence of the production standards and control measures** applied by the CB to the EU production standard and control measures. The assessment report is defined in Regulation 1235/2008 as follows: "means the assessment report referred to in Articles 32(2) and 33(3) of regulation (EC) No 834/2007 drawn up by an **independent third party** fulfilling the requirements of ISO Standard 17011 or by a relevant competent authority, which includes information on document reviews, including the descriptions referred to in relevant Articles of Regulation 1235/2008, on office audits, including critical locations and on risk-oriented witness audits conducted in representative third countries." The EU recognition is granted to a CB for a 3-year period.

The Commission currently recognizes 60 CB's, operating in more than 130 countries. Imports from equivalent CB's are currently the main route for imports of organic products. There is anecdotic evidence of the decline of import authorisation by more than 90 % as the equivalence regime for CB's started to apply in 2012.

2.1.3. Issues with the equivalence regime

The recognition of third countries as providing equivalent guarantees offers the most stable and reliable approach to organic imports. It is applicable to countries with sufficient administrative capacities to manage a control system as efficient as the EU one. However, the initial assessment of equivalence is a complex process, which has in the past led to some delays in the treatment of applications by the Commission. In addition, the monitoring of equivalence (assessment of annual reports, follow up of irregularities, etc) is resource-consuming.

The decision on the acceptability of minor differences is the result of a global negotiation, which can in practice lead to **somewhat different rules applying** to producers in the EU and in a third country. In addition, equivalence needs to be re-assessed each time there is a substantial change in the EU legislation or in the third country standard.

The recognition of CBs as providing equivalent guarantees allows imports of organic products from non-recognised countries. The system has been implemented from July 2012 and has already shown some weaknesses:

- **burdensome equivalency assessment**, since each CB can be recognised according to its own standard, or other non-EU standard,
- **it has been reported that CBs compete on the possibility to decide on exceptional rules** (seeds, conversion period, non-organic ingredients), which creates **unfair competition** for EU producers for which exceptions shall be decided by MS competent authorities,

- it has been questioned whether **control measures implemented by CBs** to address the specific risks for organic integrity are appropriate and sufficient.

Regulation (EC) No 834/2007 makes no distinction between equivalent production standards and control measures applied by the competent administration of a third country or applied by a private CB seeking recognition. This ignores the fact that differences in the standard applied by control bodies can have an effect on the costs to operators under their control and consequently distort the competition among control bodies. Whilst MS and third countries have control systems in place that supervise the use of exceptions, the fact that recognised CB can themselves grant exceptions to the rules can lead to concede a commercial advantage to operators under their control.

The Commission is **required to assess all applications** received for recognition for the purpose of equivalence, whatever the economic interest for the EU and its operators. This is a major source of concern to the Commission services, in view of the technical complexity of some files, requiring significant internal resources.

Any import of organic product is subject to **submission of an original certificate of inspection**, issued either by a CB directly recognised by the Commission or under the supervision of a recognised Third country, for the release for free circulation into the EU. It can create delays because of the time needed for forwarding the original certificate, and is considered as an excessive administrative burden by the operators.

2.1.4. Compliance

Under the compliance regime, products imported from third countries have to comply with **the same production rules that are applicable in the EU**, i.e. with Regulation 834/2007 and its implementing legislation as well as with all other relevant EU legislation.

From the international angle, the two regimes – equivalence and compliance - appear as parallel mechanisms of ensuring respect for the WTO national treatment principle. The EU is the only major importer of organic products recognizing CB's for the purposes of equivalency. **All other large organic markets (US, Canada, Japan) require CB's to comply with the countries' production standard.**

Moving from a system of equivalence to a system of compliance for CB's would reduce discretion in deciding 'equivalence' with the EU standard, thus levelling the field between internal and external producers of organic products.

But for the implementation of compliance, a clear and stable organic standard is needed. In the EU, there are two decision taking levels: the Commission and MS, which makes difficult the direct application of the EU organic standard in third countries. The current legislation provides in particular with the possibility to grant exceptions to the organic rules in certain situations, notably according to Article 22 of Regulation 834/2007

(exceptional production rules). The exceptions are dealt with at MS level. **The removal of the MS decision level on production rules seems to be a pre-condition to the applicability of the compliance regime.**

In view of the practical difficulties, the application of the compliance regime has been postponed to October 2014, and it has been decided to apply the equivalence regime first.

The following table provides a comparison between the equivalence and the compliance regimes:

Pros and cons of equivalence and compliance for CBs under the current rules

Equivalence	Compliance
Production rules	
Pros: - Easier adaptation to local conditions. - Flexibility in definition of 'equivalence' Cons: - Conflicts of interest, since CBs can be inclined to adapt their production rules in order to keep their clients, - Production rules progressively watered down because of competition with other CBs.	Pros: - Clear and transparent production rules, applicable to all 3rd countries - Increased consumer's confidence in imported organic products as they all will be produced in compliance with EU rules - Simplification Cons: - Need to provide rules for treatment of exceptions, which are granted by MS in the EU. - Group certification cannot be applied in third countries if not authorised in the EU.
Competition among producers	
Cons: Non-equivalent production rules or control measures being applied, thus creating unfair competition between EU and 3rd countries producers.	Pros: Level playing field in the EU and outside.

Procedure for recognition	
Cons: • Costly and burdensome application which includes assessment that the standard owned by the CB is equivalent to the EU production rules and control system, provided by an assessment body. • Recognition is limited to certain third countries and for categories of products. CBs have to apply for a scope extension every time they start working on new categories of products or new countries.	Pros: • Application focussing on accreditation and on CBs control and certification procedures, less costly and burdensome. • Recognition without geographical limits and for all products covered by the scope of the EU legislation.
Controls	
Cons: • Complex because any non-compliance has to be assessed against each own CB standard.	Pros: • Simpler - possible to standardize treatment of non-compliances • Risk lowered

Annex 12

The workload associated with both regimes has also to be taken into account. It is illustrated by the following table:

Workload for the implementation of equivalence and compliance for CBs

Equivalence	Compliance
Application by CB	
Technical dossier includes a report from the accreditation body that the CB meets the conditions to control products against its own standard and control system, as well as an assessment that the standard owned by the CB is equivalent to the EU production rules.	Technical dossier includes a report from the accreditation body that the CB meets the conditions to control products against the EU production rules and control system.
Examination of applications by the Commission	
Complex and burdensome procedure for the Commission to assess applications, notably to check the equivalence of the CB production rules and control system with the EU ones. The experience has shown that this procedure is potentially source of mistakes and subsequently to unfair competition	Less burdensome procedure
Recognition	
Publication of a complex list of CBs with categories of products for which the CB standard has been recognised as equivalent and countries where the standard is applied, potentially source of errors – proved by experience.	Recognition by publication of a list of CBs without product categories and countries where the standard is applied.

Supervision	
Obligation for CB to notify any change to its production rules or control procedures. Annual report complex because the equivalence assessment has to be updated according to changes in the EU legislation or to the CB production rules and control system. Complex audits.	Obligation for CB to notify any change to its control procedures. Annual report and audits less complex.

3. SUPERVISION

The Commission assisted by co-reporting MS **supervises the recognised third countries and CBs**, based on:

- **annual reports**, including assessment reports resulting from the accreditation body's surveillance of the CB.
- **assessing notified irregularities** and on their follow-up by the third country or by CB. Most of the notified irregularities are notified by MS, which remain responsible for the control of imported products on the market; in most cases, it is about findings of non-allowed substance residues in organic products.
- **on-the-spot examinations** the Commission may undertake or ask experts to undertake.

The **supervision of both recognised countries and CBs does not provide proportionate sanctions**. The EU can only decide to withdraw a CB or a country from the list. The implications and risks of such process were not fully envisaged when adopting Regulation (EC) No 834/2007.

In addition, surveillance of recognised CBs is carried out by accreditation bodies. CB's operating within the EU shall be accredited. Therefore, they are subject to the provisions of Council Regulation No 765/2008⁶⁰. It is considered that the accreditation of CBs operating in third countries by an accreditation body signatory of an agreement implemented by the International Accreditation Forum (IAF) is equivalent. Accreditation body

⁶⁰ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (Text with EEA relevance) - OJ L 218, 13.8.2008, p. 30.

members must declare their common intention to join the IAF Multilateral Recognition Agreement (MLA) recognising the equivalence of other members' accreditations to their own.

However, in the context of the application of equivalence to CB's operating in 3rd countries, **the EU accepted accreditation could be made by an international supervisory or accreditation body that is specialised in organic agriculture.** This allowed IOAS (International Organic Accreditation Service, created by IFOAM and not a member of IAF) to be able to accredit control bodies for equivalence. Actually, 28 CB's (almost half of the total recognized CB's) are accredited by this organisation. Besides the issue of principle that it raises (e.g. accepting recognition of private companies' standards as equivalent to the EU's organic farming regulations), such delegation of powers is particularly challenging, as it charges private companies operating in the global market to manage the equivalency.

The Commission needs to ensure equal treatment between organic producers in the EU and in third countries. The accreditation of CB's recognised for the purpose of equivalence in third countries based on the EU framework for accreditation would create a level playing field in the organic trade.

4. POSSIBLE IMPACTS OF A MOVE TO COMPLIANCE ON DEVELOPING COUNTRIES

In this part the possible impacts of the implementation of the compliant regime, in particular for developing countries, are analysed.

4.1. Analysis of the standard

A sample of CBs already recognised as equivalent by the EU for their activities in third countries has been chosen in order to assess the possible impact of a move from equivalence to compliance.

The system on recognised control bodies permits imports from 113 developing countries, including 37 least developed countries (LDCs).

The sample was selected with a view to cover different situations in terms of CBs' size or location of the headquarter and on the basis of significant differences noted in the inventories of differences established by the accreditation or assessment bodies when assessing the equivalence of the organic production rules and control measures. It cannot therefore be considered as exhaustive but focuses on relevant cases. The sample includes:

- One CB headquartered in the EU;
- One CB headquartered in the US;
- One CB headquartered in Latin America;
- One CB headquartered in India;
- One CB headquartered in Africa.

The analysis of the differences shows that:

- Most provisions included in standards applied by CBs are identical to EU provisions.
- Cases where the provisions are different are mostly related to provisions of the EU Regulation on which MS have to decide.

The following table displays examples of provisions considered as equivalent to those of the EU Regulation:

Table 1: "equivalent" provisions applied by CBs in third countries where the EU Regulations provide for MS decision

Reference in the EU legislation	Description of provision applied by CBs and comparison with EU	Location of the CBs concerned
R889, Art 36	Derogations granted by CBs in order to shorten the conversion period , on the basis of documentary evidence. In the EU, only MS competent authorities can decide on retroactive recognition of the conversion period, in strictly limited cases (application of agri-environmental measures on the basis of an EU scheme).	EU, Latin America, Africa
R834, Art 19.2.c	Derogation granted by CB for the use of non-organic agricultural ingredients in organic processed products. In the EU, a list has been adopted at EU level (annex IX to Regulation 889/2008). In addition, MS can allow the use of other non-organic agricultural ingredients on a temporary basis.	Africa
R889, Art 47	Derogation granted by CB in case of catastrophic circumstances (force majeure) . In the EU, only MS can decide.	Africa
R889, Art 39	Derogation granted by CB for the tethering of animals in small holdings . In the EU, only MS can decide.	Africa
R889, Art 45	Derogation to use non-organic seeds granted by CB. , Because of the absence of seeds database, the decision is usually taken on the basis of declarations of three local seeds suppliers showing that no organic seeds are available. In the EU, there is an obligation for MS to manage a computerized database to show the availability of organic seeds.	EU, Latin America, Africa India
R834, Art 28.1.a	No notification of activity to the competent authority but to the CB. In the EU: notification to MS competent authority.	Africa
R834, Art 14.1.b.iii or R889, Art 14.7	Reference is made to national legislation instead of EU legislation	Africa

CBs in third countries take the opportunity of the equivalence regime to decide on many aspects that are dealt with by MS competent authorities in the EU. It is particularly noticeable for the Africa based CB.

In other words, although in the EU the decision to grant derogations is made by public authorities, under the equivalence regime it is often the CB – a private company – that takes this decision. Yet, in some instances the derogation granted can have a decisive economic impact for the operator concerned, who is the customer of the private CB. This situation can lead CBs to compete on the possibility to decide on exceptional rules and derogations.

The following table shows that in similar cases, **some CBs apply strict provisions with no flexibility** instead of taking the role of an EU MS:

Table 2: Stricter "equivalent" provisions applied by CBs in third countries where the EU Regulations provide for MS decision

Ref.	Description	Location of the CBs concerned
R834, Art 19.2.c	The use of non-organic agricultural ingredients in organic processed products is strictly limited to the list of annex IX to Regulation 889/2008 (the one adopted at EU level). In the EU, MS can allow the use of other non-organic agricultural ingredients on a temporary basis.	EU, US
R889, Art 39	Tethering of animals in small holdings is not allowed. In the EU, MS can grant derogations.	US, Latin America
R889, Art 27.4	There is no possible exception to use non-allowed substances for the traditional decorative coloring of boiled eggs, like there is in the EU.	US
R889, Art 40	No parallel conventional production allowed on organic holdings. In the EU, there are some possibilities according to Article 11 and to Article 22 of Council Regulation 834/2007.	Latin America

These examples show that on certain issues compliance with more stringent EU rules is possible.

The following table displays other examples of "equivalent" provisions applied by CBs in third countries which would not be possible with the current provisions of EU regulation under a compliance regime:

Table 3: Other "equivalent" provisions currently applied by CBs in third countries which would not be possible under a compliance regime

Ref.	Description	Location of the CBs concerned
R834, Art 27-28	Group certification	Africa, Latin America, India, EU
R889, Annex II.6	Calcium carbide is allowed for flower induction of pineapple (ethylene is allowed by Annex II)	India

R834, Art 12.1.d	CBs may authorize the use of products for purposes different than those mentioned in the annexes	Africa
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Group certification is currently not allowed in the EU. Group certification is by contrast developed in India, in African countries and in Latin America. The move to a compliance regime without introduction of group certification in the EU standard would have a significant impact. According to AGRO-ECO Louis Bolk Institute (AGOF meeting, 11 April 2013), **the majority of products imported from developing countries, all categories, are produced under the group certification scheme.** The analysis of trade flows of a short list of developing countries from Latin America, Asia and Africa (see below) shows indeed that group certification is used by a slight majority of the control bodies assessed. If compliance should be applied under the current European legislation, the organic products concerned would therefore need to apply individual control rules to be accepted in the EU. Nevertheless, the implementation of an individual certification could entail disproportionate administrative burden and cost for organic producers in some of those developing countries.

The two other provisions mentioned are about the authorization of substances in organic farming. Calcium carbide is not allowed in the EU, but it is accepted in the Indian CB's standard, with the argument that it is cheaper than substances accepted in the EU, and despite the risks associated with its use. The Africa based CB's standard allows the CB to authorize the use of the substances authorized by the EU organic standard, such as plant protection products, but for different purposes, although they have not been evaluated for these different uses.

These elements indicate that under the currently applied equivalence regime, some provisions of the EU standard are somehow abused; the CBs concerned can take advantage of the flexibility associated with the recognition for the purpose of equivalence, which can potentially lead to unfair competition.

4.2. Analysis of the trade flows

With a view to assess any possible impact on the trade flows imported into the EU from developing third countries, we have collected data from the annual reports received by 31 March 2013 from the control bodies recognized for the purpose of equivalence by the EU.

The ACP country coverage for this analysis includes:

Botswana	Fiji	Madagascar	Senegal
Burundi	Ghana	Mauritius	South Africa
Cameroon	Guyana	Mozambique	Swaziland

Côte d'Ivoire	Jamaica	Nigeria	Tanzania
Dominican Republic	Kenya	Papua New Guinea	Uganda
Ethiopia	Lesotho	Rwanda	Zimbabwe

The list is composed based on the quantities imported from the selected ACP countries and on the activity of CBs in the region.

These 24 countries are covered by the equivalent CBs system: 21 CBs are active in these countries, with 3 of them being active in 10 countries or more.

The data gathered from the CBs' annual reports (annual report were available for 17 CBs; 4 CBs were recognised as equivalent in 2013) shows that a total of 234.224 tons of organic products were imported into the EU from the 24 third countries concerned, during the period ranging from 1 July to 31 December 2012 (the equivalent CBs system was applied as from 1 July 2012). The following table identifies the products corresponding to the highest quantities imported.

Table 4: Main organic products imported from a limited list of developing countries into the EU from 1 July to 31 December 2012

Products (or group of products)	Quantity (tons)
Bananas	145865
Coffee	38352
Citrus fruit	21619
Cocoa	15869
Grapes	2414
Dates, figs, pineapples, avocados, guavas, mangoes...	2128
Fruit juices	1716
Fruit and nuts	714
Tea	657
Vanilla	623
Plants used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes	618
Other fruit, fresh	516
Coconuts, Brazil nuts and cashew nuts	511
Ginger, saffron, curcuma, thyme, curry and other spices	368
Natural honey	167

The imported products are mostly plant products. The only animal product imported in substantial quantities is honey (167 tons). Livestock products as such hardly appear in the list.

Group certification was investigated too. Data shows that out of the 17 equivalent control bodies concerned, 10 of them apply group certification for a total of 129 producers groups. This data shows the significance of the practice of group certification in developing countries.

It was also noted that 2 exceptions allowed by the current EU production rules are commonly applied by the equivalent control bodies: the retroactive recognition of the conversion period and the use of non-organic seeds. The move to compliance, if accompanied by a suppression of these

exceptions, would result in more stringent rules for organic producers in developing countries, as they would be for EU organic producers. More stringent organic rules would entail costs, but also maintain EU consumers' confidence in organic products, which will be to the benefit of both EU and developing countries' producers.

5. EXPORTS

Export of organic products is not addressed in Council Regulation (EC) No 834/2007. The provisions for the recognition of third countries are unilateral. In recent cases, the Commission has been following a reciprocal approach. In most cases such mutual recognition has been achieved through parallel administrative arrangements and only in the case of Switzerland through a bilateral agreement. In 2012, the Commission signed a mutual equivalence arrangement with the US.

The possibility offered to recognise third countries for the purpose of equivalence provides an alternative to bilateral agreements. Negotiations can be entered into when the technical dossier is considered satisfactory and at short notice as they do not require a mandate. They are conducted only on organics and thus avoid being slowed down by blockages on other trade issues. Importantly however, there is no assurance to obtain a quid pro quo in parallel administrative arrangements unlike negotiations for a bilateral agreement.

Issues on exports

The absence of a **specific export policy** for organic products hampers the future potential growth of the EU market. An export policy would be important to allow EU organic producers to benefit from fast growth of the World market for organic products. **Developing mutual recognition agreements is necessary** to focus discussion on equivalence with 3rd countries in the areas of key economic and political interest to the EU, allowing better value for the sector in full respect of the EU international obligations.

The development of a specific export policy is in line with the support from citizens and stakeholders to request more market access for EU organic products from third countries.

6. CONCLUSIONS

The shortcomings of the trade regime for organic products are addressed differently under the 3 policy options.

Option 1 includes the following improvements:

- implementation of electronic certification
- harmonisation of accreditation rules for control bodies active in third countries with the rules for control bodies operating in the internal market.

Option 2 proposes the re-introduction of import authorisations.

Under option 3 the following actions are developed:

- Specific export policy, with a general mandate from the Council in order to negotiate organic equivalency agreements with third countries and the development of specific provisions on export in the basic Regulation on organic farming, in particular the introduction of an export certificate for the certification of organic products intended for export.
- Balanced approach towards equivalence with third countries – Equivalence with third countries negotiated on the basis of mutual and reciprocal agreements. Multilateral agreements for countries having very similar systems to the ones existing in the EU will be possible.
- Imports from non-recognised third countries based on control bodies applying a regime of compliance.

There are concerns that the compliance regime, with more stringent production rules, would become an obstacle for organic producers in developing countries willing to export to the EU. But this analysis shows that compliance with more stringent EU production rules is possible. However, the issue of group certification which is widely applied in developing countries is raised. The application of option 3 without its sub-option on group certification would request the growers to be individually certified and in some developing countries it would entail disproportionate burden and costs.

Option 3 would be beneficial, because:

- It would remove any possibility for CBs to compete on the granting of exceptions to the rules, with the associated risk of dilution of organic production rules;
- It would prevent abuses leading to unfair competition for EU and third country producers.

ANNEX 13: ENVIRONMENTAL IMPACTS OF ORGANIC FARMING

This Annex summarises current data and research results on the environmental impacts of organic farming. It also takes into account preliminary results of the external evaluation on the EU organic farming policy available in September 2013.

Firstly the possible direct and indirect impacts of the provisions of the EU organic standard on environment have been analysed. They are summarised in a table in paragraph 2.6.4 of the report and are described here with more details. Secondly a literature review has been conducted. It has to be noted that in some areas, notably on the impacts on greenhouse gas emissions, water and energy savings, data is partial and it is difficult to draw conclusions.

This Annex also includes a presentation of the issue of environmental performance management when producing organic agricultural products.

1. IMPACTS OF ORGANIC FARMING ON THE ENVIRONMENT

The environmental impact of organic farming has not been extensively studied hitherto. Existing scientific studies are somewhat divided on the impacts related to greenhouse gas emissions, land use and energy use. More research is needed in this field. Nevertheless, as shown hereafter, there is clear evidence that organic farming, when compared to conventional agriculture, has positive effects on biodiversity, soil and water.

The EU rules on organic farming and their possible (direct and indirect) positive impact areas are summarised in the following table:

Rules (EU Organic Regulations Article numbers refer to Council Regulation (EC) 834/2007 [A] and Commission Regulation (EC) 889/2008 [B]	Respect natures systems/ cycles	Contribute to bio- diversity	Make responsible use of natural resources			
			Energy	Water	Soil	Air & climate
Prohibitions [A: 4 (a) iii and (c)]						
No mineral nitrogen fertilisers [A: 12.1 (e)]	✓	✓	✓	✓	✓	✓
No herbicides, only authorised products can be used [A: 12 (h), B: Annex II]	✓	✓	✓	✓	✓	✓
No landless livestock production [B: 16]	✓		✓			✓
No hydroponic production [B: 4]	✓			✓	✓	
No use of GMOs [A: 9]	✓					
Strict control of external inputs [A: 4 (b)], minimisation of the use of non-renewable resources [A: 5 (b)] and recycling of wastes and by-products [A: 5 (c)]						
Only permitted fertilisers : low-soluble mineral fertiliser [A: 4 (b) iii] and soil conditioners when need proven [B: 3, Annex I]	✓	✓			✓	
Only authorised plant protection products when established threat [A: 12.1 (h), B: Annex II]	✓	✓			✓	✓
Feed primarily from holding or same region (with exceptions) [A: 14.1 (d)]	✓		✓			
Stocking density and use of livestock manure restricted to maximum of 170 kg N/ha and year [B: 3 &15.1]	✓	✓	✓	✓	✓	✓
Obligations to use good husbandry practises and prevention [A: 4 (a) iv and 5]						
Multiannual crop rotation including legumes and other green manures [A: 12.1 (b)]	✓	✓	✓	✓	✓	
Tillage and cultivation practices that maintains organic matter, and protects soil [A: 12.1 (a)]	✓	✓	✓	✓	✓	
Maintain crop health through prevention (natural enemies, the choice of species and varieties, crop rotation) cultivation techniques and thermal processes [A: 12.1 (g)]	✓	✓	✓		✓	
Number of livestock limited to minimise overgrazing, poaching, soil erosion or pollution [A: 14.1 (b) iv]	✓	✓		✓	✓	✓
Preference for inputs from organic origin (Art 4b with exceptions (Art 4d))						
Manage entire holding organically (with exceptions) [A: 11]	✓	✓	✓	✓	✓	✓
Only organic seed (with exceptions) [A: 12.1]	✓					
Only organic feed (with 5 % exceptional rule for monogastrics) [A: 14 (d) ii]	✓					

1.1. Biodiversity

According to the preliminary results of the evaluation of EU legislation on organic farming, some practices favourable to biodiversity are directly prescribed by the EU regulation (e.g. ban of synthetic mineral fertilisers, use of organic fertilisation, multiannual crop rotations including the use of legumes and cover crops, lower stocking rates, no use of herbicides and chemical pesticides). Others are indirect results of the above prescriptions (such as more likely use of spring sown crops because the ban on herbicides may lead to a higher prevalence of weeds) or reflect common practices of organic farmers, such as higher presence of landscape features like hedges, trees or grass strip corridors, shallow tillage, or use of local/endangered breeds and varieties. The scientific literature underlines positive impacts derived from general organic production practices in increasing significantly abundance of plants, birds and predatory insects, particularly in simple landscapes, such as regions with a high prevalence of arable production. The studies do not necessarily make a clear distinction between direct and indirect impacts.

1.2. Energy

The strict limitation of the use of chemically synthesised inputs or the incentive to use forage rather than concentrated feed for livestock have an indirect impact on the sustainable use of energy. Scientific literature found, for most organic crops, the energy use to be lower, both per unit area and per unit yield, than in conventional production (with some exceptions like potatoes or tomatoes, where disease pressure in organic farming is high and organic yields relatively low).

1.3. Greenhouse gas emissions (GHG)

Greenhouse gas emissions are generally lower per hectare in organic than conventional farming⁶¹. In particular, organic farms avoid the N₂O emissions associated with the manufacture and use of mineral nitrogen fertiliser, since the main sources of nitrogen are biological nitrogen fixation and organic nitrogen, more slowly released. The incorporation of fertility building grass-clover leys and the use of livestock manures within diverse crop rotations also contribute to enhanced carbon sequestration. However, related to the quantities produced, GHG emissions remain equivalent or, sometimes higher for organic production.

⁶¹ “Les enjeux de la production d’agriculture biologique en France”

<http://www.agreste.agriculture.gouv.fr/IMG/pdf/analyse501207.pdf>, Biblio AB_enviro_RMT_DevAB

1.4. Air quality and water management

Regarding air and water protection, positive impacts arise from the prohibition of most synthetic pesticides and fertilisers as well as from limits on stocking rates and organic fertilisers use. Scientific literature demonstrates that organic farming contributes to preventing nitrogen leaching and eutrophication. Regarding water use, the organic farming Regulation does not provide any direct requirements, but organic production uses potentially less water because of individual choices and cultivation practices⁶².

Quantitative and qualitative management of water is little addressed in the organic production rules, except for plant production rules which contain a reference to the Nitrates Directive and for aquaculture rules.

⁶² Stanhill (1990) and Lotter (2003) found that organic crops show higher ability to cope with drought than conventional ones, mainly due to better soil properties. More recently, a French study comparing 151 organic holdings to 281 conventional ones (Caplat, 2006) revealed that only 8 % of the organic areas were irrigated, whereas it reached 33% in conventional holdings.

1.5. Soil

The organic legislation contributes directly to soil health and quality through the obligations to use organic fertilisers and manure and to practise a crop rotation, even if the diversity of the rotation is not further specified. Individual management decisions at farm level influence the impact of the rotation and of the use of machines (e.g. cultivation for weed control) on soil structure. The positive impact of organic farming on soil is significant and abundantly documented in scientific literature⁶³.

However, the fact that organic farming relies on the use of copper fungicides as one of the main phytosanitary treatments is potentially negative for the environment, because copper can accumulate in soils. This issue is particularly relevant for certain crops (grapevine, apple, potato) where multiple applications of copper fungicides is common. To address this concern, the organic farming legislation has limited the amount of copper that can be applied as fungicide to 8 kg/ha/year in 2002 and reduced it further to 6 kg/ha/year from 2006 onwards⁶⁴. There have also been EU research projects⁶⁵ that have looked for possible solutions to replace copper fungicides (e.g. REPCO, Blight-MOP). A solution can be found in the combination of resistant varieties, preventive management methods and alternative treatments. However, the fact that the issue remains a concern for civil society was underlined during an ISSG meeting. Further improvements and solutions should continue to be looked for.

1.6. Land use

There is an ongoing debate on whether extensive production systems are better for the environment than intensive production systems. Because intensive production systems use less land to produce the same amount of agricultural products, they would allow to preserve natural areas intended to protect nature and biodiversity and would therefore be more environmentally friendly⁶⁶. To be able to conclude on which system is better for the environment, a scientific study taking into account all the impacts of both systems would be needed, but it is not possible to conclude with the current scientific knowledge.

⁶³ Interim report (May 2013) for Evaluation of the EU legislation on organic farming.

⁶⁴ Commission Regulation (EC) No 473/2002. OJ L 75, 16.3.2002, p. 21

⁶⁵ European Commission, Directorate-General for Research and Innovation - A decade of EU-funded, low-input and organic agriculture research (2000-2011).

⁶⁶ Mondelaers, K; et al, 2009, A meta-analysis of the differences in environmental impacts between organic and conventional farming, *British Food Journal* 111 (10): 1098-1119.

It is important to note that EU organic agriculture is more extensive than conventional agriculture, but it is still far more intensive than many conventional agricultural systems in the world. It is because agriculture is in general very intensive in the EU. In most regions of the world, organic production performs equally or even better than conventional agriculture in terms of yields, thanks to practices like crop rotation or intercropping.

In any case, the potential for converting to organic farming in the most intensive growing areas of the EU is not seen as very significant. However, a study from the JRC⁶⁷ (Joint Research Centre) highlighted that the production of organic products, as well as other quality labelled products, may be a key element to prevent land abandonment and to maintain traditional landscapes.

Food security, which remains a key objective of the CAP, is regularly raised as an argument against the development of organic farming. In fact, lower yields are observed on organic crops such as cereals or oilseeds compared with conventional agriculture in Europe. However, there is potential to increase yields in organic farming systems⁶⁸, while high yields in conventional systems in the EU rely on mineral nitrogen, phosphates and potassium fertiliser inputs.

2. ENVIRONMENTAL PERFORMANCE

2.1. Ecolabel for food and drink products

Some years ago, it was envisaged that the concerns regarding the need to consider the whole lifecycle of food and feed products could be addressed by applying the EU Ecolabel to food and feed products, including organic ones. In this respect, the recently revised Ecolabel Regulation (66/2010)⁶⁹ required the Commission to carry out a study on the feasibility of developing Ecolabel criteria for food and feed products, with a special attention to organic products. This study⁷⁰, completed in October 2011, underlined in particular the confusion that could result for the consumer about the meaning of the Ecolabel and the organic logo. As an alternative to placing the Ecolabel on organic products, it was suggested "to amend the Organic certification [...] to cover the full life cycle of food products, including the processing and packaging and [it was called] on the European Commission to give due consideration to this option, to improve the performance of the existing Organic Regulation."

Along this line, a request has been formulated by IFOAM EU to have operators downstream of primary production, i.e processors and traders, manage their environmental performance via an EMS (e.g. ISO 14001 or EMAS). Citizens expressed a similar opinion during the on-line public

⁶⁷ Assessing the risk of farm abandonment in the EU - European Commission, JRC Scientific and Policy Reports – 2013.

⁶⁸ Nafferton Ecological Farming Group (NEFG) (Newcastle University) September hearing

⁶⁹ Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel, OJ L 27 of 30.1.2010, p.1

⁷⁰ http://ec.europa.eu/environment/ecolabel/documents/Ecolabel_for_food_final_report.pdf

consultation on the review of the EU policy on organic agriculture⁷¹. Indeed, a large number of respondents, namely 24458 (61%), requested that producers and traders should be required to implement an EMS to improve their environmental performance in addition to other European requirements. Such a move would respond to the above-mentioned recommendation from the EUEB that the organic farming legislation should cover a wider part of the life cycle of food products. This would in turn reduce the need to establish an Ecolabel for food and drink products.

These expectations have been looked into (see section 2.1 below) and taken up as a sub-option in the present impact analysis.

2.1. EMS

An EMS is a tool that provides organisations with a method to systematically manage and improve the environmental aspects of their production processes. It helps organisations to achieve their environmental obligations and performance goals. In addition to EMAS and EN ISO 14001, non-formal EMS exist in the EU. Many of them have been adopted by both private and public organisations. These EMS are mostly designed to cover organisations with a specific size (e.g. SMEs) and organisations coming from specific areas or specific sectors of activities.

With regard to the extent of the use of EMS, some data could be found only for EMAS via the EMAS helpdesk⁷². This data indicates that EMAS is not much used in the food processing and trade sectors, and that EMAS registration in these sectors is most popular in Germany, followed by Italy and Spain. In the other MS the number of registrations is low (see following two tables).

Table 1: Number of EMAS registered companies per relevant sector and category

	Food processing	Wholesale agri-business	Retail agri-business	Total
Micro enterprises	17	1	1	818
Small enterprises	39	5	1	1181
Medium enterprises	37	3	1	1044
Large enterprises	47	2	0	703

⁷¹ http://ec.europa.eu/agriculture/organic/files/eu-policy/of_public_consultation_final_report_en.pdf (page 70)

⁷² Data requested in July and September 2013.

Total	140	11	3	3746
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Table 2: Number of EMAS registered companies per relevant sector and Member State

	Food processing	Wholesale agri-business	Retail agri-business	Total
DE	77	8	2	771
IT	23	1		1081
ES	16	1		1126
AT	3	1		257
DK	1			59
BE	1			48
CY	8		1	51
GR	1			41
CZ	5			26
SE	3			22
HU	1			23
PL	1			41
PT				59
UK				52

Given the low numbers of registered companies in the agri-food processing and trade sectors and the fact that the EMAS scheme has been in place for nearly 20 years, it does not seem that these sectors choose to improve their environmental performance on a voluntary basis via EMAS. Such sectors may prefer other EMS (ISO 14001 or simplified EMS). However, no data was found to confirm or refute whether such a choice was made.

Should an additional requirement for applying an environmental management scheme be imposed on organic processors and traders, this is likely to involve for those operators additional administrative burden and costs. It is difficult to assess whether this would, in turn, have an impact on

consumers' behaviour. Nevertheless the online public consultation has shown that the respondents are prepared to pay more for organic products. 16,06% of respondents are prepared to pay up to 10% more, 39,71% between 10 and 25% more and 10,65% between 25 and 50% more. Also 79,21% of respondents buy organic products because they are concerned about the environment.

A study was carried out in 2009 to analyse the costs and benefits to organisations of EMAS registration as well as the incentives and barriers for potential new registrants⁷³.

The results indicate that for all sizes of organisation the **costs** in the first year are between 1.5 and 2 times higher than annual costs over subsequent years (see table 3 below). The costs faced by organisations increase relative to the size of the organisation, but micro and small organisations faced higher fixed and external costs than medium and large organisations. This suggests that, the costs faced by micro and small organisations in the first year act as a significant barrier to registration.

In contrast, medium and large organisations seem to benefit from economies of scale, with a higher proportion of costs borne internally by environmental departments and lower external costs associated with the use of consultants.

In order to address this issue, EMAS in its latest revision offers derogations for small organisations (Article 7 of Regulation (EC) No 1221/2009⁷⁴), i.e. verification of full EMS and audit program validated in a four-yearly frequency (instead of a three-yearly frequency); validated updated environmental statement every two years (instead of every year).

In addition, in order to facilitate the process towards EMAS-registration and maintenance of EMAS registration for small and medium sized organisations (SMEs), EMAS Easy, a lean and standardized methodology has been developed with small and micro businesses in mind⁷⁵. Implementing EMAS via the EMAS Easy methodology is one way for SMEs to reduce their first year and annual implementation costs. Data originating from the study on the Costs and Benefits of EMAS to Registered Organisations were combined with recent estimates based on data provided by SMEs during evaluations performed at EMAS capacity building seminars for SMEs, and during various EMAS Easy coaching in different MS. This resulted in the indicative numbers on cost reductions that are included in Table 4 below.

⁷³ Study on the costs and benefits of EMAS to registered organisations (2009). Milieu Ltd and Risk and Policy Analysis Ltd for DG Environment of the European Commission.

http://ec.europa.eu/environment/emas/pdf/news/costs_and_benefits_of_emas.pdf

⁷⁴ Regulation (EC) n° 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC, O.J. L 342, 22.12.2009, p.1

⁷⁵ http://ec.europa.eu/environment/emas/tools/emaseasy_en.htm

On top of the figures on potential annual efficiency savings, the EMAS 'Toolkit for small organisations' provides many other examples of benefits/costs savings.

The data in the 2009 study on the costs and benefits of EMAS further indicate that the costs of registration are highest in Northern Europe and lowest in the new MS; but this largely reflects general cost differences between the countries. Ongoing annual costs are again highest in Northern Europe and lowest in Southern Europe, due to the lower average cost of internal staff.

Increased efficiency and energy savings were identified as main **benefits** for registered organisations (see tables 5 and 6 below for indicators). In terms of quantified benefits, the results show clear evidence of substantial financial savings following EMAS adoption from increased energy and resource efficiency. However, this comes with the caveat that additional efficiency improvements are unlikely to be achievable year on year, meaning that the cost saving may tail over the long term once all possible measures have been implemented.

The second most widely acknowledged benefit of EMAS was a reduction in negative incidents. Regarding market access, it appears that EMAS registration may be more important for retaining existing customers than for winning new business. Survey respondents also indicated that EMAS has improved relationships with regulators more than with any other stakeholder group. Finally, while many organisations also had expectations of regulatory relief from EMAS registration, the evidence of organisations actually benefiting from regulatory relief was limited.

In addition, the results of this study indicate that financial support provides the greatest stimulus for organisations to register, much more than guidance documents and technical support, helpful as they may be.

For SMEs in the supply chain, EMAS registration of client companies can have a direct impact. A growing number of small companies will need to demonstrate (or have already demonstrated) a recognized track record of systematic environmental management. In fact, often supplier companies are required to have EMAS registration in order to gain market access. For instance, in industry sectors close to the customer, suppliers note that their customers request EMAS registration⁷⁶. The public consultation has shown that this is important for the citizens and consumers in the EU.

With the introduction of the requirement for certain organic operators to set up an EMS, the most impacted MS will be the ones with the highest production of organic processed products: Germany, France and Italy. It will entail increased efficiency and energy savings, which are likely to more than compensate the additional costs, as shown by the results of the above mentioned 2009 study on the costs and benefits of EMAS. As shown in the following tables, potential annual efficiency savings for small enterprises amount to 20.000 to 40.000 Euro, with the annual cost to run the system at 22.000 Euro. For medium enterprises, the savings exceed 100.000 Euro, while the annual cost is 17.000 Euro. However, the

⁷⁶ http://ec.europa.eu/environment/emas/tools/faq_en.htm#Section4Question0 (question 3)

implementation cost the first year is higher than the savings. For micro-enterprises, the savings do not compensate for the additional costs. Therefore, the obligation to run an EMS would have an economic impact on micro-enterprises.

Table 3: EMAS Estimated Actual Costs by Organisation Characteristics

Organisation Characteristic		First Year Costs				Annual Costs			
Size	Region/Sector/Ownership	External Costs	Internal Costs	Fixed Costs	Total Costs	External Costs	Internal Costs	Fixed Costs	Total Costs
SME	Southern Europe	€ 3,507	€ 11,483	€ 19,439	€ 34,428	€ 1,857	€ 8,110	€ 8,110	€ 17,676
	Northern Europe	€ 10,409	€ 19,866	€ 9,592	€ 39,867	€ 2,317	€ 9,570	€ 9,570	€ 16,907
	New Member States	€ 5,502	€ 20,725	€ 2,475	€ 28,702	€ 1,575	€ 23,950	€ 23,950	€ 26,825
Large	Southern Europe	€ 6,297	€ 23,673	€ 27,879	€ 57,849	€ 3,272	€ 16,442	€ 16,442	€ 34,283
	Northern Europe	€ 8,819	€ 48,625	€ 17,637	€ 75,081	€ 3,630	€ 28,023	€ 28,023	€ 42,602
	New Member States	€ 9,375	€ 18,125	€ 7,950	€ 35,450	€ 1,500	€ 14,000	€ 14,000	€ 22,000
SME	Public	€ 9,132	€ 15,328	€ 18,103	€ 42,563	€ 2,785	€ 11,833	€ 11,833	€ 20,657
	Private	€ 5,023	€ 13,141	€ 16,045	€ 34,209	€ 1,735	€ 8,295	€ 8,295	€ 17,076
Large	Public	€ 8,804	€ 28,267	€ 16,490	€ 53,560	€ 2,045	€ 17,451	€ 17,451	€ 25,930
	Private	€ 6,931	€ 37,498	€ 24,347	€ 68,775	€ 3,813	€ 23,706	€ 23,706	€ 42,067
SME	Manufacturing	€ 4,879	€ 11,211	€ 19,687	€ 35,776	€ 1,364	€ 7,252	€ 7,252	€ 16,856
	Services	€ 5,860	€ 15,972	€ 13,769	€ 35,601	€ 1,865	€ 10,297	€ 10,297	€ 17,601
Large	Manufacturing	€ 6,942	€ 35,484	€ 24,335	€ 66,762	€ 3,571	€ 22,113	€ 22,113	€ 34,177

Services	€ 8,563	€ 29,289	€ 18,398	€ 56,250	€ 4,025	€ 16,656	€ 16,656	€ 26,464
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Source: Study on the costs and benefits of EMAS to registered organisations (2009)

Table 4: Costs and potential annual efficiency savings in EMAS

Organisation size	Potential annual efficiency savings (€)	First year implementation costs of EMAS (€)	EMAS Annual costs (€)	EMAS Easy First year implementation costs (€)	EMAS Easy Annual costs (€)
Micro	3,000 – 10,000	22,500	10,000	11,000	2,200
Small	20,000 – 40,000	38,000	22,000	17,000	3,300
Medium	Up to 100,000	40,000	17,000		
Large	Up to 400,000	67,000	39,000		

Source: http://ec.europa.eu/environment/emas/tools/emaseasy_en.htm

Table 5: Benefit likelihood indicators by organization size

Organisation size	Energy and resource saving	Financial saving	Improved stakeholder relationships	Improved staff recruitment/retention	Increased market opportunities	Productivity improvement	Reduction in negative incidents
Micro	+++	0	+++	+	+	0	++
Small	+++	0	++	0	+	+	++
Medium	+++	0	++	0	+	+	+++
Large	+++	0	+++	0	+	+	+++

Source: Study on the costs and benefits of EMAS to registered organisations (2009)

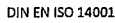
Table 6: Benefit likelihood indicators by relevant industry sectors

Sector	Energy and resource saving	Financial saving	Improved stakeholder relationships	Improved staff recruitment/retention	Increased market opportunities	Productivity improvement	Reduction in negative incidents
Agriculture, forestry and fishing	+	0	+	+	0	0	+++
Food, drink and tobacco	++	0	+	0	0	+	++

Textiles, leather, footwear and clothing	++	0	++	+	0	0	+++
Retail trade and repair	-	-	-	-	-	-	-
Hotels and catering	++	+	+	+	+	+	+

Source: Study on the costs and benefits of EMAS to registered organisations (2009)

Another recent study presented in an information letter of the German state of Saxony⁷⁷ established a comparison between various systems of environmental management, i.e. EMAS, ISO 14001 and two simplified systems applied in Saxony. The results of this comparison are presented in the table below.

Environmental management systems (EMS)		Environmental management approaches (EMA)		
	 EMAS	 DIN EN ISO 14001	 ÖKOPROFIT®	 Qualitätsverbund umweltbewusster Betriebe (QuB) (Quality association of environmentally conscious firms)
Basis	European Regulation which includes the requirements of the standard ISO 14001	Private-sector standard, not legally binding	Licence agreement with the cities of Graz and Munich, municipal project sponsors required	Participation criteria
Scope	Up to now EU-wide, from 2010 worldwide	Worldwide	Worldwide, most widespread in Austria and Germany	Germany-wide
Target group	Organisations of all kinds with their locations	Organisations of all kinds	Small and medium-sized enterprises (SMEs) in all sectors, also suitable for municipal firms and agricultural holdings	Small and medium-sized enterprises (SMEs) in all sectors
Project aim	Continual improvement of environmental performance, compliance with the environmental rules, environmental declaration for the public, image gain through European award	Continual improvement of the environmental management system, image gain through internationally valid certificate	Reduced operating costs through environmental relief, legal certainty, networking in the region, image gain through regional award, establishment of responsibilities	Image gain through award of the QuB seal, legal certainty, Reduced operating costs through environmental relief, establishment of responsibilities, networking in the region
Requirements	Very high	High	Medium	Medium
Focal points as regards content	Environmental management system, environmental statement, involvement of employees, compliance with the legal provisions, continual improvement of environmental performance	Environmental management system	Subject areas: organisation and communication, data and monitoring, energy, emissions, waste, water, hazardous substances, law, purchasing, health and safety at work, welfare; flexible setting of subject focal points possible	Subject areas: legal inventory, location, resource consumption (input/ output balance), emissions, waste, hazardous substances, energy, environmentally relevant installations, staff training courses, product information, customer satisfaction, safety at work
Initial introductory work for the participant	12 to 18 months	12 to 18 months	About 12 months, 10 half-day workshops, four half-day on-the-spot discussions, mandatory worksheets (Excel)	About 6 months Four half-day workshops, about two on-the-spot discussion days, documentation (QuB files)
Initial examination	Validation of the environmental declaration by state-approved and monitored environmental experts, entry in the EMAS register with participation of the environmental authorities	Certification by accredited certification associations	90-minute commission examination by environmental experts from the business chambers and the municipal project sponsor	Half-day entrance examination by environmental auditors from LGA Intercert

⁷⁷ <https://publikationen.sachsen.de/bdb/artikel/11704>

responsible

Proof	Validated environmental declaration, EMAS register entry and registration certificate, use of the EMAS logo	Certificate, monitoring sign	Certificate of the municipal sponsors use of the ÖKOPROFIT* logo	Certificate of LGA-Intercert GmbH, use of the QuB seal
Period of validity and continuation	3 years; annual validation of the updated environmental statement (relief for SMEs)	3 years; annual monitoring audits	2 years; continuation possible in the ÖKOPROFIT* club and/or in the course 'From ÖKOPROFIT* to Öko Audit'	2 years; in the meantime possible to take part in a working group; Guide on action to further development towards EMAS available
Costs of introduction	Depend on firm size and environmental relevance	Depend on firm size and environmental relevance	Own share €1 500 to €2 000 for SMEs, no additional examination costs	Own share €500 to €1 000 € for SMEs, certification costs €290 (up to 10 staff) up to €1 030 (> 100 staff)
Support	Support for SMEs in accordance with Saxony's guidelines on medium-sized enterprises Advice: €240 per day's work, maximum 30% of costs, maximum 20 days' work in three years Validation: 50% of costs, maximum €5 000	Support for SMEs in accordance with Saxony's guidelines on medium-sized enterprises Advice: €240 per day's work, maximum 30% of costs, maximum 20 days' work in three years Certification: 50% of costs, maximum €5 000	Regional licence financed by Saxony; support for SMEs in accordance with Saxony's guidelines on medium-sized enterprises Project support for group projects up to 50% of expenditure, maximum €20 000, in the case of participation by more than 10 SMEs maximum €26 000	Support for SMEs in accordance with Saxony's guidelines on medium-sized enterprises Project support for group projects up to 50% of expenditure, maximum €20 000, in the case of participation by more than 10 SMEs maximum €26 000 Individual projects: Advice: €240 per day's work, maximum 30% of costs, maximum 20 days' work in three years
Added value	Membership of the Saxony environmental alliance possible, independently of that list of administrative-law facilities, 30% fee reduction	Membership of the Saxony environmental alliance possible, then the list of administrative-law facilities applies	Basis for UMS, Membership of the Saxony environmental alliance possible	Basis for UMS, Membership of the Saxony environmental alliance possible
Further information	www.emas.de www.emas-register.de	www.din.de	www.umweltallianz.sachsen.de/okoprofit it www.arqum.de/datenbank	www.qub-info.de www.umweltallianz.sachsen.de

Source: English translation of "Umweltallianz Sachsen - Infobrief Sonderausgabe. Der stufenweise Einstieg ins Umweltmanagement. August 2010".

Simplified environmental management approaches, such as those described in the above table, though seemingly less burdensome, would however not necessarily be available to all operators in the EU and outside. Nevertheless, they could constitute a first step towards the implementation of a more complete EMS. Both Ökoprofit and QuB are part of the 20 non-formal EMS that are considered compatible with EMAS⁷⁸.

⁷⁸ http://ec.europa.eu/environment/emas/tools/faq_en.htm (see question 4)

ANNEX 14: ANIMAL WELFARE

1. INTRODUCTION

The citizens of the European Union have become more and more concerned about the ethical treatment of animals in the last years. The European organic farming standard provides high level animal welfare standards. Further attention is being paid to this issue in the context of the review.

2. LEGAL BACKGROUND

The Lisbon Treaty 2009 recognizes animals as sentient beings and requires that the Union and the MS shall pay full regard to the welfare requirements of animals in formulating and implementing the Union's policies on agriculture, fisheries, transport and research. 3 horizontal legal documents are relevant in animal welfare:

- (1) Council Directive 98/58/EC⁷⁹ concerning the protection of animals kept for farming purposes and European Convention for the Protection of Animals kept for Farming Purposes (to protect farm animals against any unnecessary suffering or injury caused by their housing),
- (2) Council Regulation (EC) No 1/2005⁸⁰ on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 and
- (3) Council Regulation (EC) No 1099/2009⁸¹ on the protection of animals at the time of killing.

Horizontal legislation on animal welfare is currently being reviewed according to the Commission Staff Working paper of 19.1.2012⁸². In 2012, the European Union Strategy for the Protection and Welfare of Animals 2012-2015⁸³ was adopted, which contained important indications to consider for farm animals in organic farming. The Strategy has foreseen in its general objectives a level of protection of animal welfare, which is in line with citizens' concerns. The level playing field on animal welfare is also important at international level to ensure global competitiveness of EU operators.

⁷⁹ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, OJ L 221, 8.8.1998, p. 23–27

⁸⁰ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, OJ L 3, 5.1.2005, p. 1–44

⁸¹ Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (Text with EEA relevance), OJ L 303, 18.11.2009, p. 1–30

⁸² Commission Staff Working Paper, Executive Summary of the Impact Assessment (19.1.2012)

⁸³ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the European Union Strategy for the Protection and Welfare of Animals 2012-2015 (15.2.2012)

3. CURRENT LEGISLATION ON ORGANIC FARMING AND ANIMAL WELFARE

There are no separate rules for animal welfare in the current Regulation (EC) No 834/2009, but there are several important references to the application of high animal welfare standards throughout the documents.

In Regulation (EC) No 834/2007 animal welfare is mentioned in:

- whereas (1) "...The organic production method thus plays a dual societal role, where it on the one hand provides for a specific market responding to a consumer demand for organic products, and on the other hand delivers public goods contributing to the protection of the environment and animal welfare, as well as to rural development."
- whereas (17) "Organic stock farming should respect high animal welfare standards and meet animals' species-specific behavioural needs while animal-health management should be based on disease prevention. In this respect, particular attention should be paid to housing conditions, husbandry practices and stocking densities. Moreover, the choice of breeds should take account of their capacity to adapt to local conditions. The implementing rules for livestock production and aquaculture production should at least ensure compliance with the provisions of the European Convention for the Protection of Animals kept for Farming purposes and the subsequent recommendations by its standing committee (T-AP)."
- whereas (31) "In order to ensure that organic products are produced in accordance with the requirements laid down under the Community legal framework on organic production, activities performed by operators at all stages of production, preparation and distribution of organic products should be submitted to a control system set up and managed in conformity with the rules laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules."

In Regulation (EC) No 834/2007 it is mentioned in:

- Article 3 (a) (iv) that organic farming "respects high animal welfare standards and in particular meets animals' species-specific behavioural needs)". According to Article 3 (c) organic farming methods "aim at producing a wide variety of foods and other agricultural products that respond to consumers' demand for goods produced by the use of processes that do not harm the environment, human health, plant health or animal health and welfare."
- Article 5 that "In addition to the overall principles set out in Article 4, organic farming shall be based on the following specific principles:

...

(h) the observance of a high level of animal welfare respecting species-specific need....."

- Article 14 laying down the livestock production rules that "1. In addition to the general farm production rules laid down in Article 11, the following rules shall apply to livestock production:

...

(b) "with regard to husbandry practices and housing conditions:

- (i) personnel keeping animals shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals;
- (ii) husbandry practices, including stocking densities, and housing conditions shall ensure that the (exemption for veterinary, welfare, safety reason for individual animals for a limited period of time) developmental, physiological and ethological needs of animals are met;
- (iii) the livestock shall have permanent access to open air areas, preferably pasture, whenever weather conditions and the state of the ground allow this unless restrictions and obligations related to the protection of human and animal health are imposed on the basis of Community legislation;
- (iv) the number of livestock shall be limited with a view to minimising overgrazing, poaching of soil, erosion, or pollution caused by animals or by the spreading of their manure;
- (v) organic livestock shall be kept separate from other livestock. However, grazing of common land by organic animals and of organic land by non-organic animals is permitted under certain restrictive conditions;
- (vi) tethering or isolation of livestock shall be prohibited, unless for individual animals for a limited period of time, and in so far as this is justified for safety, welfare or veterinary reasons;
- (vii) duration of transport of livestock shall be minimised;
- (viii) any suffering, including mutilation, shall be kept to a minimum during the entire life of the animal, including at the time of slaughter;....."

In concrete terms, the organic animal welfare standards are higher than in conventional farming. They are guaranteed by bigger space and special areas available for the animals and maximum stocking densities. The stocking density in buildings shall provide for the comfort, the well-being and the species-specific needs of the animals which, in particular, shall depend on the species, the breed and the age of the animals. Throughout the lifetime of the animals, their access to open-air areas (depending on climatic conditions) has to be ensured. Organic stock farming should respect the animals' species-specific behavioural needs (that may go beyond Community welfare standards). The transport of the animals shall ensure that the welfare of animals is kept at the highest possible level.

In the Organic farming legislation there are no references to the horizontal legislation of animal welfare, but general rules apply.

4. RESULTS OF THE CONSULTATIONS WITH CONSUMERS AND STAKEHOLDERS

- Results of public consultation have shown that 66% of the respondents would like to see higher animal welfare standards not only for organic farming, but for all types of farming methods (conventional).
- 55% of the respondents agreed that they choose organic because organic production respects animal welfare.
- One of the free contributions of the consultation referred to other guidelines: "the EU regulation should at least aspire to the guidelines/standards of farming associations:

prohibition of dehorning cows, castration; more space per animal (other organizations [eg. Neuland] have better housing conditions than EU organic provisions).

- In general, respondents would like to see stringent standards, for example: "Strengthen the animal welfare standards and ban the mass animal husbandry".
- Reference to other standards of organic farming: " Animal welfare rules should be strengthened - the only good rules are '...' - their harmonization is needed but to higher standards."
- There are two important organizations advocating animal welfare issues Eurogroup for Animals and Compassion in World Farming (CIWF). Consulted organisations suggest that allopathic tranquilisers, or electrical stimulations should not be permitted.

5. IMPROVEMENTS IN ANIMAL WELFARE STANDARDS OF ORGANIC FARMING REQUESTED BY ANIMAL WELFARE ORGANISATIONS

1. Origin of animals: in principle the animals need to have organic origin, but exemptions are permitted, therefore non-organic animals are allowed if there are not enough available animals of organic origin. The poultry reared on organic farms for example should come from slow-growing strains of organic origin or the rearing should avoid intensive methods in order to avoid suffering of the animals.
2. *Eurogroup for Animals suggests that exceptions or permission for derogations regarding tethering should be not accepted. Compassion in World Farming (CIWF) requests that close confinement or tethering should only be accepted for veterinary reason. Conditions for keeping the animals: tethering or isolation of livestock should be prohibited but tethering and isolation may be allowed only for the following exceptional reasons: veterinary, welfare, safety for individual animals for a limited period of time). The current rules provide that " tethering or isolation of livestock shall be prohibited, unless for individual animals for a limited period of time, and in so far as this is justified for safety, welfare or veterinary reasons". Organic stock farming should respect high animal welfare standards and meet animals' species-specific behavioural needs while animal-health management should be based on disease prevention. CIWF requests that ducks for example should have access to water at any time. The idea is that all the needs of the animals, including nutritional and physiological, should be covered. To ensure this, there is pressure from the advocating organisations to allow the use of amino-acids and certain other substances which today are not allowed under the EU organic production rules. The current legislation provides that "husbandry practices, including stocking densities, and housing conditions shall ensure that the (exemption for veterinary, welfare, safety reason for individual animals for a limited period of time) developmental, physiological and ethological needs of animals are met."*
3. CIWF requests that castration or mutilation should not be allowed without a pain relief. Where cattles are required not to have horns, disbudding should be practiced. Eurogroup asks that no physical castration should be permitted. According to the current legislation suffering, including mutilation, shall be kept to a minimum level. The duration of transport should be optimised: minimisation or maximisation of the trip. Eurogroup suggests that the duration of the transport should not exceed 8 hours. Up to know the minimisation of travel is encouraged according to the legislation. Consulted organisations suggest that allopathic tranquilisers or electrical stimulations should not be permitted. *According to the legislation, the use of sedative substances for transport is already*

forbidden except under veterinary supervision and that duration of transport of livestock shall be minimised.

4. Pre-stunning is encouraged by the advocating organisations and it is indeed applied as one of the methods in organic farming. *Organic legislation provides that "any suffering, including mutilation, shall be kept to a minimum during the entire life of the animal, including at the time of slaughter".*

The large majority of the concerns of the animal welfare organisations are addressed under the existing EU legislation. In fact, the main problem is implementation of these rules and the possibility for exceptions. Better enforcement of animal welfare rules and removal of exceptions would improve the situation as regards animal welfare.

6. OPTIONS AND THEIR IMPACTS

Baseline scenario: The animal welfare standard is higher in organic farming than in conventional. It is notably characterised by mandatory access to open-air areas and by rules of maximum stocking density.

Improved status quo: no change

Market-driven option: Deterioration of animal welfare because exceptional production rules would be integrated, meaning that an authorisation from the MS competent authority would not be required any more (dehorning, tethering of animals in small holdings, indoors final fattening phase of adult bovines for meat production, allowing non-organic origin of animals for breeding purposes). The exceptions would allow the farmers/operators to be more flexible in making choices. It makes the processes to manage animals faster and cheaper. The non-organic originated breeds are more vastly available, therefore it is less costly.

Principle-driven option: The removal of exceptional rules leads to the improvement of animal welfare. It would make the already strict rules even more stringent. The removal of exceptions for mutilations, castration, isolation or permanent tethering involves changes in the organisation of holdings, which can entail significant economic impacts, in particular in case new buildings would be needed. However, option 3 includes the possibility for competent authorities to authorize the tethering of cattle in micro-enterprises under certain conditions.

7. CONCLUSION

Many of the requests of the animal welfare organisations are already covered by the current legislation but putting an end to certain exceptions (ex: isolation, mutilations) would be an improvement in relation to the implementation of today's rules. The removal of exceptions is included in the principle driven option which is the preferred option of animal welfare organisations.

ANNEX 15: SMALL FARMS AND ENTERPRISES: SIMPLIFICATION; GROUP CERTIFICATION

8. INTRODUCTION

In recent years small farms have received increased attention in the political debate.

Small farms play an important role in supporting rural employment and maintaining the social fabric of rural areas and thus contribute to the objective of balanced territorial development. In addition, structural diversity in the farming systems contributes to the attractiveness and identity of rural regions.

The brief published in July 2011 by DG AGRI⁸⁴ showed that at the time of the last comprehensive survey (2007) the economic dimension of 40% of the EU farms was below 1 European Size Unit (ESU). The ESU is the potential gross value added of the agricultural holding calculated as the sum of the standard gross margins (SGM). The value of one ESU was 1200 Euro at the time of the study. 56% of the EU farms had an economic dimension below 4 ESU.

This annex provides background information on small agricultural holdings in the EU; highlights the main problems they face in entering in the organic sector; outlines the possible simplification measures; and describes group certification, to underpin its proposed introduction in the EU as part of the sub-option under the principles-driven option.

9. DATA ON SMALL AGRICULTURAL HOLDINGS IN THE EU

69% of all agricultural holdings have less than 5 ha of utilized agricultural area (UAA). This corresponds to a total of more than 8.3 million holdings.

Table 1. Share of holdings in different size classes in the EU

	< 5 ha	5-9.9 ha	10-19.9 ha	20-29.9 ha	30-49.9 ha	50-99.9 ha	100 ha or over
EU-27	69,20	10,88	7,51	3,15	3,29	3,26	2,70

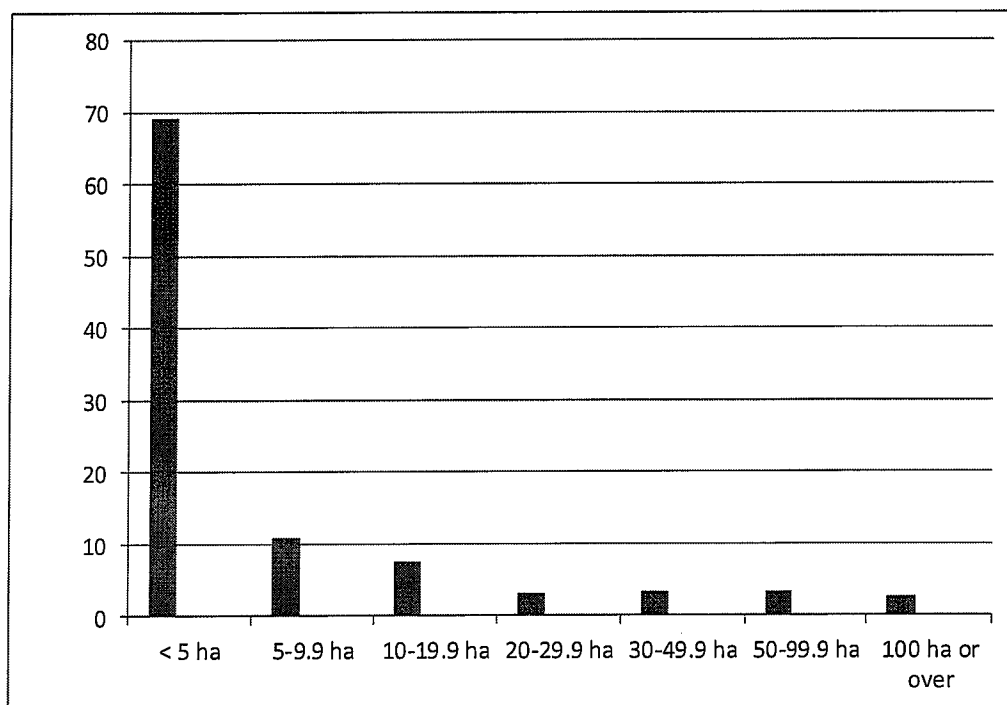
Source: European Commission – DG AGRI L2 Data Source: EUROSTAT (2010)

These small holdings:

- account for 7% of the total UAA in the EU,
- keep 18% of the total livestock,
- employ 44% of the agricultural labour force,
- generate 18% of the standard output in the EU.

⁸⁴ European Commission, Directorate General for Agriculture and Rural Development – EU Agriculture Economic Briefs: Brief No 2, What is a small farm?

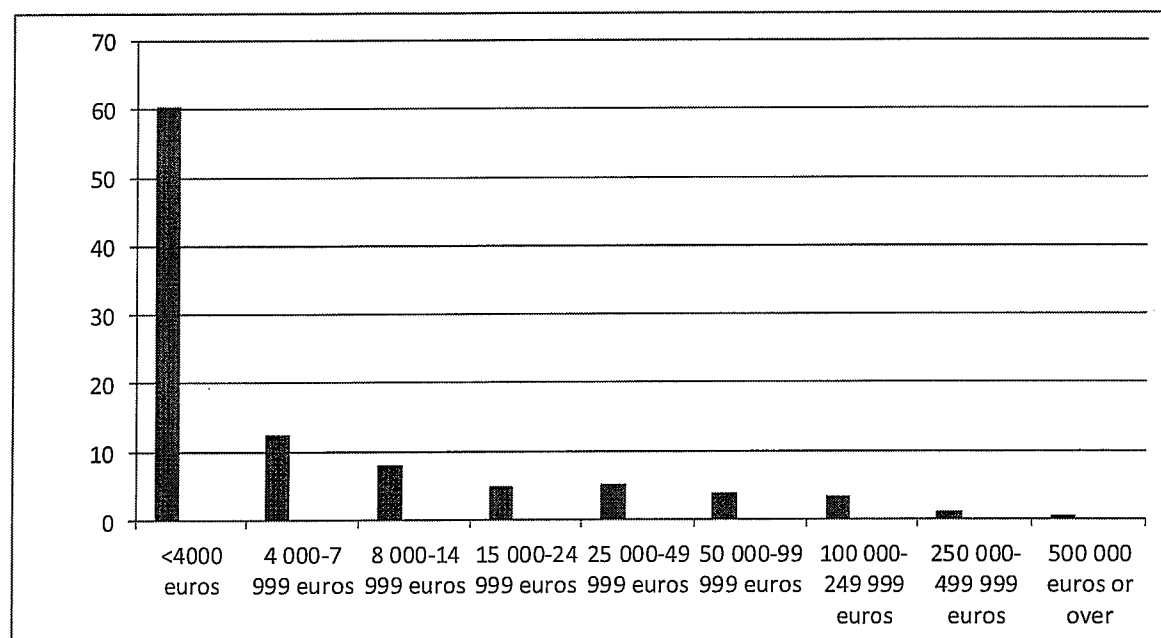
Graph 1. Share of agricultural holdings in different size classes in the EU



Source: European Commission – DG AGRI L2. Data Source: EUROSTAT

Graph 2 shows that 73% of agricultural holdings have an output lower than 8 000 euros. This means that more than 73% of agricultural holdings are microenterprises (turnover below 10 000 euros).

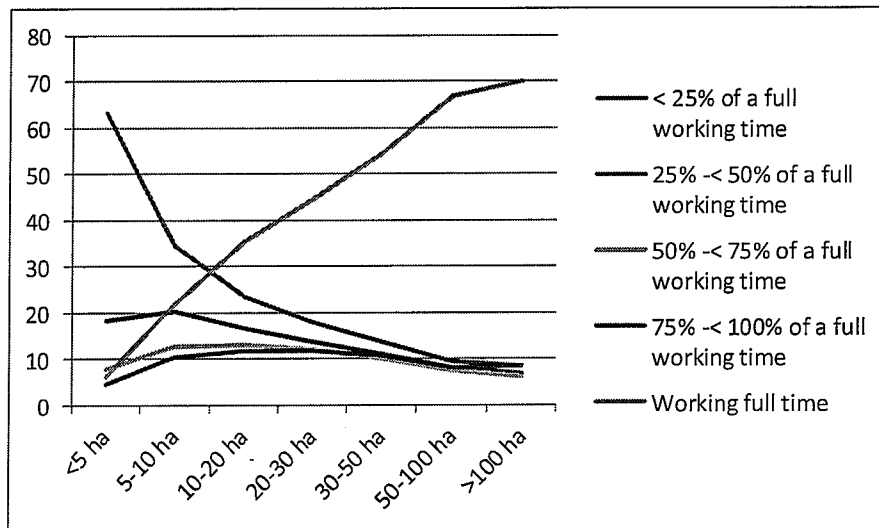
Graph 2. Share of agricultural holdings in different output classes in the EU



Source: European Commission – DG AGRI L2. Data Source: EUROSTAT

Managers of small farms tend to have another source of income elsewhere.

Graph 3. Labour force categories: number of persons and farm work (AWU) in the holding by working time (% AWU) and agricultural size of farm (UAA)

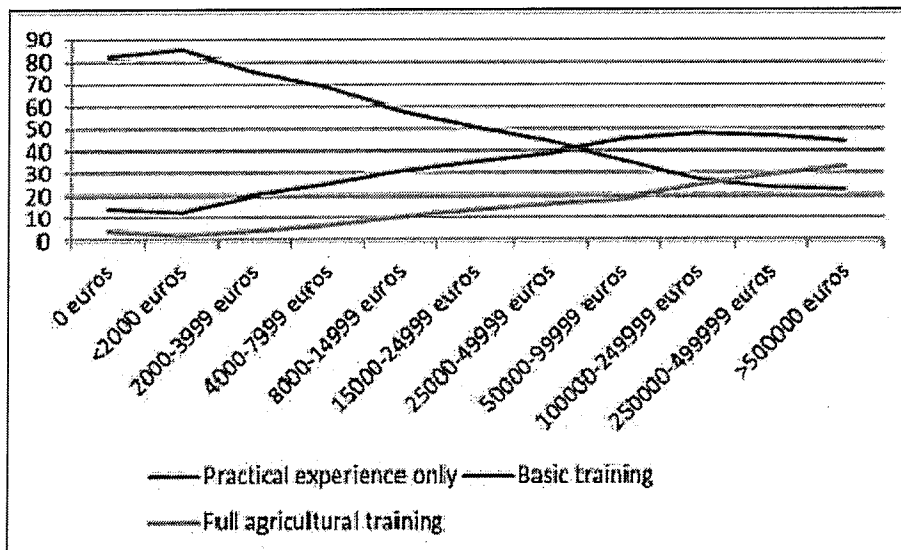


Source: European Commission – DG AGRI L2. Data Source: EUROSTAT

Farms with small areas are specialized in general field cropping, mixed crop-livestock farming, olives, poultry, fruit (including citrus) and vineyards.

Managers of small farms are usually less well trained than those of bigger farms.

Graph 4. Agricultural training of farmers according to farm size



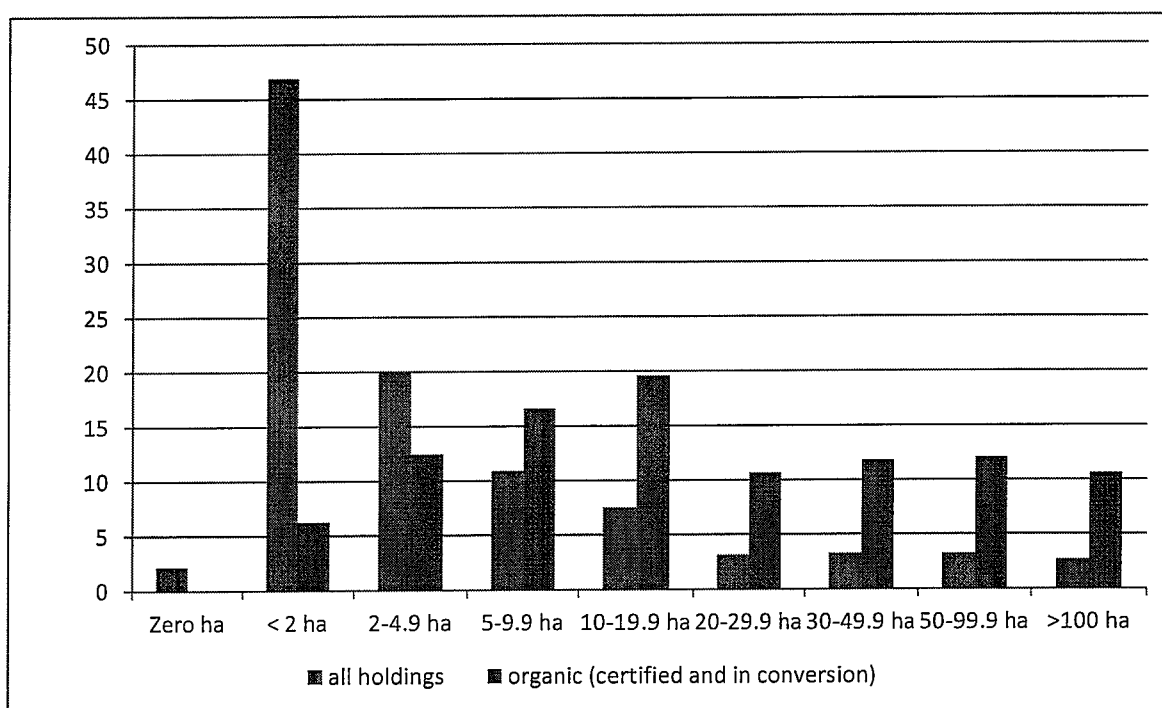
Source: European Commission – DG AGRI L2. Data Source: EUROSTAT

9.1. Difficulties for small agricultural holdings to join the organic sector

9.1.1. Current situation

Small farms are under-represented in the organic sector. The share of small organic holdings is much lower than the share of small conventional holdings. While 69% of all agricultural holdings have less than 5 ha, only 18,7% of organic holdings have less than 5 ha. Average farm size in the EU is 14 ha. Average size of organic holdings is 33,6 ha.

Graph 5. Share of holdings in different size classes



Source: European Commission–DG AGRI L2. Data: EUROSTAT, Farm structure survey 2012

9.1.2. Issues

The main problems that small farms face to enter the organic sector can be summarized as follows:

- The **volume** produced is usually **insufficient** to get access to the main channels to market organic products: supermarkets, specialized shops in cities.
- Many small farms are located in **remote areas**, where there is little interest to sell organic products directly to consumers.
- **Inspection and certification costs**, together with the administrative burden linked to **record keeping**, are not always proportionate to the volume produced. They are considered to represent the main obstacles to enter the organic sector⁸⁵.

⁸⁵ Via Campesina on behalf of IFOAM EU at the hearing of 25 and 26 October 2012 on the EU organic production – controls and enforcement. On the cost of control, please see annex No 10 for further details.

- Farmers are often less **well trained** than those with bigger farms, and face difficulties in dealing with the requirements of organic certification.
- **Unequal treatment** in the EU and in third countries as group certification is not allowed in the EU while being accepted for organic producers in third countries as a measure of equivalent control effectiveness⁸⁶.

The high percentage of micro and small farms in the EU (see previous section) gives an indication of the importance of these issues.

10. SIMPLIFICATION

DG AGRI organised an **internal brainstorming** on simplification in the field of organic farming, in the context of the ongoing review of the organic policy and legal framework. The workshop, held on 19 March 2013, identified the following three areas where simplification would have an important impact and implementation is likely to succeed:

1. **EU organic production rules.** Clear and simple production rules, with no or less derogations that generate red tape, in particular when they have to be authorised by the public authorities upon individual requests of the operator, could mean significant reduction in the administrative burden for farmers and other operators, as well as cost savings for the national administrations.
2. **Controls:** a risk-based control – rather than controlling all operators once per year - would ensure better efficiency in a situation where several MS are confronted with budgetary efforts to cope with the economic and financial crisis. Electronic certification and, possibly, group certification also bring simplified individual administrative requirements for operators.
3. **Streamlined approach to trade,** as the current two-fold import system (compliance/equivalency) is very complex to manage and supervise.

As part of the stakeholders' consultation, a **technical meeting with experts** took place on 26 June 2013 to examine further the issues faced by small farms and operators. The meeting concentrated on gathering ideas for facilitating the conversion of small farms to the EU organic scheme, including through simplified requirements – which would also benefit larger farms and operators. A concrete suggestion was made to have a single administrative document giving a full description of the farm, to be updated once a year, which would represent a substantial simplification.

The proposals for simplification, as briefly outlined above, have been further explored in the impact assessment process as a cross-cutting theme for the review of the organic legal and political framework.

They have been taken into account under the proposals to address the identified issues that have been put forward under the various options. Further details are set out in annex 6 on the EU organic production rules, annex 8 on the logo and labelling, annex 9 on the control system and annex 12 on the EU trade regime for organic products.

⁸⁶ According to Agro Eco Louis Bolk Institute, the majority of organic products imported by the EU from developing countries, all categories, are now produced by producer groups (presentation to the AGOF meeting, 11 April 2013).

11. GROUP CERTIFICATION, CURRENTLY IMPLEMENTED IN THIRD COUNTRIES

In some third countries, **notably developing countries**, a system of group certification has developed to provide small farmers an opportunity to have access to the global organic market, in particular the EU market.

This is the case for the following countries, out of the 11 currently recognised for the purpose of equivalency: Canada, Costa Rica, and India. Several of the currently 60 recognised control bodies for the import of organic products under equivalency also apply group certification in a number of third countries – non exhaustive list: Ecuador, Mexico; Belize, Ghana, Madagascar, Senegal; Indonesia, Nepal.

11.1. Definition

The concept of group certification is defined or outlined in the following documents – nb non-exhaustive list:

- **IFOAM norms for organic production and processing**

The International Federation for Organic Farming (IFOAM) norms for organic production and processing – updated version dated 2012⁸⁷ - define group certification as "the certification of an organized group of small-scale producers with similar farming and production systems. The requirements for group certification apply only to such groups when the certification applies to the group as a whole and when special inspection arrangements have been applied".

The accreditation requirements for group certification are as follows:

- groups shall be constituted of operations with similar production systems.
- large farming units, processing units and traders shall not be included in the inspection arrangements for such groups.
- group members shall be in geographic proximity.
- a viable internal control system that assures compliance of individual members with production standards in an objective and transparent manner is required.
- the group shall have coordinated marketing.

- **national standards**

In the organic farming regulation for **Costa Rica**⁸⁸, a group is defined as the producers in a common geographic area with common crop(s), a central management responsible for compliance with the organic rules and an internal control system.

⁸⁷ http://www.ifoam.org/sites/default/files/page/files/ifoam_norms_version_august_2012_with_cover.pdf. The IFOAM Accreditation Criteria (IAC) were first approved by the General Assembly in 1992, and have been subsequently updated on various occasions.

⁸⁸ Executive decree No 29782/2001 (Reglamento de agricultura organica), chapter V.

The central management shall be in charge of the proper functioning of the internal control system, which shall ensure the annual inspection of each member of the group. The external inspection body (certifying agency) shall inspect annually at least 20 % of the members of each group.

In the **Indian** National Programme for Organic Production (NPOP), the guidelines for the certification of grower groups set up a size limit of 4 hectares for participating farms⁸⁹. Farms with land holding above 4 ha can also belong to a group but they have to be inspected annually by the external Inspection and Certification Agency (Control Body). The total area of such farms shall be less than 50% of the total area of the group. Processors and exporters can be a part of the same group but they have to be inspected annually by the Control Body.

The NPOP specifies how many farmers from a grower group have to be subject to external inspections annually. Depending on the total number of members of the group, this number varies between about 1% to 12%, for surveillance inspections.

Under the **Canada** Organic Regime (COR)⁹⁰, a grower group may be organised as a co-operative or as a structured group of producers affiliated to a processor.

All members of the group shall apply similar production systems and should be in geographical proximity. The practices of the grower group association shall be uniform and reflect a consistent process or methodology, using the same input and processes. Participation in the group shall be limited to those members who market their organic production only through the grower group, unless the member is individually certified.

The group shall have in place an effective and documented internal control system, including a mechanism to remove non-compliant group members from the list. The external Control Body shall suspend or cancel the certification granted to the grower group as a whole in cases where the grower group's internal control system fails to act on non-compliances.

- **the Commission's services guidelines on imports of organic products**

In 2008 the Commission services, in cooperation with the MS, updated guidelines - not intended to produce legally binding effects – on imports of organic products into the EU under equivalency⁹¹.

These guidelines include a specific section on the evaluation of the equivalence of organic producers group certification schemes applied in Third Countries. Namely, they clarify the scope (who can be considered as a group), the main features of the internal control system to be set up, and the role and responsibilities of the external control body, including in respect of the risk factors to take into account.

⁸⁹ http://www.apeda.gov.in/apedawebsite/organic/ORGANIC_CONTENTS/English_Organic_Sept05.pdf, section 5.

⁹⁰ The requirements for obtaining group certification of organic products under the Canada Organic Regime are set out in the Canada Organic Office Operating Manual (version 2012, part F).

⁹¹ Guidelines on imports of organic products into the European Union, 15.12.2008, http://ec.europa.eu/agriculture/organic/files/news/download-material/guidelines_for_imports_en.pdf. Guidelines on group certification were formerly published as Commission service guidance document on 6 November 2003.

- **the European cooperation for Accreditation's guidelines**

The European cooperation for Accreditation (EA) developed **guidelines** for the **certification** of the growing number of schemes entering the market through focus on the specific characteristics of the production process rather than of the products themselves. Such guidelines, applicable to its members – the (single) Accreditation Bodies in the EU that assess Control Bodies in Third Countries recognised and/or to be recognised as equivalent - as from 9 July 2013⁹², refer specifically to group certification.

Namely, group certification is defined as "a special case of certification where the scheme owners specify that less extensive sampling can be applied by certification bodies, through a focus on the management system of the umbrella organisation in combination with inspection of a sample of the sites. These schemes are often used to support small size producers that according to the scheme owner are at risk of being left out of the market unless these special conditions are applied. In the certification process the audit of the effectiveness of the supporting internal management/control system is essential."

The guidelines set out requirements for group certification. The following aspects are worthwhile mentioning:

- **Group members** are not identified in the certificate and are **not entitled to sell marked products** or make claims of being certified on their own.
- **Producers** shall be part of group certification only where the **cost of certification would exceed 2% of the individual producer's turnover**.

The specific **guidelines** for the **accreditation of organic production** certification, which will apply as from 1 January 2014⁹³, set out a number of risk criteria for the office and witness/review audits to be conducted by Accreditation Bodies for the initial accreditation and the re-accreditation of control bodies.

Group certification, for the control bodies in Third Countries, is considered an increase factor for the minimum on-site time to be devoted to the Accreditation Bodies' office assessments (+ one day).

11.2. Experiences and evaluation

- **IFOAM** has been working for several years on the concept of group certification, calling the stakeholders together to develop a consensus on the requirements for smallholder groups.

From 2001 to 2003, workshops were organised in the margins of the Biofach and a consensus was found on the issues of smallholder definition, group non-compliances and sanctions and the rate of re-inspection.

⁹² EA Guidelines on the Accreditation of Certification of Primary Sector Products by Means of Sampling of Sites, EA-6/04:2011, <http://www.european-accreditation.org/publication/ea-6-04-m>

⁹³ EA Policy for the accreditation of Organic Production Certification, Ref: EA-3/12 M: 2013, <http://www.european-accreditation.org/publication/ea-3-12-m>

A compilation of results, addressing group certification in the context of **developing countries**, was published.

IFOAM also initiated a **pilot project**⁹⁴ on Group Certification **in the EU**, which ran from August 2006 to March 2008. The project was coordinated by Agro Eco. It took place in Turkey, in France, in Italy and in Spain.

The pilot project objectives were to assess whether group certification in Europe is effective and efficient, compared to individual certification; whether it can be combined with other benefits, besides reducing costs; and whether it can accommodate the diversity of production and marketing channels.

Group certification was found effective in the pilot project with a centralised marketing channel and good product flow control (Turkey). In the other pilot projects, most of the internal control system documentation was complete, except for centralised documents of production and sales.

Farmers, sometimes combined with consumers, were successfully used as internal inspectors. However, the internal inspectors failed to detect some non-conformities, partly related to the maintenance of the ICS documentation and partly to the differences between the internal regulation and the EU regulation. The risk of non-conformities was considered low, either because of product flow control and general low use of inputs (pilot project in Turkey) or because of the social control within the group, the strict internal regulation, and the additional market surveillance (pilot projects in France, Italy and Spain).

The results showed that an internal control system does not only serve organic certification, but also has other benefits, such as farmer-to-farmer advice, quality improvement, joint marketing or promoting a specific agricultural region.

The overall costs of group certification in the first one or two years, when the ICS is set up, are higher than the costs of individual certification but in the subsequent years group certification is cheaper than individual certification.

The coordinator of the project recommended in particular to further discussing the objectives, target groups and criteria for farmers to be eligible for group certification. A follow up project was suggested but did not finally take place.

- The **CERTCOST** project, Economic Analysis of Certification Systems in Organic Food and Farming, included a report on the potential of alternative certification systems⁹⁵.

The report reviewed the certification schemes alternative to the EU organic system – US, Japan, group certification based on an internal control system, and participatory guarantee systems - as well as non-organic certification schemes with a view to identifying promising elements for the improvement of the EU system. It then provided an in-depth analysis of three promising elements: risk-based inspection, social network factors, and training and capacity building.

⁹⁴ Pilot Project Group certification in Europe, end report, Agro Eco, Ferko Bodnár, May 2008. The pilot project was funded through the "IFOAM-Growing Organic" programme and the "Fund for Sustainable Biodiversity Management" of the Dutch government.

⁹⁵ Deliverable No 21, 13.12.2011, H. Moschitz (editor).

Social networking and social control – which ultimately represents a compliance mechanism - are important elements in participatory guarantee systems and in group certification based on an internal control system.

Under a group certification, social control can be very high as the products are often collected and sold jointly as a single lot, so that any deviating farmer can jeopardise the certification of a large product lot.

11.3. Opinion by stakeholders

In the **hearing** organised on 25 and 26 October on control issues, IFOAM asked to alleviate the certification cost and paperwork burden for small-scale producers. In particular, IFOAM asked to:

- Recognize group certification for small-scale producer not only in developing countries (inside/outside EU).
- Strengthen the risk-based approach to control, by increasing control on high-risk operations and decreasing control (and cost) on low-risk ones.
- Consider Participatory Guarantee Systems and social control opportunities in EU COM revisions.

The **public consultation** on organic farming asked participants whether group certification, which is allowed for organic farmers in some non-EU countries, should be allowed in the EU. This was the case for **70% of respondents**, with some variations across the categories of stakeholders (from 55% for farmers up to 80% for public authorities in Third Countries)⁹⁶.

⁹⁶ Full report available in the Europa organic farming homepage http://ec.europa.eu/agriculture/organic/files/eu-policy/of_public_consultation_final_report_en.pdf

In detail, in the **free contributions** accompanying or complementing the replies to the online questionnaire, the following stakeholders expressed their favourable opinion on group certification in the EU: Slow Food, the Soil Association, the Women of Europe for a Common Future and IFOAM EU. Bio-Austria and Copa-Cogeca are against.

Many stakeholders specifically raised the problems linked to inspection and certification costs, as well as administrative burden:

"There should be help for small farms to be able to certify their farms as organic, as now very small farms cannot afford it"⁹⁷. "There are too many small farms, which cannot afford the control costs"⁹⁸. "There is a need to favour the creation of new farming systems in Europe, though the bureaucratic burden for small farmers is too high"⁹⁹. "Costs of certification should be lowered to promote small organic farming concepts"¹⁰⁰. "It should not be the case that the controls and requirements of organic production, result in excluding or less favouring small farmers"¹⁰¹.

⁹⁷ Free contribution No DE 206 + 8.7

⁹⁸ Free contribution No DE 152 + 8.7

⁹⁹ Free contribution No FR 788

¹⁰⁰ Free contribution No EN 129

¹⁰¹ Free contribution No FR 373

"Primarily, the review should prioritise small-scale and local production as opposed to large-scale and intensive production. This includes minimising the burden on farmers in terms of paper-work. Grants offered should focus on small-scale, local and co-operative arrangements. Small-scale and local production should be further encouraged through provision of FREE training for those interested in benefiting their community with local organic produce. There should be incentives for switching to organic production focused on the education of the next generation of farmers in organic methods. This includes providing investment in training at school, college and life-long learning in how small-scale and local production is the only realistic long-term prospect for agriculture¹⁰²."

12. CONCLUSIONS

With a view to addressing the identified problems, it is proposed to **introduce group certification as a sub-option in the principle-driven (3) policy option.**

In particular, the proposal consists in removing the obstacles to group certification in the basic act - thereby amending the provisions in article 27.3 of Regulation (EC) No 834/2007 that foresees an annual inspection on each operator and article 28.1 that requires any operator to adhere to the control system – and introducing the possibility of group certification, according to criteria and conditions to be detailed in delegated and/or implementing acts.

Expected impacts:

- Group certification would reduce the certification costs that currently seem to represent a barrier to entry into the scheme for small farmers. The cost reduction would possibly not occur in the first year, in which the group certification is implemented, but from the subsequent years.
- New organic agricultural products would be brought on the EU market, providing additional supply of organic raw material for organic processors, retailers and traders.
- Group certification could also contribute to higher sales volumes, if joint marketing and promotion is used.
- The social effects of group certification are positive, as local networks are strengthened.
- Facilitate the introduction of compliance under the EU trade regime.
- Repatriation of responsibilities in case of non-compliances leading to a potential situation where a compliant farmer would lose its organic status, because the whole group is decertified, can be seen as a negative effect of group certification.
- The consequences for the receipt of support under the CAP have to be considered. The experience in third countries has shown that the decertification of a whole group is a measure decided only as the last resort. In case it happens, MS will have to get back the amounts granted to the group members.

N.B.: In addition, with a view to keep the administrative and cost burden for organic micro-enterprises as low as possible, option 3 also includes an exemption from the obligation to set up an EMS as well as the

¹⁰² Free contribution No EN 056

possibility for competent authorities to allow the tethering of cattle under certain conditions (see annexes 13 and 14).

ANNEX 16: ASSESSMENT OF ADMINISTRATIVE COSTS

1. INTRODUCTION

The current EU regulatory framework for the organic production imposes a number of information obligations that generate significant administrative costs for organic operators, private control bodies and public authorities.

In line with the Commission's general approach for reducing administrative burden imposed by the EU legislation, this annex aims at assessment of the administrative costs connected with the relevant options analysed under the present review.

The Commission's guidelines for the Impact assessment define administrative costs as the costs incurred by enterprises, the voluntary sector, public authorities and citizens in meeting legal obligations to provide information on their action or production, either to public authorities or to private parties. Information is to be construed in a broad sense, i.e. including labelling, reporting, registration, monitoring and assessment needed to provide the information.

The administrative costs consist of two different components: the business-as-usual costs and administrative burdens. While the business-as-usual costs correspond to the costs resulting from collecting and processing information which would be done by the entity even in the absence of the legislation, the administrative burden stem from the part of the process which is done solely because of a legal obligation.

2. WORK DONE AND RESULTS OBTAINED

The Commission's methodology for the assessment of administrative burden contained in the Impact assessment guidelines was used as far as possible.

2.1. Mapping of information obligations

As a first step, a detailed mapping of the information obligations imposed on operators, control bodies and public authorities by the existing EU regulatory framework for the organic production has been carried out.

The mapping resulted in a list of 135 information obligations that are imposed by Council Regulation (EC) No 834/2007, and its implementing rules, Commission Regulations (EC) No 889/2008 and No 1235/2008. Only the information obligations remaining under the baseline scenario have been considered. A detailed description of all the information obligations is presented in table 1 (see Table 1). Out of these 135 obligations, 80 are imposed on operators (farmers, processors, importers of organic products and/or retailers), 11 on private control bodies and 41 on national administration in the MS and 3 on national administration in Third countries.

It is to be noted the obligation requiring MS to set-up a control system which is either run by public control authorities or by private control bodies, and in the latter case also the related approval and supervision of control bodies by MS, have not been considered as an information obligation imposing administrative burden. This is because the existence of a control system as such is inherent to the organic certification scheme and thus needs to be considered as a business-as-usual cost. Nevertheless, the quantitative data that have been provided by MS on the approval and supervision of control bodies are presented in Annex 10 dealing with cost of controls.

2.2. Qualitative assessment

Qualitative assessment of the information obligations imposed by the existing EU regulatory framework for organic production was carried out with the help of the MS and representatives of the organic sector.

MS and the members of AGOF were asked to identify five information obligations which impose the most significant administrative burden for them. Furthermore, they were asked to identify the actions/activities required to complete the information obligation and to quantify the burden where possible.

Replies from 17 MS and 3 organic farming umbrella organisations have been received.

Based on the replies received from the MS and from the members of the AGOF, and on the basis of the information available to the Commission, the significance of each information obligation has been rated as high, medium or low¹⁰³. Out of the total of 135 information obligations, 30 have been rated as high, 21 as medium and 84 as low.).

It is to be noted that during the data gathering process several MS mentioned a high administrative burden linked to audits conducted by the Food veterinary Office and to the implementation of the organic farming scheme (as part of agri-environmental measures) co-financed under the Regulation (EC) No 1698/2008 on support from rural development by the EAFRD. A detailed study on the administrative burden reduction associated with the implementation of certain rural development measures¹⁰⁴, including the measure supporting organic farming, was conducted in 2011.

For each information obligation, it has been assessed whether the obligation is going to be maintained or removed under the three main policy options, i.e. "the improved status quo", "the market-driven option" and "the principle-driven option".

The assessment showed that 37 out of the total of 142 information obligations are going to be removed under the principle-driven policy option. In comparison, under the market-driven policy option and the improved status quo policy option, 34 and no obligations would be removed respectively.

The greatest administrative saving in the number of obligations achieved under the principle-driven policy option can be explained by the fact that all exceptional production rules and derogations, which are connected with a high number of information obligations, are proposed to be removed under this policy option.

The present Annex does not consider the economic impacts on the operators, such as possible higher production costs for the farmers who were benefiting from exceptional rules. This is analysed in the main report and in Annex 6.

¹⁰³ As a first step, the rating "high" was attributed in case the information obligation was identified by two or more actors as the most burdensome, the rating "medium" in case it was identified by one actor and the rating low for all the remaining obligations (not identified as burdensome by any of the actors). As a second step, the rating has been revised, in particular of the information obligations rated as medium, based on the information that is available to the Commission in the Organic Farming Information System (OFIS) and in other reports received from the MS, namely the "seed report".

¹⁰⁴ Study on administrative burden reduction associated with the implementation of certain rural development measures, 11 August 2011, available at: http://ec.europa.eu/agriculture/analysis/external/rd-simplification/index_en.htm

The positive impacts in saving administrative costs has to be balanced with the costs for national administrations and control bodies in adjusting the implementation, e.g. procedures, checklists, etc. that any change in the legislation entails.

The complete list with all information obligations resulted from the mapping, included their significance (high-medium-low) as rated by the MS and the sector and their evolution under the three main policy options (maintained-removed) is presented in table 1.

3. CONCLUSIONS

The assessment has revealed that the most advantageous option in terms of reduction of the number of information obligations is the principle driven option: under this option, 37 information obligations out of the total of 135 obligations contained in the present organic legislation would be removed. This is mainly due to the fact the principle driven option puts an end to numerous exceptions and derogations which are currently possible.

At the same time, the present impact analysis has looked into any new significant information obligation that would be introduced under the three main policy options. The results show that no new significant information obligations will be introduced except for the request to introduce an EMS (e.g. ISO 14001 or EMAS). This request takes part of a sub-option of the principle-driven option and concerns processors and traders of organic products. Some data on costs and benefits of EMAS are available in Annex 13. These costs would be borne by processors and traders, while there would be no significant administrative burden for national administration or control bodies coming from the introduction of ISO 14001 or EMAS requirement.

In order to keep the administrative burden and cost as low as possible for small farms and micro-enterprises, it is necessary to exempt them from certain requirements and to facilitate their access to and continued participation in the organic scheme. This is notably the case in the principle-driven option.

The Commission has already done a significant effort to facilitate implementation of the most burdensome information obligations to the national authorities and to the organic sector. In particular, the Commission has developed and put in place the Organic Farming Information System (OFIS) which greatly facilitates the obligation of information exchange on irregularities which is absolutely necessary for a proper functioning of the control system. The OFIS is continuously being developed, e.g. a new module for equivalent control bodies, allowing them submitting requests for recognition and subsequent annual reports, has been recently introduced in order to ease the burden linked to the recognition process. However, it is difficult to progress more without change in the legislative framework.

Table 1

The present table shows the detailed mapping of the information obligations (IOs) imposed on operators, control bodies and public authorities by the existing EU regulatory framework, i.e. the Council Regulation (EC) No 834/2007, and its implementing rules, Commission Regulations (EC) No 889/2008 and No 1235/2008.

The table contains information on the significance of each IO that has been classified as "high", "medium" or "low". Based on the replies received from MS, the members of AGOF and experts, the rating "high" was attributed in case the IO was identified by two or more actors as the most burdensome, the rating "medium" in case it was identified by one actor and the rating low for all the remaining obligations (not identified as burdensome by any of the actors).

It has been analysed if the IOs will be removed or maintained under each of the three policy options of the impact assessment. Number 1 stands for those IOs that will be maintained and number 0 has been attributed to the IOs to be removed under each policy option.

N° ert	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Signifi- cance	Impro- ved status quo	Market driven	Principle driven
1	Operators	General production rules	"Operators using such non-organic products purchased from third parties shall require the vendor to confirm that the products supplied have not been produced from or by GMOs."	Request vendor declaration on no presence of GMOs	RCE 834/2007 Article 9(3)	8	when the triggering event occurs	Low	1	1	1
2	Operators	General farm production rules: Simoultaneous production	<i>Simoultaneous production</i> "Where, in accordance with the second subparagraph, not all units of a holding are used for organic production, the operator shall keep the land, animals, and products used for, or produced by, the organic units separate from those used for, or produced by, the non-organic units and keep adequate records to show the separation."	Keep records to show separation in case of parallel production (farm level)	RCE 834/2007 Article 11	8	when the triggering event occurs	High	1	1	0
3	MS/CA	Autorisation of products and substances used in farming	<i>Request for a new substance/technique</i> "When a member state considers that a product or substance should be added to, or withdrawn from the list referred to in paragraph 1, or that the specifications of use mentioned in subparagraph (a) should be amended, the Member State shall ensure that a dossier giving the reasons for the inclusion, withdrawal or amendments is sent officially to the Commission and to the Member States."	Request for modification of technical annexes of R 889/2008	RCE 834/2007 Article 16(3)(b) and Article 21 (2)	6	when the triggering event occurs	Low	1	0	1

N° ert	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Signifi- cance	Impro- ved status quo	Market driven	Principle driven
4	MS/CA	Autorisation of products and substances used in farming	"Member States may regulate, within their territory, the use of products and substances in organic farming for purposes different than those mentioned in paragraph 1 provided their use is subject to objectives and principles laid down in Title II and the general and specific criteria set out in paragraph 2, and in so far as it respects Community law. The Member State concerned shall inform other Member States and the Commission of such national rules."	Inform on introduction of national rules relating to the use of products and substances	RCE 834/2007 Article 16(4)	2	when the triggering event occurs	Low	1	0	0
5	Operators	Plant production: Use of fertilisers and soil conditioners	"Operators shall keep documentary evidence of the need to use the product (products referred to in Annex I to this Regulation)."	Keep documentary evidence of the need to use fertilisers and soil conditioners listed in Annex I	RCE 889/2008 Article 3(1)	8	when the triggering event occurs	Medium	1	0	1
6	Operators	Plant production: Use of products against pest, disease and weed management	"Operators shall keep documentary evidence of the need to use the product (products referred to in Annex II to this Regulation)."	Keep documentary evidence of the need to use plant protection products in Annex II	RCE 889/2008 Article 5 (1)	8	when the triggering event occurs	High	1	0	1
7	MS/CA	Seaweed production: simultaneous production	Parallel production. "Where minimum separation distances are set Member States shall provide this information to operators, other Member States and the Commission." (minimum separation distances between organic and non-organic production units)	Inform on minimum separation distances for seaweed in case of parallel production	RCE 889/2008 Article 6b (2)	2	when the triggering event occurs	Low	1	1	0
8	Operators	Seaweed production	"An environmental assessment proportionate to the production unit shall be required for all new operations applying for organic production and producing more than 20 tonnes of aquaculture products per year (...) The operator shall provide the environmental assessment to the control body or control authority."	Prepare an environmental assessment (seaweed production of more than 20 tons per year)	RCE 889/2008 Article 6b (3)	8	Initial set up	Low	1	1	1
9	Operators	Seaweed production	" Documentary accounts shall be maintained in the unit or premises" (to verify that the harvesters have supplied only wild seaweed produced) ; "documentary evidence shall be available that the total harvest complies with this Regulation" (when seaweed is harvest from a shared or common harvest area)	Keep records and evidence in case of sustainable harvesting of wild seaweed	RCE 889/2008 Article 6c (1) (3)	8	Regularly	Low	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
10	Operators	Seaweed production	"Culture density or operational intensity shall be recorded and shall maintain the integrity of the aquatic environment by ensuring that the maximum quantity of seaweed which can be supported without negative effects on the environment is not exceeded."	Record density in seaweed production	RCE 889/2008 Article 6d (3)	8	Regularly	Low	1	1	1
11	MS/CA	Animal production: poultry	Use of slow-growing poultry strains: "The competent authority shall define the criteria of slow-growing strains or draw up a list thereof and provide this information to operators, other Member States and the Commission."	Define slow-growing poultry strains	RCE 889/2008 Article 12 (5)	1	Initial set up	Low	1	0	1
12	Operators	Animal production: simultaneous production of organic and non-organic livestock	"Operators shall keep documentary evidence of the use of provisions referred to in this Article." (in case of simultaneous production of organic and non-organic livestock)	Keep records in case of simultaneous production of livestock	RCE 889/2008 Article 17 (5)	8	when the triggering event occurs	High	1	1	0
13	Operators	Animal production: poultry	"The operator shall keep documentary evidence of the application of this period cleaning premises (between batches of poultry)." Not applicable for free range poultry.	Keep documentary evidence of application of period of keeping empty runs for poultry	RCE 889/2008 Article 23 (5)	8	Regularly but not for free range	Medium	1	1	1
14	Operators	Animal production: use of allopathic medicines	Records of documented evidence of the occurrence of such circumstances shall be kept for the control body or control authority.	Keep records of treatment with chemically-synthesised allopathic veterinary medicinal products or antibiotics in animals	RCE 889/2008 Article 24 (4)	8	when the triggering event occurs	Low	1	1	1
15	Operators	Aquaculture	"Defensive and preventive measures taken against predators under Council Directive 92/43/EEC and national rules shall be recorded in the sustainable management plan."	Record measures taken against predators (aquaculture)	RCE 889/2008 Article 25b	8	Regularly	Low	1	1	1
16	Operators	Aquaculture	"Operators shall keep documentary evidence of the use of provisions referred to in this Article."	Keep records in case of simultaneous production of aquaculture animals	RCE 889/2008 Article 25c (3)	8	Regularly	Low	1	1	0
17	Operators	Aquaculture	"Documentary evidence of their origin and treatment shall be provided for the control body or control authority."	Keep documentary evidence on the origin of aquaculture animals	RCE 889/2008 Article 25d (1)	8	Regularly	Low	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
18	Operators	Aquaculture	"Documentary evidence shall be maintained."	Keep documentary evidence in case of escape of aquaculture animals	RCE 889/2008 Article 25f (5)	8	Regularly	Low	1	1	1
19	Operators	Aquaculture	"Documentary evidence shall be maintained."	Keep documentary evidence on the use of oxygen in aquaculture	RCE 889/2008 Article 25h (4)	8	Regularly	Low	1	1	1
20	Operators	Aquaculture	"Records shall be kept of how, where and when wild seed was collected to allow traceability back to the collection area."	Keep records on the use of wild seed (aquaculture - production of bivalve shellfish)	RCE 889/2008 Article 25o (1)	8	Regularly	Low	1	1	1
21	Operators	Aquaculture	"The report shall be added as a separate chapter to the sustainable management plan."	Prepare report on the bottom cultivation of molluscs (aquaculture)	RCE 889/2008 Article 25q (2)	2	Regularly	Low	1	1	1
22	Operators	Aquaculture	"Whenever veterinary medicinal products are used, such use is to be declared to the control body or the control authority before the animals are marketed as organic. Treated stock shall be clearly identifiable."	Declare use of veterinary medicinal products in aquaculture	RCE 889/2008 Article 25t (5)	8	when the triggering event occurs	Medium	1	1	1
23	Operators	Processed feed and food	"When non-organic products are also prepared or stored in the preparation unit concerned, the operator shall inform the control authority or control body thereof and keep available an updated register of all operations and quantities processed;"	Inform CB and keep records in case of parallel processing	RCE 889/2008 Article 26 (5) (c)	8	when the triggering event occurs	High	1	1	1
24	Operators	Processed feed and food: authorisation of non-organic ingredients	Where an ingredient of agricultural origin is not included in Annex IX to this Regulation, that ingredient may only be used under the following conditions: "The operator has notified to the competent authority of the Member State all the requisite evidence showing that the ingredient concerned is not produced in sufficient quantity in the Community in accordance with the organic production rules or cannot be imported from third countries;"	Notify to the CA evidence in case of use of ingredients not included in Annex IX	RCE 889/2008 Article 29 (1) (a)	1	Exceptionally	High	1	1	0

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
25	MS/CA	Processed feed and food: authorisation of non-organic ingredients	"Where an ingredient of agricultural origin is not included in Annex IX to this Regulation, that ingredient may only be used under the following conditions(...) The competent authority of the Member State has provisionally authorised , the use for a maximum period of 12 months after having verified that the operator has undertaken the necessary contacts with suppliers in the Community to ensure himself of the unavailability of the ingredients concerned with the required quality requirements;"	Authorisation of non-organic ingredients	RCE 889/2008 Article 29 (1) (b)	6 9	Exceptionally	High	1	0	0
26	MS/CA	Processed feed and food: authorisation of non-organic ingredients	Where an authorisation as referred to in paragraph 1 has been granted, the Member State shall immediately notify to the other Member States and to the Commission, the following information :"(a) the date of the authorisation and in case of a prolonged authorisation, the date of the first authorisation; (b) the name, address, telephone, and where relevant, fax and e-mail of the holder of the authorisation; the name and address of the contact point of the authority which granted the authorisation; (c) the name and, where necessary, the precise description and quality requirements of the ingredient of agricultural origin concerned; (d) the type of products for the preparation of which the requested ingredient is necessary; (e) the quantities that are required and the justification for those quantities; (f) the reasons for, and expected period of, the shortage; (g) the date on which the Member State sends this notification to the other Member States and the Commission. The Commission and/or Member States may make this information available to the public .	Notification of non-organic ingredient authorisations granted and possibly their publication	RCE 889/2008 Article 29 (2)	1	Exceptionally	Low	1	0	0
27	MS/CA	Processed feed and food: authorisation of non-organic ingredients	"Where a Member State submits comments to the Commission and to the Member State which granted the authorisation, which show that supplies are available during the period of the shortage" "The Member State (...) shall inform the Commission and the other Member States of the measures it has taken or will take, within 15 working days from the date of receipt of the information."	Reply to comments concerning a non-organic ingredient authorisation	RCE 889/2008 Article 29 (3)	2	Exceptionally	Low	1	0	0

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
28	MS/CA	Processed feed and food: authorisation of non-organic ingredients	"In case of an extension as referred to in the second subparagraph of paragraph 1, the procedures of paragraphs 2 and 3 shall apply"	Notification and reply to comments in case of an extension of notification of authorisation of a non-organic ingredient	RCE 889/2008 Article 29 (5)	1 2	Exceptionally	Low	1	0	0
29	Operators	Processed feed and food: simultaneous organic and non-organic collection	"The operator shall keep the information relating to collection days, hours, circuit and date and time of reception of the products available to the control body or control authority."	Keep information relating to collection and transport of products in case of simultaneous collection of organic and non-organic products	RCE 889/2008 Article 30	8	Regularly	Medium	1	1	1
30	Operators	Processed feed and food: labelling/traceability when transport and packaging	"Operators shall ensure that organic products are transported to other units, including wholesalers and retailers, only in appropriate packaging .(...) The information referred to in points (a) to (d) of the first subparagraph may also be presented on an accompanying document, if such a document can be undeniably linked with the packaging, container or vehicular transport of the product. This accompanying document shall include information on the supplier and/or the transporter."	Keep information relating to packaging and transport	RCE 889/2008 Article 31 (1)	4	Regularly	Low	1	1	1
31	Operators	Processed feed and food: transport and packaging	"Both the expediting and the receiving operators shall keep documentary records of such transport operations available for the control body or control authority of such transport operations."	Keep documentary records of transport operations	RCE 889/2008 Article 31 (2) (c)	8	Regularly	Low	1	1	1
32	Operators	Processed feed and food: transport of feed	"Operators shall record these operations,"	Record cleaning measures if vehicles also used for transport of non-organic products	RCE 889/2008 Article 32 (b) (i)	8	Regularly	Low	1	1	1
33	Operators	Processed feed and food: transport of feed	"The operator shall keep documentary records of such transport operations available for the control body or control authority;"	Record transport operation in case vehicles also used for transport of non-organic products	RCE 889/2008 Article 32 (b) (iii)	8	Regularly	Low	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
34	Operators	Processed feed and food: transport of feed	"During transport, the quantity of products at the start and each individual quantity delivered in the course of a delivery round shall be recorded."	Record quantity during transport	RCE 889/2008 Article 32 (d)	7	Regularly	Low	1	1	1
35	Operators	Aquaculture: transport of live fish	"Documentary evidence shall be maintained for paragraphs 1 to 3."	Keep documentary evidence on transport of live fish	RCE 889/2008 Article 32a (4)	8	Regularly	Medium	1	1	1
36	Operators	Transport	"The result of these verifications shall be explicitly mentioned in the documentary accounts referred to in Article 66."	Record result of verification upon reception of products	RCE 889/2008 Article 33	8	Regularly	Low	1	1	1
37	Operators	Trade from 3C	"The result of this verification shall be explicitly mentioned in the documentary accounts referred to in Article 66 of this Regulation."	Record verification of imported consignments	RCE 889/2008 Article 34	8	Regularly	Low	1	1	1
38	Operators	Storage	"Operators shall record these operations."	record cleaning measures of storage facilities is also used for storage of non-organic products	RCE 889/2008 Article 35 (4) (c)	8	Regularly	Medium	1	1	1
39	MS/CA	Conversion rules	No information obligation, but strong burden for MS. The competent authority may decide to recognise retroactively as being part of the conversion period any previous period in which: (a) the land parcels were subject of measures defined in a programme implemented pursuant to Regulations (EC) No 1257/99, (EC) No 1698/2005, or in another official programme, provided that the measures concerned ensure that products not authorised for organic production have not been used on those parcels, or (b) the parcels were natural or agricultural areas which were not treated with products not authorised for organic production. The period referred to in point (b) of the first subparagraph can be taken into consideration retroactively only where satisfactory proof has been furnished to the competent authority allowing it to satisfy itself that the conditions were met for a period of at least three years.	Retroactive recognition of conversion period	RCE 889/2008 Article 36 (2)		when the triggering event occurs	High	1	1	0

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
40	MS/CA	Conversion rules	No information obligation, but strong burden for MS. In the case of parcels which have already been converted to or were in the process of conversion to organic farming, and which are treated with a product not authorised for organic production, the Member State may shorten the conversion period referred to in paragraph 1 in the following two cases: (a) parcels treated with a product not authorised for organic production as part of a compulsory disease or pest control measure imposed by the competent authority of the Member State; (b) parcels treated with a product not authorised for organic production as part of scientific tests approved by the competent authority of the Member State.	Shortening of conversion period	RCE 889/2008 Article 36 (4)		If needed	Medium	1	1	1
41	MS/CA	Conversion rules	In the case of parcels which have already been converted to or were in the process of conversion to organic farming, and which are treated with a product not authorised for organic production, the Member State may shorten the conversion period referred to in paragraph 1 in the following two cases: (a) parcels treated with a product not authorised for organic production as part of a compulsory disease or pest control measure imposed by the competent authority of the Member State; (b) parcels treated with a product not authorised for organic production as part of scientific tests approved by the competent authority of the Member State. In the cases provided for in points (a) and (b) of the first subparagraph, the length of the conversion period shall be fixed taking into account of the following factors: (a) the process of degradation of the product concerned shall guarantee, at the end of the conversion period, an insignificant level of residues in the soil and, in the case of a perennial crop, in the plant; (b) the harvest following the treatment may not be sold with reference to organic production methods. The Member State concerned shall inform the other Member States and the Commission of its decision to require compulsory measures.	Information on decision to require compulsory measures (disease or pest control measures)	RCE 889/2008 Article 36 (4)	2	when the triggering event occurs	Low	1	1	1
42	Operators	Labelling	"The indications referred to in paragraph 1 shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible."	Labelling (code number, logo, place of farming)	RCE 834/2007 Article 24(2)	3	Regularly	Low	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
43	CB/control authorities	Labelling	Where terms as referred to in Article 23(1) are used: the code number referred to in Article 27(10) of the control authority/body to which the operator who has carried out the most recent production or processing operation is subject, shall also appear in the labelling.	Labelling (code number of CB)	RCE 834/2007 Article 24(1)	3	Regularly	High	1	1	1
44	Operators	Control	"Notify his activity to the competent authorities of the Member State where the activity is carried out;"	Notification of activity to the CA	RCE 834/2007 Article 28 (1)(a)	1	Initial set up	Medium	1	1	1
45	Operators	Control	"The operator shall verify the documentary evidence of his suppliers."	Verification of documentary evidence of suppliers	RCE 834/2007 Article 29 (2)	8	Regularly	Medium	1	1	1
46	MS/CA	Control: Infringements	"Where an irregularity is found ... the control authority or control body shall ensure that no reference to organic production method is made ... Where a severe infringement or infringement with prolonged effect is found, the control authority or control body shall prohibit the operator concerned from marketing products ... for a period to be agreed with the competent authority of the Member State. "	Prohibition to label or refer to organic production and/or to market products	RCE 834/2007 Article 30 (1)	8	when the triggering event occurs	High	1	1	1
47	CB/control authorities	Control: Infringements	"Where an irregularity is found ... the control authority or control body shall ensure that no reference to organic production method is made ... Where a severe infringement or infringement with prolonged effect is found, the control authority or control body shall prohibit the operator concerned from marketing products ... for a period to be agreed with the competent authority of the Member State. "	Prohibition to label or refer to organic production and/or to market products	RCE 834/2007 Article 30 (1)	8	when the triggering event occurs	Medium	1	1	1
48	MS/CA	Control: Infringements	Where a Member State finds irregularities or infringements relating to the application of this Regulation in a product coming from another Member State and bearing indications as referred to in Title IV of Regulation (EC) No 834/2007 and Title III and/or Annex XI of this Regulation, it shall inform the Member State which designated the control body or control authority and the Commission thereby.	Notification of irregularities between MS	RCE 834/2007 Article 30 (2) RCE 889/2008 Article 92 (2)	10	when the triggering event occurs	High	1	1	1
49	MS/CA	Control: Infringements	"The competent authorities, control authorities and the control bodies shall exchange relevant information on the results of their controls with other competent authorities, control authorities and control bodies."	Exchange of information on results of controls	RCE 834/2007 Article 31	10	Regularly	High	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
50	CB/control authorities	Control: Infringements	"The competent authorities, control authorities and the control bodies shall exchange relevant information on the results of their controls with other competent authorities, control authorities and control bodies."	Exchange of information on results of controls	RCE 834/2007 Article 31	10	Regularly	Medium	1	1	1
51	CB/Control authorities	Control	By 31 January each year at the latest the control authorities and control bodies shall transmit to the competent authorities a list of the operators which were subject to their controls on 31 December of the previous year.	List of operators	RCE 834/2007 Article 27(14)	10	Annually	Low	1	1	1
52	CB/Control authorities	Control	A summary report of the control activities carried out during the previous year shall be provided by 31 March each year.	Summary report on CB activities	RCE 834/2007 Article 27(14)	2	Annually	High	1	1	1
53	Operators	Control: Infringements	"In case of such doubt, the operator shall immediately inform the control body or authority."	Inform the CB in case of doubt	RCE 889/2008 Article 91 (1)	2	when the triggering event occurs	Medium	1	1	1
54	MS/CA	Control	Member States shall designate an authority or approve a body for the reception of such notifications	Designate or approve a body	RCE 834/2007 Article 28 (3)		Once for all new operations	Low	1	1	1
55	CB/Control authorities	Control	The control authorities and control bodies shall keep an updated list containing the names and addresses of operators under their control. This list shall be made available to the interested parties.	Keep updated list of operators	RCE 834/2007 Article 28(5)	4	Regularly	Low	1	1	1
56	MS/CA	Control	"The Member States shall make available to the public, in an appropriate manner including publication on the Internet, the updated lists referred to in Article 28(5) of Regulation (EC) No 834/2007 containing updated documentary evidence related to each operator, as provided for in Article 29(1) of that Regulation and using the model set out in Annex XII to this Regulation. The Member States shall duly observe the requirements of the protection of personal data as laid down in Directive 95/46/EC of the European Parliament and of the Council"	Publish list of operators	RCE 889/2008 Article 92 (a)	4	Initial set up and regular update	High	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
57	Operators	Control: minimum requirements	"When the control arrangements are first implemented, the operator shall draw up and subsequently maintain: (a) a full description of the unit and/or premises and/or activity; (b) all the practical measures to be taken at the level of the unit and/or premises and/or activity to ensure compliance with the organic production rules; (c) the precautionary measures to be taken in order to reduce the risk of contamination by unauthorised products or substances and the cleaning measures to be taken in storage places and throughout the operator's production chain; (d) the specific characteristics of the production method used, where the operator intends to request documentary evidence in accordance with Article 68(2)."	Control arrangements and undertaking necessary to enter the scheme	RCE 889/2008 Article 63 (1)	10	Initial set up	High	1	1	1
58	Operators	Control: minimum requirements	"The description and the measures ... shall be contained in a declaration, signed by the responsible operator."	Sign declaration of control arrangements and undertaking	RCE 889/2008 Article 63 (2)	8	Initial set up	Low	1	1	1
59	Operators	Control: minimum requirements	"For the application of Article 28(1) of Regulation (EC) No 834/2007 the operator shall notify the following information to the competent authority:"	Notification of activity to the competent authority	RCE 889/2008 Article 63 (3)	1	Initial set up	Low	1	1	1
60	Operators	Control: minimum requirements	"The operator responsible shall notify any change in the description or of the measures referred to in Article 63 and in the initial control arrangements set out in Articles 70, 74, 80, 82, 86 and 88 to the control authority or control body in due time."	Notification of any change in control measures	RCE 889/2008 Article 64	1	when the triggering event occurs	High	1	1	1
61	Operators	Control: minimum requirements	"A control report shall be drawn up after each visit, countersigned by the operator of the unit or his representative."	Sign the control report	RCE 889/2008 Article 65 (3)	8	At each control	Low	1	1	1
62	Operators	Control: minimum requirements	"Stock and financial records shall be kept in the unit or premises and shall enable the operator to identify and the control authority or control body to verify."	Keep stock and financial records	RCE 889/2008 Article 66 (1) (2)	8	Regularly	Low	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
63	Operators	Control: minimum requirements	"The operator shall: (a) give the control authority or control body, for control purposes, access to all parts of the unit and all premises, as well as to the accounts and relevant supporting documents; (b) provide the control authority or control body with any information reasonably necessary for the purposes of the control; (c) submit, when requested by the control authority or control body, the results of its own quality assurance programmes. 2. In addition to the requirements set out in paragraph 1, importers and first consignees shall submit the information on imported consignments referred to in Article 84."	Provide information and access to facilities to the CB	RCE 889/2008 Article 67 (1) (2)	8	Regularly	Medium	1	1	1
64	Operators	Control: plant production records	"Plant production records shall be compiled in the form of a register and kept available to the control authorities or bodies at all times at the premises of the holding. In addition to Article 71 such records shall provide at least the following information:"	Keep register of plant production records	RCE 889/2008 Article 72	2	Regularly	High	1	1	1
65	Operators	Control: seaweed	"Seaweed production records shall be compiled in the form of a register by the operator and kept available for the control authorities or control bodies at all times at the premises of the holding. It shall provide at least the following information:"	Keep register of seaweed production records	RCE 889/2008 Article 73b (1)	2	Regularly	Low	1	1	1
66	Operators	Control: animal production	"Livestock records shall be compiled in the form of a register and kept available to the control authorities or bodies at all times at the premises of the holding. Such records shall provide a full description of the herd or flock management system comprising at least the following information:"	Keep register of livestock records	RCE 889/2008 Article 76	2	Regularly	High	1	1	1
67	Operators	Control: animal production	"Whenever veterinary medicinal products are used the information according to Article 76(e) is to be declared to the control authority or body before the livestock or livestock products are marketed as organically produced."	Declare use of veterinary medicinal products	RCE 889/2008 Article 77	1	when the triggering event occurs	High	1	1	1
68	Operators	Control: animal production	"Livestock treated shall be clearly identified , individually in the case of large animals; individually, or by batch, or by hive, in the case of poultry, small animals and bees."	Identify livestock treated with veterinary medicinal products	RCE 889/2008 Article 77	3	when the triggering event occurs	Low	1	1	1

No crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
69	Operators	Control: beekeeping	A map on an appropriate scale listing the location of hives shall be provided to the control authority or control body by the beekeeper. Where no areas are identified in accordance with Article 13(2), the beekeeper shall provide the control authority or control body with appropriate documentation and evidence, including suitable analyses if necessary, that the areas accessible to his colonies meet the conditions required in this Regulation."	Provide a map listing location of hives	RCE 889/2008 Article 78 (1)	10	Regularly	Low	1	1	1
70	Operators	Control: beekeeping	The following information shall be entered in the register of the apiary with regard to the use of feeding: type of product, dates, quantities and hives where it is used."	Keep register of the apiary	RCE 889/2008 Article 78 (2)	10	when the triggering event occurs	Medium	1	1	1
71	Operators	Control: beekeeping	" Whenever veterinary medicinal products are to be used, the type of product, including the indication of the active pharmacological substance, together with details of the diagnosis, the posology, the method of administration, the duration of the treatment and the legal withdrawal period shall be recorded clearly and declared to the control body or authority before the products are marketed as organically produced.	Record use of veterinary medicinal products in beekeeping	RCE 889/2008 Article 78 (3)	1	when the triggering event occurs	Medium	1	1	1
72	Operators	Control: beekeeping	The zone where the apiary is situated shall be registered together with the identification of the hives. The control body or authority shall be informed of the moving of apiaries by a deadline agreed on with the control authority or body.	Register zone of situation of apiary and inform the CB in case of move	RCE 889/2008 Article 78 (4)	10	Initial set up/when the triggering event occurs	Low	1	1	1
73	Operators	Control: beekeeping	Particular care shall be taken to ensure adequate extraction, processing and storage of beekeeping products. All the measures to comply with this requirement shall be recorded.	Record measures on extraction, processing and storage of beekeeping products	RCE 889/2008 Article 78 (5)	10	Regularly	Low	1	1	1
74	Operators	Control: beekeeping	The removals of the supers and the honey extraction operations shall be entered in the register of the apiary.	Record removals of the supers and the honey extraction	RCE 889/2008 Article 78 (6)	10	Regularly	Low	1	1	1
75	Operators	Control: aquaculture	"The following information shall be provided by the operator in the form of a register which shall be kept up to date and made available for the control authorities or control bodies at all times at the premises of the holding"	Keep register of aquaculture production record	RCE 889/2008 Article 79b	2 8	Regularly	Low	1	1	1

N° crit	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Signifi- cance	Impro- ved status quo	Market driven	Principle driven
76	Operators	Control: Imported products	"On request of the control authority or control body, any details on the transport arrangements from the exporter in the third country to the first consignee and, from the first consignee's premises or storage facilities to the consignees within the Community shall be provided ."	Provide details on transport arrangements for imported products if requested by CB	RCE 889/2008 Article 83	2 8	Upon request	Low	1	1	1
77	Operators	Control: Imported products	"The importer shall, in due time, inform the control body or control authority of each consignment to be imported into the Community, providing:"	Inform of each consignment to be imported	RCE 889/2008 Article 84	2	Each time a consignment is imported	High	1	1	1
78	Operators	Control: Imported products	"Where the importer performs the import operations by different units or premises, he shall make available on request the reports referred to in the second subparagraph of Article 63(2) of this Regulation for each of these facilities."	Provide declaration of control arrangements and undertaking for each unit run by the importer	RCE 889/2008 Article 85	2	Upon request	Low	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
79	CB/Control authorities	Control: Imported products	The request for inclusion shall consist of a technical dossier, which shall comprise all the information needed for the Commission to ensure that the conditions set out in Article 33(3) of Regulation (EC) No 834/2007 are met for products intended for export to the Community, namely:(a) an overview of the activities of the control body or control authority in the third country or third countries, including an estimate of the number of operators involved and the expected nature and quantities of agricultural products and foodstuffs intended for export to the Community under the rules set out in Article 33(1) and (3) of Regulation (EC) No 834/2007;(b) a description of the production standards and control measures applied in the third countries, including an assessment of the equivalence of these standards and measures with Titles III, IV and V of Regulation (EC) No 834/2007 as well as with the associated implementing rules laid down in Regulation (EC) No 889/2008;(c) a copy of the assessment report as set out in the fourth subparagraph of Article 33(3) of Regulation (EC) No 834/2007;(i) proving that the control body or control authority has been satisfactorily assessed on its ability to meet the conditions set out in Article 33(1) and (3) of Regulation (EC) No 834/2007;(ii) confirming that it has effectively implemented its activities according to those conditions; and(iii) demonstrating and confirming the equivalence of the production standards and control measures referred to in subparagraph (b) of this paragraph;(d) proof that the control body or control authority has notified its activities to the authorities of each of the third countries concerned and its undertaking to respect the legal requirements imposed on it by the authorities of each of the third countries concerned;(e) the Internet website where the list of operators subject to the control system can be found, as well as a contact point where information is readily available on their certification status, the product categories concerned, as well as suspended and decertified operators and products;(f) an undertaking to comply with the provisions of Article 12;(g) any other information deemed relevant by the control body or control authority or by the Commission	Request for inclusion in the list of recognized control bodies and control authorities for the purpose of equivalency	RCE 1235/2007 Article 11 (3)	6	Initial set up and upon expiry of inclusion	High	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
80	CB/Control authorities	Control: Imported products	by 31 March every year, the control body or control authority shall send a concise annual report to the Commission. The annual report shall update the information of the technical dossier referred to in Article 11(3); it shall describe in particular the control activities carried out by the control body or control authority in the third countries in the previous year, the results obtained, the irregularities and infringements observed and the corrective measures taken; It shall furthermore contain the most recent assessment report or update of such report, which shall contain the results of the regular on-the-spot evaluation, surveillance and multiannual reassessment as referred to in Article 33(3) of Regulation (EC) No 834/2007; the Commission may request any other information deemed necessary;	Annual report by recognized control bodies and control authorities	RCE 1235/2007 Article 12 (1) b	2	Annually	High	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
81	Third countries	Control: imported products	Equivalency Third country. The Commission shall only be required to consider a request for inclusion which meets the following preconditions. The request for inclusion shall be completed by a technical dossier, which shall comprise all the information needed for the Commission to ensure that the conditions set out in Article 33(1) of Regulation (EC) No 834/2007 are met for products intended for export to the Community, namely: (a) general information on the development of organic production in the third country, the products produced, the area in cultivation, the production regions, the number of producers, the food processing taking place; (b) an indication of the expected nature and quantities of organic agricultural products and foodstuffs intended for export to the Community; (c) the production standards applied in the third country as well as an assessment of their equivalence to the standards applied in the Community; (d) the control system applied in the third country, including the monitoring and supervisory activities carried out by the competent authorities in the third country, as well as an assessment of its equivalent effectiveness when compared to the control system applied in the Community; (e) the Internet or other address where the list of operators subject to the control system can be found, as well as a contact point where information is readily available on their certification status and the product categories concerned; (f) the information the third country proposes to include in the list as referred to in Article 7; (g) an undertaking to comply with the provisions of Article 9; (h) any other information deemed relevant by the third country or by the Commission.	Request for inclusion in the list of recognized third countries for the purpose of equivalence	RCE 1235/2007 Article 8 (2) and Article 9 (1) a	10	Initial set up and update	Low	1	1	1
82	Third countries	Control:import ed products	Equivalency Third country. The Commission shall only be required to consider a request for inclusion when the third country undertakes to accept the following conditions: (...) (b) the annual report referred to in Article 33(2) of Regulation (EC) No 834/2007 shall update the information of the technical dossier referred to in Article 8(2) of this Regulation; it shall describe in particular the monitoring and supervisory activities carried out by the competent authority of the third country, the results obtained and the corrective measures taken	Annual report by recognized third countries	RCE 1235/2007 Article 9 (1) b	3	Annually	Low	1	1	0

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
83	MS/CA	Control:import ed products	Equivalency Third country and control bodies. For each request received, and after appropriate consultation with Member States in accordance with the specific internal rules of procedure, the Commission shall nominate two Member States to act as co-reporters. The Commission shall divide the requests between the Member States proportionally with the number of votes of each Member State in the Committee on organic production. The co-reporting Member States shall examine the documentation and information as set out in Articles 4, 8 and 11 related to the request and shall draw up a report. For the management and review of the lists, they shall also examine the annual reports and any other information referred to in Articles 5, 9 and 12 related to the entries on the list	Co-reporting obligations of MS	RCE 1235/2007 Article 16 (2)	10	For each request received / continuous supervision	High	1	1	1
84	Operators	Control: Outsourcing of operations	"All the practical measures, including inter alia an appropriate system of documentary accounts , to be taken at the level of the unit to ensure that the products the operator places on the market can be traced to, as appropriate, their suppliers, sellers, consignees and buyers."	Keep documentary accounts to ensure traceability in case of sub-contracting	RCE 889/2008 Article 86 (c)	8	Regularly	Low	1	1	1
85	Operators	Control: feed preparation	"For the purposes of proper control of the operations, the documentary accounts referred to in Article 66 shall include information on the origin, nature and quantities of feed materials, additives, sales and finished products."	Keep documentary accounts for units preparing feed	RCE 889/2008 Article 89	8	Regularly	Low	1	1	1
86	Operators	Control: Imported products	"The original of the certificate referred to in this paragraph shall accompany the goods to the premises of the first consignee; thereafter the importer must keep the certificate at the disposal of the control authority or the control body for not less than two years ."	Import certificate must accompany the goods and be kept by the importer for at least 2 years	RCE 834/2007 Article 33 (1)	4	Regularly	Medium	1	1	1
87	Operators	Control: Imported products	Certificate of inspection 1. The release for free circulation in the Community of a consignment of products referred to in Article 1(2) of Regulation (EC) No 834/2007 and imported in accordance with Article 33 of that Regulation shall be conditional on: (a) the submission of an original certificate of inspection to the relevant Member State's authority; and	Certificate of inspection (import certificate) must be submitted to the MS authority	RCE 1235/2008 Article 13 (1) (a)		Regularly	High	1	1	1
88	MS/CA	Control: Imported products	"(b) on the verification of the consignment by the relevant Member State's authority and the endorsement of the certificate of inspection in accordance with paragraph 8 of this Article."	Certificate of inspection must be endorsed by the MS authority before free circulation	RCE 1235/2008 Article 13 (1) (b) and 13 (8)	8	Regularly	High	1	1	1

Nº crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
89	Operators	Control: Imported products	"The first consignee or, where relevant, the importer may make a copy for the purpose of informing the control authorities and control bodies in accordance with Article 83 of Regulation (EC) No 889/2008. Any such copy shall carry the indication 'COPY' or 'DUPLICATE' printed or stamped thereon."	Copy of certificate of inspection for control and notification purposes	RCE 1235/2008 Article 13 (6)	4	Regularly	Low	1	1	1
90	Operators	Control: Imported products	"The first consignee shall, at the reception of the consignment, complete box 18 of the original of the certificate of inspection, to certify that the reception of the consignment has been carried out in accordance with Article 34 of Regulation (EC) No 889/2008."	Signature of the import certificate of the first consignee	RCE 1235/2008 Article 13 (9)	4	Regularly	Low	1	1	1
91	Operators	Control: Imported products	The first consignee shall then send the original of the certificate to the importer mentioned in box 11 of the certificate, for the purpose of the requirement laid down in the second subparagraph of Article 33(1) of Regulation (EC) No 834/2007, unless the certificate has to further accompany the consignment referred to in paragraph 1 of this Article."	Sending the import certificate by the first consignee to the importer	RCE 1235/2008 Article 13 (9)	4	Regularly	Low	1	1	1
92	CB/control authorities	Control: Imported products	3. To be accepted, the certificate of inspection must have been issued by the control authority or control body 4. The authority of body issuing the certificate of inspection shall	Issuing of the certificate of inspection and endorsement of box 15	RCE 1235/2008 Article 13 (3)(4)	4	Regularly	Medium	1	1	1
93	MS/CA	Control: Imported products	"After this preparation, the endorsed original of the certificate of inspection shall accompany the consignment, and shall be presented to the relevant Member State's authority, which shall verify the consignment for the purpose of its release for free circulation."	Procedure for warehousing or inward processing	RCE 1235/2008 Article 14 (1)	9	Regularly	Low	1	1	1
94	MS/CA	Control: Imported products	"After this procedure, the original of the certificate of inspection shall, where relevant, be returned to the importer of the consignment, referred to in box 11 of the certificate to fulfil the requirement laid down in the second subparagraph of Article 33(1) of Regulation (EC) No 834/2007."	Procedure for warehousing or inward processing	RCE 1235/2008 Article 14 (1)	4	Regularly	Low	1	1	1
95	Operators	Control: Imported products	"For each of the batches which results from the splitting, an extract of the certificate of inspection shall be submitted to the relevant Member State's authority, in accordance with the model and the notes set out in Annex VI."	Procedure for splitting into different batches	RCE 1235/2008 Article 14 (2)	2	Regularly	Low	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
96	MS/CA	Control: Imported products	The extract from the certificate of inspection shall be endorsed by the relevant Member State's authorities in box 14."	Procedure for splitting into different batches	RCE 1235/2008 Article 14 (2)	2	Regularly	Low	1	1	1
97	Operators	Control: Imported products	"A copy of each endorsed extract from the certificate of inspection shall be kept together with the original certificate of inspection by the person identified as the original importer of the consignment and mentioned in box 11 of the certificate of inspection. This copy shall carry the indication 'COPY' or 'DUPLICATE' printed or stamped thereon."	Procedure for splitting into different batches	RCE 1235/2008 Article 14 (2)	4	Regularly	Low	1	1	1
98	Operators	Control: Imported products	"After the splitting, the endorsed original of each extract of the certificate of inspection shall accompany the batch concerned, and shall be presented to the relevant Member State's authority, which shall verify the batch concerned for the purpose of its release for free circulation."	Procedure for splitting into different batches	RCE 1235/2008 Article 14 (2)	8	Regularly	Low	1	1	1
99	MS/CA	Control: Imported products	which shall verify the batch concerned for the purpose of its release for free circulation."	Procedure for splitting into different batches	RCE 1235/2008 Article 14 (2)	8	Regularly	Low	1	1	1
100	Operators	Control: Imported products	"The consignee of a batch shall, at the reception thereof complete the original of the extract of the certificate of inspection in box 15, in order to certify that the reception of the batch has been carried out in accordance with Article 34 of Regulation (EC) No 889/2008." "The consignee of a batch shall keep the extract of the certificate of inspection at the disposal of the control authorities and/or control bodies for not less than two years."	Procedure for splitting into different batches	RCE 1235/2008 Article 14 (2)	4	Regularly	Low	1	1	1
101	MS/CA	Control: Imported products	"Where a competent authority of a third country recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 or a control authority or control body recognised in accordance with Article 33(3) of that Regulation is notified by the Commission after having received a communication from a Member State informing it of a substantiated suspicion of an infringement or irregularity as regards compliance of imported organic products with the requirements laid down in that Regulation or this Regulation, it shall investigate the origin of the suspected irregularity or infringement and..."	Notification of irregularities in imported products	RCE 1235/2008 Article 15 (4)	1	Regularly	Low	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
102	Third countries	Control: Imported products	"Where a competent authority of a third country recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 or a control authority or control body recognised in accordance with Article 33(3) of that Regulation is notified by the Commission after having received a communication from a Member State informing it of a substantiated suspicion of an infringement or irregularity as regards compliance of imported organic products with the requirements laid down in that Regulation or this Regulation, it shall investigate the origin of the suspected irregularity or infringement and shall inform the Commission and the Member State which sent the initial communication of the result of the investigation and of the action taken. That information shall be sent within 30 calendar days ... "	Reply to notification of irregularities in imported products	RCE 1235/2008 Article 15 (4)	2	Upon request	Low	1	1	1
103	CB/control authority	Control: Imported products	"Where a competent authority of a third country recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 or a control authority or control body recognised in accordance with Article 33(3) of that Regulation is notified by the Commission after having received a communication from a Member State informing it of a substantiated suspicion of an infringement or irregularity as regards compliance of imported organic products with the requirements laid down in that Regulation or this Regulation, it shall investigate the origin of the suspected irregularity or infringement and shall inform the Commission and the Member State which sent the initial communication of the result of the investigation and of the action taken. That information shall be sent within 30 calendar days ... "	Reply to notification of irregularities in imported products	RCE 1235/2008 Article 15 (4)	2	Upon request	Low	1	1	1
104	MS/CA	Control: Imported products	"The Member State which sent the initial communication may ask the Commission to request additional information, if needed, which shall be sent to the Commission and to the Member State concerned."	Request for additional information in case of irregularities in imported products	RCE 1235/2008 Article 15 (4)	2	If needed	Low	1	1	1
105	MS/CA	Control: Imported products	"In any case, after receiving a reply or additional information, the Member State which sent the initial communication shall make the necessary entries and updates in the computer system referred to in Article 94(1) of Regulation (EC) No 889/2008"	Update of OFIS - module Irregularities imports	RCE 1235/2008 Article 15 (4)	2	Regularly	Low	1	1	1

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
106	MS/CA	Control	<u>Information on the competent authorities, control authorities and bodies</u> “Members States shall regularly transmit the following information to the Commission:(a) the names and addresses of the competent authorities and where appropriate their code numbers and their marks of conformity;	Information on designation of the competent authority	RCE 834/2007 Article 35 (a) RCE 889/2007 Article 94 (1) a	2	Initial set up and regular update	Low	1	1	1
107	MS/CA	Control	<u>Information on the competent authorities, control authorities and bodies</u> “Members States shall regularly transmit the following information to the Commission: (b) lists of control authorities and bodies and their code numbers and, where appropriate, their marks of conformity.”	List of control bodies and control authorities	RCE 834/2007 Article 35 (b) RCE 889/2008 Article 94 (9) b	2	Annually	Low	1	1	1
108	MS/CA	Statistical information	<u>Annual statistical information for the implementation and follow-up of the Regulation</u> “Member States shall transmit to the Commission the statistical information necessary for the implementation and follow-up of this Regulation” “Member States shall provide the Commission with the annual statistical information on organic production referred to in Article 36 of Regulation (EC) No 834/2007 by using the computer system enabling electronic exchanges of documents and information made available by the Commission (Eurostat) before 1 July each year.”	Statistics	RCE 834/2007 Article 36 RCE 889/2008 Article 93 (1)	2	Annually	High	1	1	1
109	MS/CA	Control: exceptions	Authorisations for tethered cattle		RCE 889/2008 Article 95 (1)	2	Exceptionally	Medium	1	0	0
110	Operators	Control: exceptions	Authorisation from MS housing conditions and stocking densities (till 31/12/2013). “The operators benefiting from this extension shall present a plan to the control authority or control body, containing the description of arrangements which are intended to ensure compliance with the provisions of the organic production rules by the end of the transitional period.”		RCE 889/2008 Article 95 (2)	2	Exceptionally	Low	1	0	0
111	Operators	Wine	“Operators using ‘Organic logo of the EU’ shall keep recorded evidence , for a period of at least five years after they placed on the market that wine obtained from organic grapes, including of the corresponding quantities of wine in litres, per wine category and per year;”		RCE 889/2008 Article 95 (10a) (b)	8	Regularly	Low	1	1	1

Nº crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
112	Operators	Aquaculture and seaweed production	"Operators benefiting from this measure shall notify the facilities, fishponds, cages or seaweed lots which are concerned to the competent authority."	Transitional measure for aquaculture and seaweeds units to operate under national rules	RCE 889/2008 Article 95 (11)	1	Exceptionally	Low	1	1	1
113	Operators	Exceptions	"The control authority or control body is notified of the harvest of each of the products concerned at least 48 hours in advance"	Inform CB prior to the harvest in case of parallel production	RCE 834/2007 Article 22(2) RCE 889/2008 Article 40(1) (a) iii	1	Each harvest	Medium	1	0	0
114	Operators	Exceptions	Parallel production "The producer informs the control authority or control body of the exact quantities harvested on the units concerned and of the measures applied to separate the products;"	Inform CB after the harvest in case of parallel production	RCE 889/2008 Article 40 (1) (a) (iv)	2	Each harvest	Low	1	0	0
115	MS/CA	Exceptions	"The conversion plan and the control measures referred to in Chapter 1 and 2 of Title IV have been approved by the competent authority ; this approval shall be confirmed each year after the start of the conversion plan"	Annual approval and confirmation of conversion plans by the MS	RCE 889/2008 Article 40(1) (a) (v)	8	Exceptionally	Low	1	0	0
116	Operators	Exceptions	"Appropriate measures, notified in advance to the control authority or control body, have been taken in order to guarantee the permanent separation between livestock, livestock products, manure and feedingstuffs of each of the units;"	Notify separation measures in case of parallel production of same animal species authorised for research or educational purposes	RCE 889/2008 Article 40 (2) (a)	1	Exceptionally	Low	1	0	0
117	Operators	Exceptions	"The producer informs the control authority or control body in advance of any delivery or selling of the livestock or livestock products;	Advance notification of selling or delivery in case of parallel production of same animal species authorised for research or educational purposes	RCE 889/2008 Article 40 (2) (b)	2	Exceptional, for research, educational purposes	Low	1	0	0

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
118	Operators	Exceptions	The operator informs the control authority or control body of the exact quantities produced in the units together with all characteristics permitting the identification of the products and confirms that the measures taken to separate the products have been applied."	Information on quantities produced in case of parallel production of same animal species authorised for research or educational purposes	RCE 889/2008 Article 40 (2) (c)	2	Exceptional, for research, educational purposes	Low	1	0	0
119	Operators	Exceptions	"The operator shall keep documentary evidence of the use of this provision."	Keep documentary evidence in case of exceptional authorisation to run organic and non-organic beekeeping units on the same holding	RCE 889/2008 Article 41	8	Regularly	Low	1	0	0
120	MS/CA	Exceptions	Prior authorisation of MS: Where the conditions laid down in Article 22(2)(b) of Regulation (EC) No 834/2007 apply, and with prior authorisation of the competent authority, (a) when a flock is constituted for the first time, renewed or reconstituted and organically reared poultry are not available in sufficient numbers, non-organically reared poultry may be brought into an organic poultry production unit, provided that the pullets for the production of eggs and poultry for meat production are less than three days old;	Authorisation of MS to bring non-organic reared poultry to the holding	RCE 889/2008 Article 42 (a)		When MS grants exceptions	Low	1	0	0
121	Operators	Exceptions	(herd, bees, feed, wine) "Upon approval by the competent authority, the individual operators shall keep documentary evidence of the use of the above exceptions."	Keep documentary evidence on the use of exception granted by the MS in case of catastrophic circumstances	RCE 889/2008 Article 47	8	when the triggering event occurs	Low	1	0	0
122	MS/CA	Exceptions	"Member States shall inform each other and the Commission on the exceptions they have granted under points (c) and (e) of the first paragraph."	Inform the MS and Commission of exceptions granted in case of catastrophic circumstances	RCE 889/2008 Article 47	2	when the triggering event occurs	Low	1	0	0

Nº crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
123	MS/CA	Exceptions	Member state may authorise use of non-organic seeds or vegetative material	Authorisation of non-organic seeds	RCE 889/2008 Article 45(1)(b)	6	when the triggering event occurs	High	1	0	0
124	CB/Control authorities	Exceptions	Member state may delegate the responsibility for granting the authorisation referred to paragraph 1(b) to another public administration under their supervision or to the control authorities or control bodies.	Authorisation of non-organic seeds	RCE 889/2008 Article 45(4)	6	when the triggering event occurs	High	1	0	0
125	Operators	Exceptions	"The authorisation shall be granted only to individual users for one season at a time and the authority or body responsible for the authorisation shall register the quantities of seed or seed potatoes authorised"	Authorisation of non-organic seeds	RCE 889/2008 Article 45(7))	2	Exceptionally	High	1	0	0
126	MS/CA	Seeds data base	"Each Member State shall ensure that a computerised database is established for the listing of the varieties for which seed or seed potatoes obtained by the organic production method are available on its territory."	Seed database set-up	RCE 889/2008 Article 48 (1) (2)	4	Initial set up and regular update	High	1	0	0
127	MS/CA	Seeds data base	"Each Member State shall inform the Commission and the other Member States of the authority or private body designated to manage the database."	Information on body designated to manage the seed database	RCE 889/2008 Article 48 (3)	2	Initial set up and regular update	Low	1	0	0
128	MS/CA	Seeds data base	"Varieties for which seed or seed potatoes produced by the organic production method are available shall be registered in the database referred to in Article 48 at the request of the supplier."	Registration of available seed in the seed database	RCE 889/2008 Article 49 (1)	7	Upon request of a supplier	Low	1	0	0
129	Operators (suppliers)	Seeds data base	For registration, the supplier shall: (a) demonstrate that he or the last operator, in cases where the supplier is only dealing with pre-packaged seed or seed potatoes, has been subject to the control system referred to in Article 27 of Regulation (EC)No 834/2007; (b) demonstrate that the seed or seed potatoes to be placed on the market comply with the general requirements applicable to seed and seed potatoes; (c) make available all the information required under Article 51 of this Regulation, and undertake to update this information at the request of the manager of the database or whenever such updating is necessary to ensure that the information remains reliable.	Information to be provided by supplier for registration to the seed database	RCE 889/2008 Article 50 (1)	2	Initial set up and regular update	Medium	1	0	0

N° crt	Target group	Type of rules	Description	Short description	Legal reference	Type IO	Frequency	Significance	Improved status quo	Market driven	Principle driven
130	Operators (suppliers)	Seeds data base	"The supplier shall immediately inform the manager of the database if any of the registered varieties are no longer available. The amendments shall be recorded in the database."	Inform manager of the seed database if registered varieties are no longer available	RCE 889/2008 Article 51 (2)	2	When registered varieties are no longer available	Medium	1	0	0
131	MS/CA	Seeds data base	"The supplier shall immediately inform the manager of the database if any of the registered varieties are no longer available. The amendments shall be recorded in the database."	Update of seed database	RCE 889/2008 Article 51 (2)	2	When registered varieties are no longer available	Low	1	0	0
132	MS/CA	Seeds data base	The information in the database referred to in Article 48 shall be available through the Internet, free of cost, to the users of seed or seed potatoes and to the public. Member States may decide that any user who has notified its activity in accordance with Article 28(1)(a) of Regulation (EC) No 834/2007 may obtain, on request, an extract of data concerning one or several groups of species from the database manager.	Publish the seed database on the Internet	RCE 889/2008 Article 52 (1)	2	Continuously	Low	1	0	0
133	MS/CA	Seeds data base	"The Member States shall ensure that all users referred to in paragraph 1 are informed , at least once a year, about the system and how to obtain the information in the database."	Inform the users about the seed database	RCE 889/2008 Article 52 (2)	2	Annually	Low	1	0	0
134	MS/CA	Seeds data base	"The competent authority of the Member State shall, before 31 March each year, collect the reports and send a summary report covering all authorisations of the Member State from the previous calendar year to the Commission and to the other Member States."	Seed report	RCE 889/2008 Article 55	2	Annually	High	1	0	0
135	MS/CA	Seeds data base	"The information shall be published in the database referred to in Article 48."	Publish the seed report in the seed database	RCE 889/2008 Article 55	4	Annually	Low	1	0	0

ANNEX 17: REFERENCE DOCUMENTS

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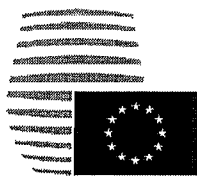
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Council of the
European Union

Brussels, 28 October 2014
(OR. en)

14760/14

Interinstitutional File:
2014/0100 (COD)

LIMITE

AGRILEG 208
CODEC 2099

NOTE

From:	Presidency
To:	Special Committee on Agriculture
No. Cion doc.:	7956/14 +ADD1
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007 - <i>Presidency compromise text</i>

On 23 March 2014, the European Commission presented a proposal¹ aiming to review the existing legislation on organic production and labelling of organic products and amend the Regulation on official controls (not yet adopted) with the objective of removing obstacles to the development of organic production in the EU, guaranteeing fair competition for farmers and operators and improving consumer confidence in organic products.

Seven national parliaments² have delivered their opinions on the application of the principles of subsidiarity and proportionality.

Regarding the other institutions, the European Parliament (COM AGRI) has not yet started the examination of the proposal. The European Economic and Social Committee, which has been consulted, has recently delivered its opinion³.

¹ 7956/14 (and ADD 1 to 5)

² AT, ES, IT, LT, LU, NL, PT

³ 14776/14

The technical examination of this proposal started under the Greek Presidency in the Council Working Parties (Foodstuff Quality-Organic farming) and was continued in 12 WP meetings under the Italian Presidency. In particular, the Italian Presidency initiated a policy debate (through a questionnaire) at the AGRIFISH Council meeting on 14 July 2014 on the merits of this proposal and to identify the main concerns of Ministers.

The Commission proposal aims to strengthen and harmonise the production rules by removing the current exceptions and to guarantee consumer confidence. Although a number of delegations welcomed, in principle, the objective and good intention of the Commission to simplify the legislation and set harmonised rules to strengthen the organic sector, many of them raised concerns that the current proposal could have the opposite effect and affect future growth of the organic production sector.

It is then clear that a balance must be struck between the need to ensure sustainable growth of the sector with consumer expectation and producer's needs. In the Presidency's view, it appears from the debates of previous months that some elements of the proposal have to be amended whereas others are heading in the right direction.

All the delegations actively cooperated with the Presidency on the detailed examination of the Commission proposal, taking part in the WP meetings, sending written comments⁴ and suggestions, and replying to the questionnaire submitted by the Presidency.

In order to make progress in the examination of this proposal, the Presidency wishes to concentrate its efforts in defining the core elements of a compromise.

Some key amendments to the proposal are needed:

– **Structure of the proposal - delegated/implementing acts**

The Commission proposal has the evident advantage of providing operators with a clear set of rules in one single document (the annexes to the proposal itself).

⁴ Documents (11007/14 ADD 1 to 36)

Nevertheless, many delegations took the view that the delegation of powers (via delegated acts) to be conferred on the Commission was far too broad, in particular regarding the establishment of the rules of production which, in their view, should be enshrined in the basic act or be defined with implementing acts. Due to the complexity of the issue, the Presidency submitted to the WP a specific questionnaire.

Taking into account the result of the questionnaire, the Presidency proposes to reduce the use of delegated acts, either by deleting them (e.g. Articles 7 and 13), limiting the delegated power (Article 8) or replacing them with implementing acts (Articles 10 and 12). These amendments determine a substantial change of structure of the proposal's annexes, because those sections regarding implementing acts had to be withdrawn from the annexes.

– **Scope and definitions**

The Commission proposal (Article 2) aims to better define the scope, giving a clear reference to the Treaty on the Functioning of the EU. A number of Member States were in favour of reverting to the existing scope based on different product categories. In order to respond to delegations concerns, the Presidency proposes to introduce categories of products in the Article 24 and include in Article 2 the possibility for the Commission to supplement the list in Annex I via delegated acts.

In addition, the Presidency introduced products currently not covered by the proposal, i.e. aromatised wines, spirit drinks, cotton (not carded or combed) and wool (not carded or combed).

During the discussions, the European Commission also made it clear that the following products were covered by the scope of the proposal : beeswax, cork, ornamental plants, pet food, propolis, raw material for textiles (of plant origin), quails, rabbits, snails, rennet. Therefore, the Presidency did not consider it opportune to explicitly mention these products in Annex I.

The Presidency proposes to clarify that animal products which are not covered by specific production rules may be sold as organic if the general requirements for animal production are fulfilled (Article 11).

Following the requests from a number of Member States, the Presidency proposed to include all definitions in the Article 3. The introduction of two other definitions, "distribution" and "integrity", is currently being examined in order to be integrated into this Article. Moreover, the definition of 'group of operators' will be further discussed in connection with Article 26.

– **Retailers**

Many delegations were also strongly opposed to extending the control system to the entire food chain (i.e. to include the retailers).

The Presidency proposes to exclude those retailers selling only packaged food to the final consumer from the application of Article 24 of the Regulation.

– **Mixed farms** (organic and non organic in the same holding)

The basic rule that agricultural and aquaculture holdings should be entirely managed with the organic production method can be widely endorsed. Nevertheless, many delegations raise concerns about the risk that many operators could be obliged to give up their organic activity.

The Presidency proposes that provision be made for the possibility to have mixed farms in particular cases (e.g. research centres, seed multipliers...), as indicated in a new article 7.1a, and a long transition period for all farms. For this reason a new article (40a) will be drafted.

– **Reduction of conversion period**

The Commission proposal aims to eliminate the lack of transparency and possible unfair competition among operators linked to the retroactive recognition of the conversion period currently provided for in Regulation (EC) No. 834/2007. However, many delegations were worried about the possible impact on development of the organic sector. For this reason the Presidency proposes to make provision for the possibility of reducing the conversion period in particular circumstances (e.g. pastures) by means of delegated acts (Article 8).

– **Other derogations**

The current Commission proposal provides, as a transitional measure, for the possibility of introducing, by means of a delegated act, derogations for the use of non-organic seeds, livestock animals for breeding purposes and young stock of aquaculture animals.

These derogations will cease to apply in 2021 (see Article 40).

Nevertheless, many delegations expressed their opposition to the removal of existing derogations.

In order to ensure a balance between the principle of using organic inputs and the reality of the market development, the Presidency proposes to make provision for additional time to allow the sector to make further adaptations (Article 40). **At the same time, in order to guarantee a certain degree of flexibility, provision has been made for delegated acts to rule specific issues (articles 10, 11 and 12).**

The Presidency also proposes to allow for the possibility of authorising pursuant to Article 19, the use of a positive list of non organic ingredients for feed and food, which are not available on the market in sufficient quantity.

– **Threshold for not allowed substances**

In the Commission proposal a threshold for not admitted substances in organic food is established. This proposal is based on the assumption that consumers expect pesticides free organic products. It is important to provide them with the right level of transparency to maintain their confidence. Harmonising rules on content for pesticide residues in organic food contributes to that, by establishing a uniform threshold.

As regards this critical point different opinions of the delegations were registered. The issue of the automatic decertification of the organic product in the event of accidental contamination needs a clear political indication. The Presidency intends to review Article 20 limiting the application to pesticides and fixing a clear threshold (lower than the maximum residue limits (MRLs) applied for conventional products) in the basic act to guarantee transparency.

– **Labelling**

The Presidency proposes to allow for the possibility of certifying and labelling “in-conversion products” and of label hunting /fishing products containing organic ingredients.

Some clear rules for the use of the EU logo will be introduced (e.g. prohibition on using logo for products with less than 95% of organic ingredients).

– **Import regime**

The current proposal maintains the principle of equivalence for imports from third countries with production rules and a control system recognised as equivalent to the EU’s through the conclusion of trade agreements. The EU Council approved a specific mandate to the Commission to negotiate such agreements with third countries. For the remaining countries, in order to guarantee fair competition among operators in the EU and in third countries, the proposal ensures that imported products are produced and controlled in compliance with the EU rules, in the same way and under the same requirements as products produced in the EU taking into account that EU logo can be used on the imported product. Taking into account the importance this issue, the Presidency considers that a clear political indication should be given.

– **Controls**

The Commission proposal does not contain specific control rules, which were included in the Official Controls Regulation under preparation.

A number of delegations raised concern about this separation between control and production rules.

The Presidency considers that a clear political decision should be taken on this point.

The Presidency considers that the absence of specific control rules in the organic farming proposal would lead to a lack of transparency for operators and consumers. In addition, the WP has been facing a great uncertainty on this point as the Official Controls Regulation is still under discussion in another Council WP and amendments are still on-going.

The introduction of group certification has been appreciated by many delegations, although some details still need to be better defined in Article 25, which will be revised.

The strengthened risk-based approach has been welcomed as well, but some delegations stressed that the current provision concerning the compulsory annual inspection visit should be reintroduced as it is a distinctive element of the organic control system, widely known by consumers. In any case, this annual control does not preclude additional visits using a risk-based approach.

Finally, simplification and subsidiarity should be at the core of any future development of the legislation. In that context, any outstanding derogation would be applicable across the board in the EU, with no particular notification requirements.

Following the discussion that took place in the Council WPs, and the result of the AGRIFISH Council on 14 July 2014, the Presidency, in view of next discussion at SCA level, prepared a compromise text, concerning articles 1 to 19 and the corresponding annexes (see annex to this note).

(...)

HAVE ADOPTED THIS REGULATION:

Chapter I

Subject matter, scope and definitions

Article 1

Subject matter

This Regulation establishes the principles of organic production and lays down the rules concerning organic production, and certification [controls] and the use of indications referring thereto in labelling and advertising.

Article 2

Scope

1. This Regulation shall apply to agricultural products listed in Annex I to the Treaty on the Functioning of the European Union ('the Treaty') and to some other products listed in Annex I to this Regulation, insofar as those agricultural products and those other products are intended to be produced, prepared, distributed, placed on the market, imported or exported as organic.

The products of hunting and fishing of wild animals shall not be considered as organic products.

2. This Regulation shall apply to any operator involved in activities, at any stage of production, preparation and distribution, relating to the products referred to in paragraph 1.

Mass catering operations carried out by a mass caterer as defined in point (d) of Article 2(2) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council⁵ shall not be subject to this Regulation.

Member States may apply national rules or, in the absence thereof, private standards on labelling and control of products originating from mass-catering operations. **The organic production logo of the European Union shall not be used in the labelling, presentation and advertising of these products or to advertise the mass caterer.**

3. This Regulation shall apply without prejudice to related Union legislation in the fields of *inter alia* safety of the food chain, animal health and welfare, plant health, and plant reproductive material, and in particular to **Regulation (EU) No XX/XXX of the European Parliament and of the Council (animal health)**, Regulation (EU) No XX/XXX of the European Parliament and of the Council⁶ (plant reproductive material) and Regulation (EU) No XX/XXXX of the European Parliament and of the Council⁷ (protective measures against pests of plants).
4. This Regulation shall apply without prejudice to other specific Union provisions relating to the placing of products on the market and, in particular, to Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁸, and to Regulation (EU) No 1169/2011.

⁵ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

⁶ [full title] (OJ L,...).

⁷ [full title] (OJ L,...).

⁸ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

5. In order to take into account new information on production methods or material or international commitments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 **supplementing amending** the list of products set out in Annex I. Only products which are closely linked to agricultural products shall be eligible for inclusion in that list.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'organic production' means the use of production methods compliant with this Regulation, at all stages of production, preparation and distribution;
- (2) 'organic' means coming from or related to organic production;
- (3) 'agricultural raw material' means an agricultural product that has not been subjected to any operation of preservation or processing;
- (4) 'preventive measures' means measures to be taken in order to ensure soil quality as well as prevention and control of pests and weeds, and to prevent contamination with products or substances that are not authorised under this Regulation **at all stages of production, preparation and distribution;**
- (5) 'conversion' means the transition from non-organic to organic production within a given period of time;
- (6) 'operator' means the natural or legal person responsible for ensuring that this Regulation is complied with at all stages of production, preparation and distribution under their control;
- (6a) 'holding' means all the production units operated under a single management for the purpose of producing agricultural products or products listed in Annex I to this Regulation;**

- (6b) ‘production unit’ means all assets to be used for a production sector such as production premises, land parcels, pasturages, open air areas, livestock buildings, hives, fish ponds, containment systems for seaweed or aquaculture animals, shore or seabed concessions, the premises for the storage of crops, crop products, seaweed products, animal products, raw materials and any other input relevant for this specific production sector;
- (6c) ‘land left fallow’ means an area of arable land available for crop production, but left with no crop production, excluding permanent grassland and permanent pasture as defined in Article 4 (1)(f) of Regulation (EC) No 1307/2013;
- (6d) ‘plant reproductive material’ means plant(s) as well as all forms of plant(s) at any growth stage including seeds, capable of, and intended for, producing entire plants;
- [(7) ‘group of operators’ means a group in which each operator is a farmer who has a holding of up to 5 hectares of utilised agricultural area and who may, in addition to exercising an agricultural activity producing food or feed, be engaged in processing of food or feed-;]
- (8) ‘farmer’ means a natural or legal person, or a group of natural or legal persons, regardless of the legal status granted to such group and its members by national law, who exercises an agricultural activity-;
- (9) ‘agricultural area’ means agricultural area as defined in point (e) of Article 4(1) of Regulation (EU) No 1307/2013;
- (10) ‘plants’ means plants as defined in point 5 of Article 3 of Regulation (EC) No 1107/2009;
- (11) ‘plant production’ means production of agricultural crop products including harvesting of wild plant products for commercial purposes;
- (12) ‘plant products’ means plant products as defined in point 6 of Article 3 of Regulation (EC) No 1107/2009;
- (13) ‘pest’ means a pest as defined in Article 1(1) of Regulation (EU) No XX/XXXX (protective measures against pests of plants);

- (14) 'plant protection products' means the products referred to in Article 2 of Regulation (EC) No 1107/2009;
- (15) 'livestock production' means the production of domestic or domesticated terrestrial animals, including insects;
- (16) 'veranda' means an additional, roofed, uninsulated, outdoor part of a livestock building, the longest side being usually equipped with wire fencing or netting with outdoor climate, natural and artificial illumination and a littered floor;
- (17) 'aquaculture' means aquaculture as defined in point (25) of Article 4(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁹;
- (17a) 'closed recirculation aquaculture facility' means a facility where aquaculture takes place within an enclosed environment on land or on a vessel involving the recirculation of water, and depending on permanent external energy input to stabilise the environment for the aquaculture animals;**
- (17b) 'energy from renewable sources' means renewable non-fossil energy sources such as wind, solar, geothermal wave, tidal, hydropower, landfill gas, sewage treatment plant gas and biogases;**
- (17c) 'hatchery' means a place of breeding, hatching and rearing through the early life stages of aquaculture animals, finfish and shellfish in particular;**
- (17d) 'nursery' means a place where an intermediate production system is applied between the hatchery and grow-out stages. The nursery stage is completed within the first third of the production cycle with the exception of species undergoing a smoltification process;**

⁹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

- (17e) ‘pollution’ means the direct or indirect introduction into the aquatic environment of substances or energy as defined in Directive 2000/60/EC of the European Parliament and of the Council¹⁰ and in Directive 2008/56/EC of the European Parliament and of the Council¹¹, in the waters to which those Directives apply, respectively;**
- (17f) ‘polyculture’ means the rearing of two or more species usually from different trophic levels in the same production unit;**
- (17g) ‘production cycle’ means the lifespan of an aquaculture animal or seaweed from the earliest life stage (fertilised eggs in the case of aquaculture animals) to harvesting;**
- (17h) ‘locally grown species’ means species which are neither alien nor locally absent species under Council Regulation (EC) No 708/2007¹², as well as the species listed in Annex IV to that Regulation;**
- (17i) ‘stocking density’ means the live weight of aquaculture animals per cubic metre of water at any time during the grow-out phase and in the case of flatfish and shrimp the weight per square metre of surface;**
- (18) ‘veterinary treatment’ means all courses of a curative or preventive treatment against one occurrence of a specific disease;
- (19) ‘veterinary medicinal products’ means veterinary medicinal products as defined in point 2 of Article 1 of Directive 2001/82/EC of the European Parliament and of the Council¹³;
- (20) ‘preparation’ means the operations of preserving or processing of organic products, including slaughter and cutting for livestock products, packaging, labelling or alterations made to the labelling relating to organic production;

¹⁰ **Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).**

¹¹ **Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).**

¹² **Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture (OJ L 168, 28.6.2007, p. 1).**

¹³ Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (OJ L 311, 28.11.2001, p.1).

- (21) 'food' means food as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council¹⁴;
- (22) 'feed' means feed as defined in point 4 of Article 3 of Regulation (EC) No 178/2002;
- (23) 'feed material' means feed material as defined in point (g) of Article 3(2) of Regulation (EC) No 767/2009 of the European Parliament and of the Council¹⁵;
- (24) 'in-conversion feed' means feed produced during the conversion period, with the exclusion of those harvested in the 12 months following the beginning of the conversion;
- (25) 'placing on the market' means placing on the market as defined in point 8 of Article 3 of Regulation (EC) No 178/2002;
- (26) 'traceability' means traceability as defined in point 15 of Article 3 of Regulation (EC) No 178/2002;
- (27) 'stages of production, preparation and distribution' means any stage from and including the primary production of an organic product up to and including its storage, processing, transport, sale or supply to the final consumer, and where relevant labelling, advertising, import, export and subcontracting activities;
- (28) 'catastrophic circumstances' means circumstances deriving from an 'adverse climatic event', an 'environmental incident', a 'natural disaster' or a 'catastrophic event' as defined respectively in points (h), (j), (k) and (l) of Article 2(1) of Regulation (EU) No 1305/2013;
- (29) 'ingredient' means an ingredient as defined in point (f) of Article 2(2) of Regulation (EU) No 1169/2011;

¹⁴ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

¹⁵ Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ L 229, 1.9.2009, p. 1).

- (30) 'labelling' means labelling as defined in point (j) of Article 2(2) of Regulation (EU) No 1169/2011;
- (31) 'advertising' means any presentation of organic products to the public, by any means other than a label, that is intended or is likely to influence and shape attitude, beliefs and behaviours in order to promote directly or indirectly the sale of organic products;
- (32) 'competent authorities' means competent authorities as defined in point 5 of Article 2 of Regulation (EU) No XXX/XXXX [Official controls Regulation];
- (33) 'control authority' means control authority for organic production and labelling of organic products as defined in point 39 of Article 2 of Regulation (EU) No XXX/XXXX [Official controls Regulation];
- (34) 'control body' means a delegated body as defined in point 38 of Article 2 of Regulation (EU) No XXX/XXXX [Official controls Regulation], as well as a body recognised by the Commission or by a third country recognised by the Commission to carry out controls in third countries for the import of organic products into the Union;
- (35) 'non-compliance' means non-compliance with this Regulation;
- (36) 'genetically modified organism' means a genetically modified organism as defined in point (2) of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council¹⁶ which is not obtained through the techniques of genetic modifications listed in Annex I.B to that Directive, hereinafter referred to as 'GMO';
- (37) 'produced from GMOs' means derived in whole or in part from GMOs but not containing or consisting of GMOs;
- (38) 'produced by GMOs' means derived by using a GMO as the last living organism in the production process, but not containing or consisting of GMOs nor produced from GMOs;

¹⁶ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).

- (39) 'food additive' means a food additive as defined in point (a) of Article 3(2) of Regulation (EC) No 1333/2008 of the European Parliament and of the Council¹⁷;
- (40) 'feed additive' means a feed additive as defined in point (a) of Article 2(2) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council¹⁸;
- (41) 'equivalence' means meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity; 'processing aid' means processing aid as defined in point (b) of Article 3(2) of Regulation (EC) No 1333/2008;
- (42) 'food enzyme' means a food enzyme as defined in point (a) of Article 3(2) of Regulation (EC) No 1332/2008 of the European Parliament and of the Council¹⁹;
- (43) 'ionising radiation' means ionising radiation as defined in Article 1 of Council Directive 96/29/Euratom²⁰.

¹⁷ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

¹⁸ Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29).

¹⁹ Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (OJ L 354, 31.12.2008, p. 7)

²⁰ Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (OJ L 159, 29.6.1996, p. 1).

Chapter II

Principles of organic production

Article 4

General principles

Organic production is a sustainable management system ~~for agriculture that is~~ based on the following general principles:

- (a) respect for nature's systems and cycles and sustainment and enhancement of the state of soil, water and, air ~~and biodiversity~~, of the health of plants and animals and of the balance between them;
- (b) contribution to a high level of biodiversity;
- (c) responsible use of energy and natural resources, such as water, soil, organic matter and air;
- (d) respect of high animal welfare standards and, in particular, fulfilment of animals' species-specific behavioural needs;
- (e) appropriate design and management of biological processes based on ecological systems using natural resources which are internal to the system by methods that:
 - (i) use living organisms and mechanical production methods;
 - (ii) practice land-related crop cultivation and livestock production or practice aquaculture which complies with the principle of sustainable exploitation of fisheries;
 - (iii) exclude the use of GMOs and products produced from or by GMOs with the exception of veterinary medicinal products;
 - (iv) are based on the use of preventive measures, when appropriate;

- (f) restriction of the use of external inputs. Where external inputs are required or the appropriate management practices and methods referred to in point (e) do not exist, these shall be limited to:
- (i) inputs from organic production;
 - (ii) natural or naturally-derived substances;
 - (iii) low solubility mineral fertilisers;
- (g) adaptation, where necessary, and within the framework of this Regulation, of the production process, taking account of the sanitary status, regional differences in ecological balance, climate and local conditions, stages of development and specific husbandry practices.
- (ga) exclusion of animal cloning, rearing artificially induced polyploidy animals and ionizing radiation from the whole organic food chain;**
- (gb) production of a wide variety of food and other agricultural products that respond to consumers' demand for goods produced by the use of processes that do not harm the environment, human health, plant health or animal health and welfare;**
- (gc) ensuring the integrity of organic production at all stages of production, processing and distribution of food and feed**

Article 5

Specific principles applicable to agricultural activities and aquaculture

In the framework of agricultural activities and aquaculture, organic production shall in particular be based on the following specific principles:

- (a) maintenance and enhancement of soil life and natural soil fertility, soil stability, soil water retention and soil biodiversity preventing and combating loss of soil organic matter, soil compaction and soil erosion, and the nourishing of plants primarily through the soil ecosystem;

- (b) limitation of the use of non-renewable resources and external inputs to a minimum;
- (c) recycling of wastes and by-products of plant and animal origin as input in plant and livestock production;
- (d) maintenance of plant health by preventive measures, in particular the choice of appropriate species, varieties or heterogeneous material resistant to pests and diseases, appropriate crop rotations, mechanical and physical methods and protection of the natural enemies of pests;
- (e) choice of breeds having regard to the capacity of animals to adapt to local conditions, their vitality and their resistance to disease or health problems; the practice of site-adapted and land-related livestock production; the application of animal husbandry practices, which enhance the immune system and strengthen the natural defence against diseases, in particular including regular exercise and access to open air areas and pastureland, where appropriate;
- (f) observance of a high level of animal welfare respecting species-specific needs;
- (g) feeding of livestock with organic feed composed of agricultural ingredients from organic production and of natural non-agricultural substances;
- ~~(h) exclusion of genetic engineering, animal cloning, artificially induced polyploidy and ionising radiation from the whole organic food chain;~~
- (i) continuing health of the aquatic environment and the quality of surrounding aquatic and terrestrial ecosystems;
- (j) feeding of aquatic organisms with feed from sustainable exploitation of fisheries in accordance with Regulation (EU) No 1380/2013 or with organic feed composed of agricultural ingredients from organic production, including organic aquaculture, and of natural non-agricultural substances.

Article 6

Specific principles applicable to the processing of organic food and feed

Production of processed organic food and feed shall in particular be based on the following specific principles:

- (a) production of organic food from organic agricultural ingredients;
- (b) production of organic feed from organic feed materials;
- (c) limitation of the use of food additives, of non-organic ingredients with mainly technological and sensory functions, and of micronutrients and processing aids, so that they are used to a minimum extent and only in cases of essential technological need or for particular nutritional purposes;
- (d) limitation of the use of feed additives and processing aids to a minimum extent and only in cases of essential technological or zootechnical needs or for particular nutritional purposes;
- (e) exclusion of substances and processing methods that might be misleading as regards the true nature of the product;
- (f) processing of food or feed with care, preferably through the use of biological, mechanical and physical methods.

Chapter III

Production rules

Article 7

General production rules

1. Operators shall comply with the following general production rules:
 - (a) the entire agricultural holding or aquaculture operation shall be managed in compliance with the requirements applicable to organic production.
 - (b) save as otherwise provided in point 2.2 of Part IV and point 1.3 of Part VI of Annex II, only products and substances authorised pursuant to Article 19 may be used in organic agriculture and aquaculture, provided that the product or substance in question has been authorised for use in agriculture and aquaculture, in accordance with the relevant provisions of Union law and, where necessary, in the Member States concerned, in accordance with national provisions based on Union law;
 - (c) the use of ionising radiation for the treatment of organic food or feed, or of raw materials used in organic food or feed shall be prohibited;
 - (d) organic operators other than micro-enterprises, farmers and operators producing seaweed or aquaculture animals, shall put in place an environmental management system that is either certified under the European Union eco-management and audit scheme (EMAS)²¹ or in accordance with ISO Standard 14001:2004,~~with a view to improving their environmental performance.~~
- 1a. By way of derogation from article 7.1(a), research and educational centers, nurseries, seed multipliers, hatcheries and breedings may be split into clearly separated units which are not all managed under organic production.**

²¹ Regulation 1221/2009...//...

2. ~~In order to ensure the correct application of the general production rules, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 providing the criteria to which the environmental management system referred to in point (d) of paragraph 1 is to correspond. Those criteria shall take into account the specificities of small and medium-size enterprises. The Commission shall, by way of implementing acts, set out specific rules on the application of the paragraph 1a to ensure the permanent separation of the units concerned and of the products obtained from each unit. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).~~

Article 8

Conversion

1. Farmers and operators producing seaweed or aquaculture animals shall respect a conversion period. During the whole conversion period they shall apply the rules on organic production laid down in this Regulation and, in particular, the specific rules on conversion set out in Annex II.
2. The conversion period shall start at the earliest when the farmer or the operator producing seaweed or aquaculture animals has notified his activity to the competent authorities in accordance with Article 24(1) this Regulation.
- 2a By way of derogation from paragraph 1 2, in cases where the land has been left fallow before the notification referred to in Article 24(1) for at least the time period required for conversion and provided that other necessary requirements are fulfilled, no conversion period shall be necessary for this fallow land.
3. No previous period may be recognised retroactively as being part of the conversion period.
4. Products produced during the conversion period shall not be marketed as organic.
Products produced during the conversion period and in compliance with paragraph 1 may be marketed or labelled as in conversion products.

~~[5. — By way of derogation from Article 7(1)(a), during the conversion period, the agricultural holding may be split into clearly separated units which are not all managed under organic production. As regards livestock, different species shall be involved in organic production during the conversion period. As regards aquaculture, the same species may be involved, provided that there is adequate separation between the production sites. As regards plants, different varieties that can easily be distinguished shall be involved in organic production during the conversion period.]~~

6. In order to ensure quality, traceability and compliance with this Regulation as regards organic production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 ~~supplementing the rules laid down in this Article or supplementing and amending the rules set out in Annex II as regards conversion~~ reducing the conversion period foreseen in Annex II in particular conditions and circumstances, with the aim of avoiding unnecessary administrative burden for operators.

Article 9

Prohibition of the use of GMOs

1. GMOs and products produced from or by GMOs shall not be used in food or feed or as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, plant reproductive material, micro-organisms and animals in organic production.
2. For the purposes of paragraph 1, with regard to GMOs or products produced from or by GMOs for food and feed, operators may rely on the labels of a product or any other accompanying document, affixed or provided pursuant to Directive 2001/18/EC, Regulation (EC) No 1829/2003 of the European Parliament and of the Council²² or Regulation (EC) No 1830/2003 of the European Parliament and of the Council²³.

²² Regulation (EC) 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (OJ L 268, 18.10.2003, p. 1).

²³ Regulation (EC) 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the

3. Operators may assume that no GMOs or products produced from or by GMOs have been used in the manufacture of purchased food and feed when such products are not labelled, or accompanied by a document, pursuant to the Regulations referred to in paragraph 2, unless they have obtained other information indicating that the labelling of the products concerned is not in conformity with those Regulations.

3a. For the purpose of the prohibition referred to in paragraph 1, with regard to products not being food or feed, or products produced by GMOs, operators using such non-organic products purchased from third parties shall require the vendor to confirm that the products supplied have not been produced from or by GMOs.

Article 10

Plant production rules

1. Operators producing plants or plant products shall in particular comply with the **specific** production rules set out in Part I of Annex II.
2. Each Member State shall ensure that a computerised database is established for listing the varieties and heterogeneous material, according to Regulation (EU) No XX/XXX (PRM law) for which plant reproductive material obtained by the organic production method is available on its territory.

traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (OJ L 268, 18.10.2003, p. 24).

3. In order to ensure quality, traceability and compliance with this Regulation as regards organic plant production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending or supplementing the specific plant production rules as regards:

~~(a) — cultivation practices;~~

~~(b) — soil management and fertilisation;~~

~~(c) — plant health and management of pests and weeds~~

~~(d) — management of mushroom production and other specific plant and plant production systems~~

~~(e) — the origin of plant reproductive material; the use of plant reproductive material not obtained from organic production as laid down in point 1.4.2 of part I of Annex II;~~

~~(f) — the collection of wild plants;~~

4. The Commission shall adopt implementing acts laying down:

(a) the requirements for specific plants, plants products or plant production systems;

(b) the technical details for establishing the database referred to in paragraph 2.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

Article 11

Livestock production rules

1. Livestock operators shall in particular comply with the ~~specific~~ production rules set out in Part II of Annex II.
2. ~~In order to ensure quality, traceability and compliance with this Regulation as regards organic livestock production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending or supplementing the specific livestock production rules as regards:~~
 - ~~(a) the origin of animals~~
 - ~~(b) livestock housing, including minimum surface areas indoors and outdoors and the maximum number of animals per hectare;~~
 - ~~(c) husbandry practices ;~~
 - ~~(d) breeding;~~
 - ~~(e) feed and feeding;~~
 - ~~(f) disease prevention and veterinary treatment.~~
- 2a. In order to ensure quality, traceability and compliance with this Regulation as regards organic livestock production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending or supplementing the specific livestock production rules as regards other cases than those foreseen in point 1.3.5 of Part II of Annex II in which non-organically raised animals may be brought onto an agricultural holding for breeding purposes;

2b. The Commission shall adopt implementing acts laying down specific rules on nutrition requirements, housing conditions, stocking density, disease prevention, veterinary treatments, animal welfare and husbandry practices for the following specific livestock species:

(a) bovine, ovine and caprine animal;

(b) equine animal;

(c) porcine animal;

(d) poultry;

(e) beekeeping;

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

2c. The Commission may adopt implementing acts laying down specific rules on nutrition requirements, housing conditions, stocking density, disease prevention, veterinary treatments, animal welfare, husbandry practices and conversion periods for livestock species other than those referred to in paragraph 2b.

As long as the Commission has not adopted the specific rules referred to in the first sub paragraph, the products can be sold as organic if the general requirements laid down in Part II of Annex II are complied with.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

2d. The Commission shall adopt implementing acts laying down specific rules on the application of the second paragraph of point 1.3.5. of Part II of Annex II.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

[Article 12

Production rules for seaweed and aquaculture animals

1. Operators producing seaweed and aquaculture animals shall in particular comply with the **specific** production rules set out in Part III of Annex II.
2. ~~In order to ensure quality, traceability and compliance with this Regulation as regards organic seaweed production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending or supplementing the specific seaweed production rules as regards:~~
 - ~~(a) — the suitability of the aquatic medium and the sustainable management plan;~~
 - ~~(b) — the harvesting of wild seaweed;~~
 - ~~(c) — seaweed cultivation;~~
 - ~~(d) — antifouling measures and cleaning of production equipment and facilities.~~
3. In order to ensure quality, traceability and compliance with this Regulation as regards organic aquaculture animals production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 ~~amending or~~ supplementing the specific production rules for aquaculture animals as regards:
 - ~~(a) — the suitability of the aquatic medium and the sustainable management plan;~~
 - (b) the origin of aquaculture animals as referred to in point 4.1.2.1 of Part III of Annex II, allowing non-organic juveniles to be brought onto an agricultural holding for on growing purposes in particular circumstances;
 - ~~(c) — aquaculture husbandry, including aquatic containment systems, production systems, maximum stocking density and, where appropriate, minimum stocking density;~~
 - (d) — breeding;

~~(e) —management of aquaculture animals;~~

~~(f) —feed and feeding;~~

(g) disease prevention and veterinary treatment as referred to in points. 4.1.4.1 and 4.1. 4.2 of Part III of Annex II.

3a. The Commission shall adopt implementing acts laying down specific rules on:

(a) seaweed cultivation and sustainable harvesting of wild seaweeds;

(b) nutrition requirements, housing conditions, stocking density, disease prevention, veterinary treatments, animal welfare and husbandry practices for the different species of aquaculture animals.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).]

Article 13

Production rules for processed food and feed

1. Operators producing processed food and feed shall in particular comply with the **specific** production rules set out in Part IV of Annex II.
2. In order to ensure quality, traceability and compliance with this Regulation as regards organic processed food and feed production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending or supplementing the specific production rules for processed food and feed as regards:

~~(a) —procedures to be followed;~~

~~(b) —preventive measures to be taken;~~

- (e) — ~~the composition and conditions of use of processed food and feed, including products and substances allowed for use in processed food and feed as laid down in points 2.2.2 of Part IV of Annex II;~~
- (d) — ~~cleaning measures;~~
- (e) — ~~the placing on the market of processed products including their labelling and identification;~~
- (f) — ~~separation of organic products, agricultural ingredients and feed materials from non-organic products, agricultural ingredients and feed materials;~~
- (g) — ~~the list, of non-organic agricultural ingredients which may exceptionally be used for the production of organic processed products;~~
- (h) — ~~calculation of the percentage of agricultural ingredients referred to in Article 21(3)(a)(ii) and (b);~~
- (i) — ~~techniques used in food or feed processing.~~

2a. In order to ensure quality, traceability and compliance with this Regulation as regards organic processed food and feed production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 supplementing the specific production rules for processed food and feed as regards:

(a) in point 2.2.3 of Part IV of Annex II, the calculation of the percentage of agricultural ingredients referred to in Article 21(3)(a)(ii) and (b);

(b) in points 3.2a and 3.2b of Part IV of Annex II, the addition of other products.

2b. The Commission may adopt implementing acts laying down specific rules concerning the techniques to be used in the processing of specific food or feed products.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

Article 14

Production rules for wine

1. Operators producing products of the wine sector shall in particular comply with the **specific** production rules set out in Part V of Annex II.
2. ~~In order to ensure quality, traceability and compliance with this Regulation as regards organic wine production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending or supplementing the specific wine production rules as regards oenological practices and restrictions.~~

Amongst the oenological practices, processes and treatments provided for in Regulations (EU) No.1308/2013 and 606/2009, the Commission shall, by way of implementing acts, identify:

- the oenological practices, processes and treatments forbidden;
- the oenological practices, processes and treatments allowed, and the conditions of and restrictions to their use.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

Article 15

Production rules for yeast used as food or feed

1. Operators producing yeast to be used as food or feed shall in particular comply with the **specific** production rules set out in Part VI of Annex II.

2. In order to ensure quality, traceability and compliance with this Regulation as regards organic yeast production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 ~~amending or~~ supplementing the specific yeast production rules as regards the processing and the substrates used under point 1.3 of Part VI of Annex II.

Article 16

Production rules for other products

In order to take account of any future need to have specific production rules for products referred to in Article 2, other than plants, livestock, seaweed and aquaculture animals, processed food and feed, wine, yeast used as food or feed ~~those referred to in Articles 10 to 15, and in order to ensure quality, traceability and compliance with this Regulation as regards organic production of those additional other products and adaptation to technical developments,~~ the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending or supplementing Annex II with regard to specific production rules for those products.

Article 17

Adoption of exceptional production rules

- 1 In order to allow organic production to continue or recommence in the event of catastrophic circumstances as referred to in Article 3(28) and subject to the principles laid down in Chapter II, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 providing for the criteria to qualify such situations as catastrophic.
- 2 The Commission shall adopt implementing acts ~~and~~ laying down specific rules on how to deal with ~~them~~ such situations, and on monitoring and ~~on~~ reporting requirements.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

Article 18

Collection, packaging, transport and storage

1. Organic products shall be collected, packaged, transported and stored in accordance with the rules set out in Annex III.
2. In order to ensure the integrity of organic production and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 amending or supplementing the rules set out in **points 2, 3 and 4 of Annex III**.

Article 19

Authorisation of products and substances used in organic production

1. The Commission may authorise certain products and substances for use in organic production and include them in restricted lists, for the following purposes:
 - (a) as plant protection products;
 - (b) as fertilisers, soil conditioners and nutrients;
 - (c) as feed materials, **including non-organic feed material of plant, animal or mineral origin**;
 - (d) as feed additives and processing aids;
 - (e) as products for cleaning and disinfection of ponds, cages, tanks, raceways, buildings and installations used for animal production;
 - (f) as products for cleaning and disinfection of buildings and installations used for plant production, including storage on an agricultural holding.

1a. In ~~particular addition~~, the Commission may authorise certain products and substances for use in the production of organic processed food **and wine** and include them in restricted lists, for the following purposes:

(a) as food additives, food enzymes and processing aids;

(aa) as non-organic agricultural ingredients to be used for the production of organic processed products;

(b) as processing aids for the production of yeast and yeast products.

2. The authorisation of the products and substances referred to in ~~the first subparagraph of~~ paragraph 1 for use in organic production shall be subject to the principles laid down in Chapter II and to the following criteria which shall be evaluated as a whole:

(a) their use is necessary for sustained production and essential for its intended use;

(b) all products and substances are of plant, animal, microbial or mineral origin, except where products or substances from such sources are not available in sufficient quantities or qualities or if alternatives are not available;

(c) in the case of products referred to in point (a) of ~~the first subparagraph of~~ paragraph 1, the following shall apply:

(i) their use is essential for the control of a pest for which other biological, physical or breeding alternatives or cultivation practices or other effective management practices are not available;

(ii) if products are not of plant, animal, microbial or mineral origin and are not identical to their natural form, they may be authorised only if their conditions for use preclude any direct contact with the edible parts of the crop;

(d) in the case of products referred to in point (b) of ~~the first subparagraph of~~ paragraph 1, their use is essential for obtaining or maintaining the fertility of the soil or to fulfil specific nutrition requirements of crops, or for specific soil-conditioning purposes;

(e) in the case of products referred to in points (c) and (d) of ~~the first subparagraph~~
~~of~~ paragraph 1, the following shall apply:

- (i) their use is necessary to maintain animal health, animal welfare and vitality and contribute to an appropriate diet fulfilling the physiological and behavioral needs of the species concerned or their use is necessary to produce or preserve feed because the production or preservation of feed is not possible without having recourse to such substances;
- (ii) feed of mineral origin, trace elements, vitamins or provitamins shall be of natural origin, except where products or substances from such sources are not available in sufficient quantities or qualities or if alternatives are not available;

(iia) feed material of plant, animal or mineral origin is not available in sufficient quantity in the European Union in accordance with the organic production rules.

2a. The authorisation of the products and substances referred to in ~~the second subparagraph~~
~~of~~ paragraph 1 **a** for use in the production of organic processed food **and wine** shall be subject to the principles laid down in Chapter II and to the following criteria which shall be evaluated as a whole:

- (a) alternatives authorised in accordance with this Article are not available;
- (b) it would be impossible to produce or preserve the food or to fulfil given dietary requirements provided for on the basis of the Union legislation, without having recourse to those products and substances;
- (c) they are to be found in nature and may have undergone only mechanical, physical, biological, enzymatic or microbial processes, except where products and substances from such sources are not available in sufficient quantities or qualities;

(ca) the ingredient is not available in sufficient quantity in the European Union in accordance with the organic production rules.

2b The authorisation of the use of chemically synthesised products or substances referred to in paragraphs 1 and 1a shall be strictly limited to cases where the use of external inputs referred to in Article 4(f) would contribute to unacceptable environmental impacts.

3. In order to ensure quality, traceability and compliance with this Regulation as regards organic production in general and the production of processed organic food in particular, and adaptation to technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 providing for **additional** criteria additional to those referred to in paragraphs 2 and 2a for the authorisation or withdrawal of the authorisation of products and substances referred to in paragraphs 1 and 1a for use in organic production in general and in the production of organic processed food in particular, ~~and other requirements and conditions for the use of such authorised products and substances.~~
4. Where a Member State considers that a product or substance should be added to, or withdrawn from the lists of authorised products and substances referred to in paragraphs 1 and 1a, or that the specifications of use mentioned in the production rules should be amended, the Member State concerned shall ensure that a dossier giving the reasons for the inclusion, withdrawal or amendments is sent officially to the Commission and to the other Member States.

Requests for amendment or withdrawal shall be published by the Commission ~~Member States~~.

5. The Commission shall adopt implementing acts authorising or withdrawing the authorisation of products and substances referred to in paragraphs 1 and 1a that may be used in organic production in general and products and substances that may be used in the production of processed organic food in particular, and establishing the procedures to be followed for the authorisation and the lists of those products and substances and, where appropriate, their description, compositional requirements and conditions for use. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

(...)

ANNEX I

OTHER PRODUCTS REFERRED TO IN ARTICLE 2(1)

- yeasts used as food or feed,
- beer,
- aromatised wines,
- spirit drinks,
- maté,
- extracts, essences and concentrates of coffee, tea and maté and preparations with a basis of those products or with a basis of coffee, tea and maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof,
- fruit nectars,
- cacao paste, butter, fat, oil and powder; chocolate, and other food preparations containing cocoa,
- sugar confectionery,
- preparations of cereals, flour, starch or milk; pastrycooks' products,
- soups,
- sauces,
- cooked meals,
- ice cream,
- flavoured yoghurts, yoghurts containing added fruits, nuts or cocoa,
- sea salt,

- natural gums and resins,
- pollen,
- beeswax,
- essential oils,
- ~~spirit drinks, provided that the ethyl alcohol used for the production of the spirit drinks is exclusively of agricultural origin.~~
- cotton, not carded or combed.
- wool, not carded or combed.

ANNEX II

SPECIFIC PRODUCTION RULES REFERRED TO IN CHAPTER III

Part I: Plant production rules

In addition to the production rules laid down in Articles 7 to 10, the rules set out in this Part shall apply to organic plant production.

1. General requirements

- 1.1. Hydroponic production, which is a method of growing plants with their roots in a nutrient solution only or in an inert medium to which a nutrient solution is added, is prohibited.
- 1.2. All plant production techniques used shall prevent or minimise any contribution to the contamination of the environment.
- 1.3. Conversion
 - 1.3.1. For plants and plant products to be considered organic, the production rules laid down in this Regulation must have been applied on the parcels during a conversion period of at least two years before sowing, or, in the case of grassland or perennial forage, at least two years before its use as feed from organic production, or, in the case of perennial crops other than forage, at least three years before the first harvest of organic products.
 - 1.3.2. The competent authority may decide, in the cases where the land has been contaminated with products not authorised for organic production, to extend the conversion period beyond the period referred to in point 1.3.1.
 - 1.3.3. In the case of treatment with a product not authorised for organic production, the competent authority shall require a new conversion period in accordance with point 1.3.1.

That period may be shortened in the following two cases:

- (a) treatment with a product not authorised for organic production as part of a compulsory control measure for pests or weeds, including quarantine organisms or invasive species, imposed by the competent authority of the Member State;

- (b) treatment with a product not authorised for organic production as part of scientific tests approved by the competent authority of the Member State.
- 1.3.4. In the cases referred to in points 1.3.2. and 1.3.3., the length of the conversion period shall be fixed taking into account the following factors:
- (a) the process of degradation of the product concerned shall guarantee, at the end of the conversion period, an insignificant level of residues in the soil and, in the case of a perennial crop, in the plant;
 - (b) the harvest following the treatment may not be sold with reference to organic production.
- 1.3.5. The specific conversion rules for land associated with organic livestock production should be as follows:
- 1.3.5.1. The conversion rules shall apply to the whole area of the production unit on which animal feed is produced.
 - 1.3.5.2. Notwithstanding point 1.3.5.1., the conversion period may be reduced to one year for pasturages and open air areas used by non-herbivore species.
- 1.4. Origin of plants including plant reproductive material
- 1.4.1. For the production of plants and plant products only organically produced plant reproductive material shall be used. To this end, the plant intended for plant reproductive material production and, where relevant, the mother plant shall have been produced in accordance with this Regulation for at least one generation, or, in the case of perennial crops, for at least one generation during two growing seasons.
- 1.4.2. Use of plant reproductive material not obtained from organic production
- Plant reproductive material not obtained from organic production may be used only when it comes from a production unit in conversion to organic production or where it is justified for use in research, test in small-scale field trials or for genetic resources conservation purposes agreed by the competent authority of the Member State.

1.5. Soil management and fertilisation

- 1.5.1. Organic plant production shall use tillage and cultivation practices that maintain or increase soil organic matter, enhance soil stability and soil biodiversity, and prevent soil compaction and soil erosion.
- 1.5.2. The fertility and biological activity of the soil shall be maintained and increased by multiannual crop rotation including legumes and other green manure crops, and by the application of livestock manure or organic material, both preferably composted, from organic production.

1.5.2a The use of biodynamic preparations is allowed.

- 1.5.3. Where the nutritional needs of plants cannot be met by measures provided for in points 1.5.1. and 1.5.2. only fertilisers and soil conditioners authorised for use in organic production pursuant to Article 19 may be used and only to the extent necessary.
- 1.5.4. The total amount of livestock manure, as defined in Council Directive 91/676/EEC²⁴, applied on the agricultural holding, shall not exceed 170 kg of nitrogen per year/hectare of agricultural area used. That limit shall only apply to the use of farmyard manure, dried farmyard manure and dehydrated poultry manure, composted animal excrements, including poultry manure, composted farmyard manure and liquid animal excrements.
- 1.5.5. Organic agricultural holdings may establish written cooperation agreements exclusively with other agricultural holdings and enterprises which comply with the organic production rules, with the intention of spreading surplus manure from organic production. The maximum limit as referred to in point 1.5.4., shall be calculated on the basis of all of the organic production units involved in such cooperation.
- 1.5.6. Preparations of micro-organisms may be used to improve the overall condition of the soil or the availability of nutrients in the soil or in the crops.
- 1.5.7. For compost activation appropriate plant-based preparations or preparations of micro-organisms may be used.

²⁴ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).

1.5.8. Mineral nitrogen fertilisers shall not be used.

1.6. Pest and weed management

1.6.1. The prevention of damage caused by pests and weeds shall rely primarily on the protection by:

- natural enemies,
- the choice of species, varieties and heterogeneous material,
- crop rotation,
- cultivation techniques such as biofumigation, and
- thermal processes such as solarisation and shallow steam treatment of the soil (to a maximum depth of 10 cm).

1.6.2. Where plants cannot be protected adequately from pests by measures provided for in point 1.6.1. or in the case of an established threat to a crop, only products authorised for use in organic production pursuant to Article 19 may be used and only to the extent necessary.

1.6.3. The traps or dispensers of products other than pheromones shall prevent the substances from being released into the environment and prevent contact between the substances and the crops being cultivated. The traps shall be collected after use and disposed off safely.

1.7. Products used for cleaning and disinfection

With regard to cleaning and disinfection, only the products for cleaning and disinfection in plant production authorised for use in organic production pursuant to Article 19 shall be used.

~~2. Requirements for specific plants or plant products~~

~~2.1. Rules on mushroom production~~

~~For the production of mushrooms, substrates may be used, if they are composed only of the following components:~~

~~(a) — farmyard manure and animal excrements:~~

~~(i) — either from agricultural holdings producing according to the organic production rules; or~~

~~(ii) — referred to in point 1.5.3., only when the product referred to in point (i) is not available, provided that these farmyard manure and animal excrements do not exceed 25 % of the weight of total components of the substrate, excluding the covering material and any added water, before composting;~~

~~(b) — products of agricultural origin, other than those referred to in point (a), from agricultural holdings producing according to the organic production rules;~~

~~(c) — peat not chemically treated;~~

~~(d) — wood, not treated with chemical products after felling;~~

~~(e) — mineral products referred to in point 1.5.3., water and soil.~~

~~2.2. — Rules concerning the collection of wild plants~~

~~The collection of wild plants and parts thereof, growing naturally in natural areas, forests and agricultural areas is considered as organic production provided that:~~

~~(a) — these areas have not, for a period of at least three years before the collection, received treatment with products other than those authorised for use in organic production pursuant to Article 19;~~

~~(b) — the collection does not affect the stability of the natural habitat or the maintenance of the species in the collection area.~~

Part II: Livestock production rules

In addition to the production rules laid down in Articles 7, 8, 9 and 11, the rules laid down in this Part shall apply to livestock production.

1. General requirements

1.1. Where the farmer producing livestock does not manage agricultural land and has not established a written cooperation agreement with another farmer, landless livestock production shall be prohibited.

1.2. Conversion

~~1.2.1. The conversion period shall start at the earliest when the farmer has notified his activity to the competent authority and subjected his holding to the control system in accordance with this Regulation.~~

1.2.2. Conversion periods for the animal species referred to Article 11(3) from (a) to (e) are:

- (a) 12 months in the case of bovine and equine animals for meat production, and in any case at least three quarters of their lifetime;
- (b) six months in the case of ovine, caprine and porcine animals and animals for milk production;
- (c) 10 weeks for poultry for meat production, brought in before they are three days old;
- (d) six weeks in the case of poultry for egg production
- (e) 12 months for bees. During the conversion period the wax shall be replaced with wax coming from organic beekeeping.

1.2.3. Animals and animal products produced during the conversion period shall not be marketed as organic.

1.2.4. Animals and animal products may be considered organic at the end of the conversion period if there is simultaneous conversion of the complete production unit, including livestock, pasturage or any land used for animal feed.

1.3. Origin of animals

1.3.1. Organic livestock shall be born and raised on organic agricultural holdings.

1.3.2. Animals existing on the agricultural holding at the beginning of the conversion period and their products may be deemed organic after compliance with the applicable conversion period referred to in point ~~2~~ 1.2.2.

1.3.3. With regard to the breeding of organic animals:

- (a) reproduction shall use natural methods; however, artificial insemination shall be allowed;
- (b) reproduction shall not be induced by treatment with hormones or similar substances, unless as a form of veterinary therapeutic treatment in case of an individual animal;
- (c) other forms of artificial reproduction, such as cloning and embryo transfer, shall not be used;
- (d) the choice of breeds shall be appropriate and shall contribute to the prevention of any suffering and to avoiding the need for the mutilation of animals.

1.3.4. In the choice of breeds or strains, account shall be taken of the capacity of animals to adapt to local conditions, without impairment of their welfare, their vitality and their resistance to disease. In addition, breeds or strains of animals shall be selected to avoid specific diseases or health problems associated with some breeds or strains used in intensive production, such as porcine stress syndrome, pale-soft-exudative (PSE) syndrome, sudden death, spontaneous abortion and difficult births requiring caesarean operations. Preference shall be given to indigenous breeds and strains.

- 1.3.5. For breeding purposes, non-organically raised animals may be brought onto an agricultural holding when breeds are in danger of being lost to farming in accordance with Annex IV to Commission Regulation (EC) No 1974/2006²⁵ and in that case animals of those breeds must not necessarily be nulliparous.

Under specific conditions, for genetical improvement reasons, non-organic adult males may be brought onto an agricultural holding.

1.4. Nutrition

1.4.1. General nutrition requirements

With regard to nutrition the following rules shall apply:

- (a) feed for livestock shall be obtained primarily from the agricultural holding where the animals are kept or from other organic holdings in the same region;
- (b) livestock shall be fed with organic or in-conversion feed as referred to in point 1.4.3. that meets the animal's nutritional requirements at the various stages of its development. Restricted feeding shall not be permitted in livestock production;
- (c) the keeping of livestock in conditions, or on a diet which may encourage anaemia, shall be prohibited;
- (d) fattening practices shall be reversible at any stage of the rearing process. Force-feeding is forbidden;
- (e) with the exception of bees, livestock shall have permanent access to pasture or roughage;
- (f) growth promoters and synthetic amino-acids shall not be used;
- (g) suckling animals shall be fed in preference on maternal milk for a minimum period;

²⁵ Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 368, 23.12.2006, p. 15).

- (h) feed materials of mineral origin, feed additives, certain products used in animal nutrition and processing aids shall be used only if they have been authorised for use in organic production pursuant to Article 19.

1.4.2. Grazing of common land and transhumance

1.4.2.1. Organic animals may be grazed on common land, provided that:

- (a) the common land **has not been treated with products not authorised for organic production for at least three years; is fully managed in accordance with this Regulation;**
- (b) any non-organic animals which use the land concerned are derived from a production system equivalent to one of those provided for in Articles 28 and 30 of Regulation (EU) No 1305/2013²⁶;
- (c) any livestock products from organic animals, whilst using this land, is not regarded as being from organic production, unless adequate segregation from non-organic animals can be proved.

1.4.2.2. During the period of transhumance animals may graze on non-organic land when they are being moved on foot from one grazing area to another. The uptake of non-organic feed, in the form of grass and other vegetation on which the animals graze, shall be allowed for a maximum of 35 days covering both the outward and return journeys.

²⁶ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

1.4.3. In-conversion feed

1.4.3.1. For in-conversion agricultural holdings, up to ~~15~~ **20** % of the total average amount of feed fed to livestock may originate from the grazing or harvesting of permanent pastures, perennial forage parcels or protein crops, sown under organic management on lands in their first year of conversion, provided that they are part of the holding itself. Feed in their first year of conversion may not be used for the production of organic processed feed. When both in-conversion feed and feed from parcels in their first year of conversion are being used, the total combined percentage of such feed shall not exceed the maximum percentages fixed in point 1.4.3.2.

1.4.3.2. For organic agricultural holdings, up to ~~20~~ **30** % on average of the feed formula of rations may comprise in-conversion feed, namely feed from the second year of conversion. For in-conversion agricultural holdings, when the in-conversion feed come from the holding itself, this percentage may be increased to 100.

1.4.3.3. The figures in points 1.4.3.1. and 1.4.3.2. shall be calculated annually as a percentage of the dry matter of feed of plant origin.

1.4.4. Use of certain feed materials and substances in feed

Only organic feed materials, as well as feed materials and feed additives authorised for use in organic production pursuant to Article 19 and to point 3 of part IV of Annex II may be used in the processing of organic feed and in the feeding of organic animals.

1.5. Health care

1.5.1. Disease prevention

1.5.1.1. Disease prevention shall be based on breed and strain selection, husbandry management practices, high quality feed and exercise, appropriate stocking density and adequate and appropriate housing maintained in hygienic conditions.

1.5.1.2. The use of immunological veterinary medicinal products shall be allowed.

1.5.1.3. The use of chemically synthesised allopathic veterinary medicinal products or antibiotics for preventive treatment shall be prohibited.

- 1.5.1.4. The use of substances to promote growth or production (including antibiotics, coccidiostats and other artificial aids for growth promotion purposes) and the use of hormones or similar substances to control reproduction or for other purposes (e.g. induction or synchronisation of oestrus), shall be prohibited.
- 1.5.1.5. Where livestock is obtained from non-organic **production** units, special measures such as screening tests or quarantine periods shall apply, depending on local circumstances.
- 1.5.1.6. With regard to cleaning and disinfection, only the products for cleaning and disinfection in livestock buildings and installations authorised for use in organic production pursuant to Article 19 shall be used.
- 1.5.1.7. Housing, pens, equipment and utensils shall be properly cleaned and disinfected to prevent cross-infection and the build-up of disease carrying organisms. Faeces, urine and uneaten or spilt feed shall be removed as often as necessary to minimise smell and to avoid attracting insects or rodents. Rodenticides (to be used only in traps), and the products authorised for use in organic production pursuant to Article 19 may be used for the elimination of insects and other pests in buildings and other installations where livestock is kept.
- 1.5.2. Veterinary treatment
- 1.5.2.1. Where despite preventive measures to ensure animal health animals become sick or injured they shall be treated immediately.

- 1.5.2.2. Disease shall be treated immediately to avoid suffering of the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary and under strict conditions and under the responsibility of a veterinarian, when the use of phytotherapeutic, homeopathic and other products is inappropriate. In particular restrictions with respect to courses of treatment and withdrawal periods shall be defined.
- 1.5.2.3. Feed materials of mineral origin and nutritional additives authorised for use in organic production pursuant to Article 19 and phytotherapeutic and homeopathic products shall be used in preference to chemically-synthesised allopathic veterinary treatment including antibiotics, provided that their therapeutic effect is effective for the species of animal, and the condition for which the treatment is intended.
- 1.5.2.4. With the exception of vaccinations, treatments for parasites and compulsory eradication schemes where an animal or group of animals receive more than three courses of treatments with chemically-synthesised allopathic veterinary medicinal products including antibiotics within 12 months, or more than one course of treatment if their productive lifecycle is less than one year, the livestock concerned, or produce derived from them, shall not be sold as organic products, and the livestock shall undergo the conversion periods referred to in points 1.2 ~~and 2~~.
- 1.5.2.5. The withdrawal period between the last administration of an allopathic veterinary medicinal product to an animal under normal conditions of use, and the production of organically produced foodstuffs from such animals, is to be twice the withdrawal period as referred to in Article 11 of Directive 2001/82/EC or, in a case in which this period is not specified, 48 hours.
- 1.5.2.6. Treatments related to the protection of human and animal health imposed on the basis of Union legislation shall be allowed.
- 1.6. Housing conditions and husbandry practices
- 1.6.1. Insulation, heating and ventilation of the building shall ensure that air circulation, dust level, temperature, relative air humidity and gas concentration, are kept within limits which ensure the well-being of the animals. The building shall permit plentiful natural ventilation and light to enter.

- 1.6.2. Housing for livestock shall not be mandatory in areas with appropriate climatic conditions to enable animals to live outdoors. ~~Livestock shall have permanent access to open air areas, preferably pasture, whenever weather conditions and the state of the ground allow this, unless restrictions and obligations related to the protection of human and animal health are imposed on the basis of Union legislation.~~ Animals shall have access to shelters or shady areas to protect them from adverse weather conditions.
- 1.6.3. The stocking density in buildings shall provide for the comfort, the well-being and the species-specific needs of the animals which, in particular, shall depend on the species, the breed and the age of the animals. It shall also take account of the behavioural needs of the animals, which depend in particular on the size of the group and the animals' sex. The density shall ensure the animals' welfare by providing them with sufficient space to stand naturally, move, lie down easily, turn round, groom themselves, assume all natural postures and make all natural movements such as stretching and wing flapping.
- ~~1.6.4. The minimum surface for indoor and outdoor areas, and other characteristics of housing for different species and categories of animals, shall be as set out in points 2.1.4., 2.2.4., 2.3.4. and 2.4.5.~~
- 1.6.5. Open air areas may be partially covered. Verandas shall not be considered as open air areas.
- 1.6.6. The total stocking density shall not exceed the limit of 170 kg of organic nitrogen per year and hectare of agricultural area.
- 1.6.7. To determine the appropriate density of livestock referred to in point 1.6.6, the competent authority shall set out the livestock units equivalent to the limit referred to in point 1.6.6., following the figures laid down in each of the specific requirement by animal production.
- 1.7. Animal welfare
- 1.7.1. All persons involved in keeping animals shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals.
- 1.7.2. Husbandry practices, including stocking densities and housing conditions shall ensure that the developmental, physiological and ethological needs of animals are met.

- 1.7.3. The livestock shall have permanent access to open air areas, preferably pasture, whenever weather conditions and the state of the ground allow this unless restrictions and obligations related to the protection of human and animal health are imposed on the basis of Union legislation.
- 1.7.4. The number of livestock shall be limited with a view to minimising overgrazing, poaching of soil, erosion, or pollution caused by animals or by the spreading of their manure.
- 1.7.5. Where [Article 8(5)] and point 1.4.2.2. of this Part apply, organic livestock shall be kept separate from other livestock.
- 1.7.6. Tethering or isolation of livestock shall be prohibited, unless for individual animals for a limited period of time, and in so far as this is justified for veterinary reasons. **Isolation of livestock is also admitted, for a limited period of time, for workers safety and animal welfare reasons.** Competent authorities may authorise cattle in **farms with a maximum of 50 animals (including young stock)** ~~micro-enterprises~~ to be tethered if it is not possible to keep the cattle in groups appropriate to their behaviour requirements, provided they have access to pastures during the grazing period, and at least twice a week access to open air areas when grazing is not possible.
- 1.7.7. Duration of transport of livestock shall be minimised.
- 1.7.8. Any suffering shall be kept to a minimum during the entire life of the animal, including at the time of slaughter.
- 1.7.9. Mutilation of animals shall be prohibited.
- 1.7.10. Any suffering to the animals shall be reduced to a minimum by applying adequate anaesthesia and/or analgesia and by carrying out the operation only at the most appropriate age by qualified personnel.
- 1.7.11 Physical castration shall be allowed in order to maintain the quality of products and traditional production practices but only under adequate anaesthesia or analgesia and by carrying out the operation only at the most appropriate age by qualified personnel.

1.7.11a. Disbudding (dehorning of young calves) of cattle is allowed only if carried out by qualified personnel and with the use of pain releaser;

1.7.12. Loading and unloading of animals shall be carried out without the use of any type of electrical stimulation to coerce the animals. The use of allopathic tranquillisers, prior to or during transport, shall be prohibited.

~~2. — Requirements for specific livestock species~~

~~2.1. — Production of bovine, ovine and caprine animals~~

~~2.1.1. — Conversion~~

~~For bovine, ovine and caprine animals and their products to be considered organic, the production rules set out in this Regulation must have been applied for at least:~~

~~(a) — 12 months in the case of bovines animals for meat production, and in any case at least three quarters of their lifetime;~~

~~(b) — six months in the case of ovine and caprine animals and of animals for milk production;~~

~~2.1.2. — Nutrition~~

~~With regard to nutrition the following rules shall apply:~~

~~(a) — bovine, ovine and caprine animals shall have access to pasturage for grazing whenever conditions allow;~~

~~(b) — notwithstanding point (a), male bovine animals over one year old shall have access to pasturage or an open air area;~~

~~(c) — in cases where bovine, ovine and caprine animals have access to pasturage during the grazing period and where the winter housing system gives freedom of movement to the animals, the obligation to provide open air areas during the winter months may be waived;~~

- (d) ~~except during the period each year when the animals are under transhumance referred to in point 1.4.2.2., at least 90 % of the feed shall come from the farm itself or in case this is not feasible, be produced in cooperation with other organic farms in the same region;~~
- (e) ~~rearing systems for bovine, ovine and caprine animals shall be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year. At least 60 % of the dry matter in daily rations of bovine, ovine and caprine animals shall consist of roughage, fresh or dried fodder, or silage. A reduction to 50 % for animals in dairy production for a maximum period of three months in early lactation shall be allowed;~~
- (f) ~~all suckling bovine, ovine and caprine animals shall be fed in preference on maternal milk for a minimum period of three months for bovine animals and 45 days for ovine and caprine animals.~~

2.1.3. ~~Specific housing conditions~~

~~With regard to the housing conditions the following rules shall apply:~~

- (a) ~~housing of bovine, ovine and caprine animals shall have smooth, but not slippery floors. At least half of the indoor surface area as specified in the table on minimum surface areas for bovine, ovine and caprine animals set out in point 2.1.4., shall be solid, that is, not of slatted or of grid construction;~~
- (b) ~~the housing shall be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product authorised as fertiliser or soil conditioner for use in organic production pursuant to Article 19;~~

(e) ~~notwithstanding point (a) of the first subparagraph of Article 3(1) and the second subparagraph of Article 3(1) of Council Directive 2008/119/EC²⁷, the housing of calves in individual boxes shall be forbidden after the age of one week, unless for individual animals for a limited period of time, and in so far as this is justified for veterinary reasons.~~

2.1.4. Stocking density

The number of bovine, ovine and caprine animals per hectare shall respect the following limits:

Class or species	Maximum number of animals per ha equivalent to 170 kg N/ha/year
Calves for fattening	5
Other bovine animals less than one year old	5
Male bovine animals from one to less than two years old	3,3
Female bovine animals from one to less than two years old	3,3
Male bovine animals two years old or over	2
Breeding heifers	2,5
Heifers for fattening	2,5
Dairy cows	2
Cull dairy cows	2
Other cows	2,5
Goats	13,3
Ewes	13,3

²⁷ ~~Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (OJ L 10, 15.1.2009, p. 7).~~

The minimum surface areas indoors and outdoors and other characteristics of housing of bovine, ovine, and caprine animals shall be as follows:

	Indoors area (net area available to animals)		Outdoors area (exercise area, excluding pasturage)
	Live weight minimum (kg)	M ² /head	M ² /head
Breeding and fattening bovine animals	up to 100	1,5	1,1
	up to 200	2,5	1,9
	up to 350	4,0	3
	over 350	5 with a minimum of 1 m ² /100 kg	3,7 with a minimum of 0,75 m ² /100 kg
Dairy cows		6	4,5
Bulls for breeding		10	30
Ovine and caprine animals		1,5 sheep/goat	2,5
		0,35 lamb/kid	2,5 with 0,5 per lamb/kid

2.2. — Production of equine animals

2.2.1. — Conversion

For equine animals and their products to be considered organic, the production rules of this Regulation must have been applied for at least:

- (a) — 12 months, for meat production, and in any case at least three quarters of their lifetime;**
- (b) — six months in the case of animals for milk production.**

2.2.2. — Nutrition

With regard to nutrition the following rules shall apply:

- (a) — equine animals shall have access to pasturage for grazing whenever conditions allow;**
- (b) — in cases where equine animals have access to pasturage during the grazing period and where the winter housing system gives freedom of movement to the animals, the obligation to provide open air areas during the winter months may be waived;**
- (c) — except during the period each year when the animals are under transhumance as mentioned in point 1.4.2.2., at least 90 % of the feed shall come from the farm itself or in case this is not feasible, be produced in cooperation with other organic farms in the same region;**
- (d) — rearing systems for equine animals shall be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year. At least 60 % of the dry matter in daily rations of equine animals shall consist of roughage, fresh or dried fodder, or silage;**
- (e) — all suckling equine animals shall be fed in preference on maternal milk, for a minimum period of three months.**

2.2.3. — Specific housing conditions

With regard to the housing conditions the following rules shall apply:

- (a) — housing of equine animals shall have smooth, but not slippery floors. At least half of the indoor surface area as specified in the table on minimum surface areas for equine animals set out in point 2.2.4., shall be solid, that is, not of slatted or of grid construction;**

(b) — the housing shall be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product authorised as fertiliser or soil conditioner for use in organic production pursuant to Article 19.

2.2.4. — Stocking density

The number of equine animals per hectare shall respect the following limit:

Class or species	Maximum number of animals per ha equivalent to 170 kg N/ha/year
Equine animals over six months old	2

The minimum surface areas indoors and outdoors and other characteristics of housing equine animals shall be as follows:

	Indoors area (net area available to animals)		Outdoors area (exercise area, excluding pasturage)
	Live weight minimum (kg)	M ² /head	M ² /head
Breeding and fattening equine animals	up to 100	1,5	1,1
	up to 200	2,5	1,9
	up to 350	4,0	3
	over 350	5 with a minimum of 1 m ² /100 kg	3,7 with a minimum of 0,75 m ² /100 kg

2.3. — Production of porcine animals

2.3.1. — Conversion

~~For porcine animals and their products to be considered organic, the production rules of this Regulation must have been applied for at least six months.~~

2.3.2. — Nutrition

~~With regard to nutrition the following rules shall apply:~~

- ~~(a) — at least 60 % of the feed shall come from the farm itself or in case this is not feasible, be produced in the same region in cooperation with other organic farms or feed operators;~~
- ~~(b) — all suckling porcine animals shall be fed in preference on maternal milk, for a minimum period of 40 days;~~
- ~~(c) — roughage, fresh or dried fodder, or silage shall be added to the daily ration for pigs.~~

2.3.3. — Specific housing conditions

~~With regard to the housing conditions the following rules shall apply:~~

- ~~(a) — housing of porcine animals shall have smooth, but not slippery floors. At least half of the indoor surface area as specified in the table on minimum surface areas for porcine animals set out in point 2.3.4., shall be solid, that is, not of slatted or of grid construction;~~
- ~~(b) — the housing of porcine animals shall be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product authorised as fertiliser or soil conditioner for use in organic production pursuant to Article 19;~~

~~(c) sows shall be kept in groups, except in the last stages of pregnancy and during the suckling period;~~

~~(d) piglets shall not be kept on flat decks or in piglet cages;~~

~~(e) exercise areas shall permit dunging and rooting by porcine animals. For the purposes of rooting different substrates can be used.~~

~~2.3.4. Stocking density~~

~~The number of porcine animals per hectare shall respect the following limits:~~

Class or species	Maximum number of animals per ha equivalent to 170 kg N/ha/year
Piglets	74
Breeding sows	6,5
Porcine animals for fattening	14
Other porcine animals	14

The minimum surface areas indoors and outdoors and other characteristics for housing porcine animals shall be as follows:

	Indoors-area (net-area-available-to-animals)		Outdoors-area (exercise-area, excluding pasturage)
	Live-weight minimum (kg)	M ² /head	M ² /head
Farrowing sows with piglets up to 40 days		7,5 sow	2,5
Fattening porcine animals	up to 50	0,8	0,6
	up to 85	1,1	0,8
	up to 110	1,3	1
Piglets	over 40 days and up to 30 kg	0,6	0,4
Brood porcine animals		2,5 female	1,9
		6 male If pens are used for natural service: 10 m ² /boar	8,0

2.4. — Production of poultry

2.4.1. — Conversion

For poultry and their products to be considered organic, the production rules of this Regulation must have been applied for at least:

- (a) — 10 weeks for poultry for meat production, brought in before they are three days old;**

~~(b) — six weeks in the case of poultry for egg production.~~

~~2.4.2. — Origin of poultry~~

~~Poultry shall either be reared until they reach a minimum age or else shall come from slow-growing poultry strains as defined by the competent authority. Where slow-growing poultry strains are not used by the farmer the minimum age at slaughter shall be as follows:~~

- ~~(a) — 81 days for chickens;~~
- ~~(b) — 150 days for capons;~~
- ~~(c) — 49 days for Peking ducks;~~
- ~~(d) — 70 days for female Muscovy ducks;~~
- ~~(e) — 84 days for male Muscovy ducks;~~
- ~~(f) — 92 days for Mallard ducks;~~
- ~~(g) — 94 days for guinea fowl;~~
- ~~(h) — 140 days for male turkeys and roasting geese; and~~
- ~~(i) — 100 days for female turkeys.~~

~~2.4.3. — Nutrition~~

~~With regard to nutrition the following rules shall apply:~~

- ~~(a) — at least 60 % of the feed shall come from the farm itself or in case this is not feasible, be produced in the same region in cooperation with other organic farms or feed operators;~~
- ~~(b) — roughage, fresh or dried fodder, or silage shall be added to the daily ration.~~

2.4.4. — Specific housing conditions

~~With regard to the housing conditions the following rules shall apply:~~

- ~~(a) — poultry shall not be kept in cages;~~
- ~~(b) — water fowl shall have access to a stream, pond, lake or a pool whenever the weather and hygienic conditions permit in order to respect their species-specific needs and animal welfare requirements; when weather conditions do not permit, they shall have access to water which enables them to dip their head therein so as to clean plumage;~~
- ~~(c) — poultry shall have access to an open air area for at least one third of their life. Open air areas for poultry shall be mainly covered with vegetation and be provided with protective facilities and permit fowl to have easy access to adequate numbers of drinking troughs;~~
- ~~(d) — where poultry are kept indoors due to restrictions or obligations imposed on the basis of Union legislation, they shall permanently have access to sufficient quantities of roughage and suitable material in order to meet their ethological needs;~~
- ~~(e) — buildings for all poultry shall meet the following conditions:~~
 - ~~(i) — at least one third of the floor area shall be solid, that is, not of slatted or of grid construction, and covered with a litter material such as straw, wood shavings, sand or turf;~~
 - ~~(ii) — in poultry houses for laying hens, a sufficiently large part of the floor area available to the hens shall be available for the collection of bird droppings;~~
 - ~~(iii) — poultry shall have perches of a size and number commensurate with the size of the group and of the birds as laid down in the table on the minimum surface areas indoors and outdoors and other characteristics of housing for poultry production set out in point 2.4.5.;~~

- ~~(iv) — the external boundary of the house, i.e. including a possible veranda, shall have exit/entry pop-holes of a size adequate for the birds, and those pop-holes shall have a combined length of at least 4 m per 100 m² area of the house available to the birds. Where a veranda is present, the internal pop-holes between the house and the veranda shall have a combined length of 2 m per 100 m² area of the house. Twenty-four hour access to the veranda must be allowed;~~
- ~~(v) — poultry houses shall be constructed in a manner allowing all birds easy access to open air area, i.e. the maximum distance from any point within the house to the nearest external pop-hole shall not be more than 15 m;~~
- ~~(vi) — multi-layer systems shall have no more than three levels of usable area including the ground floor. There shall be no more than 1 m between levels or intermediate areas, such as nesting areas. Higher tiers shall be capable of having manure removed by an automated system;~~
- ~~(f) — natural light may be supplemented by artificial means to provide a maximum of 16 hours light per day with a continuous nocturnal rest period without artificial light of at least eight hours;~~
- ~~(g) — buildings shall be emptied of livestock between each batch of poultry reared. The buildings and fittings shall be cleaned and disinfected during this time. In addition, when the rearing of each batch of poultry has been completed, runs shall be left empty during a period to be established by the Member States in order to allow vegetation to grow back. These requirements shall not apply where poultry are not reared in batches, are not kept in runs and are free to roam, throughout the day.~~

2.4.5. Stocking density

The maximum number of animals per hectare shall respect the following limits:

Class or species	Maximum number of animals per ha equivalent to 170 kg N/ha/year
Broilers	580
Laying hens	230

The minimum surface area indoors and outdoors and other characteristics of housing for birds of the species *Gallus gallus* shall be as follows:

	Breeders/ parents	Young stock		Fattening birds		Capons	Layers
Age	Breeding birds	Pullets 0-8 weeks	Pullets 9-18 weeks	Starter 0-21 days	Finisher 22 to 81 days	22-150 days	Laying hens from 19 weeks
In-house stocking rate (birds per m ² of usable area) for fixed and mobile houses	6 birds	24 birds with a maximum of 21 kg liveweight/m ²	15 birds with a maximum of 21 kg liveweight/m ²	20 birds with a maximum of 21 kg liveweight/m ²	10 birds with a maximum of 21 kg liveweight/m ²	10 birds with a maximum of 21 kg liveweight/m ²	6 birds
Perch space (cm)							18

Multi-layer systems additional limits/m ² of ground floor area (including veranda if 24h access)	9 birds	36 birds excluding veranda area	22 birds	Not normally applicable			9 birds
Flock-size limits	3,000 including males	10,000±	3,300	10,000±	4,800	2,500	3,000
Open-air run stocking rates (m ² /bird), provided that the limit of 170 kg of N/ha/year is not exceeded	4	1	4	1	4	4	4

* sub-dividable to produce 3x3000 or 2x4800 batches

The minimum surface areas indoors and outdoors and other characteristics of housing for birds of species other than *Gallus gallus* shall be as follows:

	<i>Turkeys</i>		<i>Geese</i>	<i>Ducks</i>				<i>Guinea fowl</i>
Type	Male	Female	All	Peking	Male Museovy	Female Museovy	Mallard	All
In-house stocking rate (birds per m ² of usable area) for fixed and mobile houses	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²
Perch space (cm)	40	40	Not normally applicable	Not normally applicable	40	40	Not normally applicable	20
Flock size limits	2,500	2,500	2,500	4,000 females 3,200 males	3,200	4,000	3,200	5,200
Open air stocking rate (m ² /bird) provided that the limit of 170 kg of N/ha/year is not exceeded	10	10	15	4.5	4.5	4.5	4.5	4

~~2.4.6. Access to open air areas~~

~~With regard to access to open air areas the following rules shall apply:~~

- ~~(a) poultry shall have access to an open air area for at least one third of their life. In particular, continuous daytime open air access shall be provided from as early an age as practically possible, whenever physiological and physical conditions allow, except in the case of temporary restrictions imposed on the basis of Union legislation;~~
- ~~(b) open air areas for poultry shall be mainly covered with vegetation composed of a diverse range of plants and be provided with protective facilities and permit fowl to have easy access to adequate numbers of drinking troughs. The vegetation on the open air area must be harvested and removed at regular intervals to reduce the potential for nutrient surpluses. The open air areas shall not extend beyond a radius of 150 m from the nearest pop-hole of the poultry house. However an extension of up to 350 m from the nearest pop-hole of the poultry house is permissible provided that a sufficient number of shelters and drinking troughs are evenly distributed throughout the whole open air area with at least four shelters per hectare;~~
- ~~(c) under conditions where feed availability from the range area is limited, due for instance to long term snow cover or arid weather conditions, supplementary feeding of roughage must be included as part of poultry diets;~~
- ~~(d) where poultry are kept indoors due to restrictions or obligations imposed on the basis of Union legislation, they shall permanently have access to sufficient quantities of roughage and suitable material in order to meet their ethological needs.~~

~~2.4.7. Animal welfare~~

~~Live plucking of poultry shall be prohibited.~~

~~2.5. — Beekeeping~~

~~2.5.1. — Conversion~~

~~Beekeeping products may be sold with references to organic production only when the organic production rules set out in this Regulation have been complied with for at least one year.~~

~~During the conversion period the wax shall be replaced with wax coming from organic beekeeping.~~

~~2.5.2. — Origin of bees~~

~~Preference shall be given to the use of *Apis mellifera* and their local ecotypes.~~

~~2.5.3. — Nutrition~~

~~With regard to nutrition the following rules shall apply:~~

- ~~(a) — at the end of the production season hives shall be left with sufficient reserves of honey and pollen to survive the winter;~~
- ~~(b) — the feeding of bee colonies shall only be permitted where the survival of the hives is endangered due to climatic conditions. Feeding shall be with organic honey, organic sugar syrups, or organic sugar.~~

~~2.5.4. — Specific rules on disease prevention and veterinary treatment in beekeeping~~

~~With regard to disease prevention and veterinary treatment the following rules shall apply:~~

- ~~(a) — for the purposes of protecting frames, hives and combs, in particular from pests, only rodenticides (to be used only in traps), and appropriate products authorised for use in organic production pursuant to Article 19 shall be permitted;~~
- ~~(b) — physical treatments for disinfection of apiaries such as steam or direct flame shall be permitted;~~

- ~~(c) — the practice of destroying the male brood shall be permitted only to isolate the infestation of *Varroa destructor*;~~
- ~~(d) — if despite all preventive measures, the colonies become sick or infested, they shall be treated immediately and, if necessary, the colonies may be placed in isolation apiaries;~~
- ~~(e) — formic acid, lactic acid, acetic acid and oxalic acid as well as menthol, thymol, eucalyptol or camphor may be used in cases of infestation with *Varroa destructor*;~~
- ~~(f) — if a treatment is applied with chemically synthesised allopathic products, during such a period, the colonies treated shall be placed in isolation apiaries and all the wax shall be replaced with wax coming from organic beekeeping. Subsequently, the conversion period of one year laid down in point 2.5.1. shall apply to those colonies;~~
- ~~(g) — point (f) shall not apply to products authorised for use in organic production pursuant to Article 19.~~

2.5.5. — Specific housing conditions in beekeeping

~~With regard to the housing conditions the following rules shall apply:~~

- ~~(a) — apiaries shall be placed in areas which ensure nectar and pollen sources consisting essentially of organically produced crops or, as appropriate, of spontaneous vegetation or non-organically managed forests or crops that are only treated with low environmental impact methods;~~
- ~~(b) — apiaries shall be kept at sufficient distance from sources that may lead to the contamination of beekeeping products or to the poor health of the bees;~~

- ~~(c) — the siting of the apiaries shall be such that, within a radius of 3 km from the apiary site, nectar and pollen sources consist essentially of organically produced crops or spontaneous vegetation or crops treated with low environmental impact methods equivalent to those as provided for in Articles 28 and 30 of Regulation (EU) No 1305/2013 which cannot affect the qualification of beekeeping production as being organic. These requirements do not apply where flowering is not taking place, or the hives are dormant;~~
- ~~(d) — the hives and materials used in beekeeping shall be made basically of natural materials presenting no risk of contamination to the environment or the apiculture products;~~

~~2.5.6. — Specific rules on practices in beekeeping~~

~~With regard to beekeeping practices the following rules shall apply:~~

- ~~(a) — the beeswax for new foundations shall come from organic production units;~~
- ~~(b) — only natural products such as propolis, wax and plant oils may be used in the hives;~~
- ~~(c) — the use of chemical synthetic repellents shall be prohibited during honey extraction operations;~~
- ~~(d) — the use of brood combs shall be prohibited for honey extraction;~~
- ~~(e) — beekeeping shall not be considered as organic when practiced in regions or areas designated by Member States as regions or areas where organic beekeeping is not practicable.~~

~~2.5.7. — Animal welfare~~

~~With regard to animal welfare the following rules shall apply:~~

- ~~(a) — the destruction of bees in the combs as a method associated with the harvesting of beekeeping products shall be prohibited;~~
- ~~(b) — mutilation such as clipping the wings of queen bees shall be prohibited.~~

Part III: Production rules for seaweed and aquaculture animals

1. Definitions

For the purposes of this Part, the following definitions shall apply:

- (1) ~~‘closed recirculation aquaculture facility’ means a facility where aquaculture takes place within an enclosed environment on land or on a vessel involving the recirculation of water, and depending on permanent external energy input to stabilise the environment for the aquaculture animals;~~
- (2) ~~‘energy from renewable sources’ means renewable non-fossil energy sources such as wind, solar, geothermal wave, tidal, hydropower, landfill gas, sewage treatment plant gas and biogases;~~
- (3) ~~‘hatchery’ means a place of breeding, hatching and rearing through the early life stages of aquaculture animals, finfish and shellfish in particular;~~
- (4) ~~‘nursery’ means a place where an intermediate production system is applied between the hatchery and grow-out stages. The nursery stage is completed within the first third of the production cycle with the exception of species undergoing a smoltification process;~~
- (5) ~~‘pollution’ means the direct or indirect introduction into the aquatic environment of substances or energy as defined in Directive 2000/60/EC of the European Parliament and of the Council²⁸ and in Directive 2008/56/EC of the European Parliament and of the Council²⁹, in the waters to which those Directives apply, respectively;~~
- (6) ~~‘polyculture’ means the rearing of two or more species usually from different trophic levels in the same culture unit;~~

²⁸ ~~Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).~~

²⁹ ~~Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).~~

~~(7) ‘production cycle’ means the lifespan of an aquaculture animal or seaweed from the earliest life stage (fertilised eggs in the case of aquaculture animals) to harvesting;~~

~~(8) ‘locally grown species’ means species which are neither alien nor locally absent species under Council Regulation (EC) No 708/2007³⁰, as well as the species listed in Annex IV to that Regulation;~~

~~(9) ‘stocking density’ means the live weight of aquaculture animals per cubic metre of water at any time during the grow-out phase and in the case of flatfish and shrimp the weight per square metre of surface.~~

2. General requirements

2.1. Operations shall be situated in locations that are not subject to contamination by products or substances not authorised for use in organic production, or pollutants that would compromise the organic nature of the products.

2.2. Organic and non-organic production units shall be separated adequately and in accordance with the minimum separation distances set by Member States, where such minimum separation distances have been set. Such separation measures shall be based on the natural situation, separate water distribution systems, distances, the tidal flow, the upstream and the downstream location of the organic production unit. **Seaweed Aquaculture** production shall not be considered as organic when practiced at locations or in areas designated by Member State authorities as locations or areas which are unsuitable for **organic aquaculture or seaweed harvesting such activity**.

³⁰ ~~Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture (OJ L 168, 28.6.2007, p. 1).~~

- 2.3. An environmental assessment proportionate to the production unit shall be required for all new operations applying for organic production and producing more than 20 tonnes of aquaculture products per year to ascertain the conditions of the production unit and its immediate environment and likely effects of its operation. The operator shall provide the environmental assessment to the control authority or control body. The content of the environmental assessment shall be based on Annex IV to Directive 2011/92/EU of the European Parliament and of the Council³¹. If the **production** unit has already been subject to an equivalent assessment, then its use shall be permitted for this purpose.
- 2.4. The operator shall provide a sustainable management plan proportionate to the production unit for aquaculture and seaweed harvesting.
- 2.5. The plan shall be updated annually and shall detail the environmental effects of the operation, the environmental monitoring to be undertaken, and list measures to be taken to minimise negative impacts on the surrounding aquatic and terrestrial environments, including, where applicable, nutrient discharge into the environment per production cycle or per annum. The plan shall record the surveillance and repair of technical equipment.
- 2.5a. Defensive and preventive measures taken against predators according to Council Directive 92/43/EEC and national rules shall be recorded in the sustainable management plan.**
- 2.5b. Where applicable, coordination shall take place with the neighbouring operators in drawing up the management plan.**
- 2.6. Aquaculture and seaweed business operators shall draw up as part of the sustainable management plan a waste reduction schedule to be put in place at the commencement of operations. Where possible, the use of residual heat shall be limited to energy from renewable sources. ~~For seaweed harvesting a once-off biomass estimate shall be undertaken at the outset.~~

³¹ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

3. Requirements for seaweed

In addition to the general production rules laid down in Articles 7, 8, 9 and 12, and where relevant in Section 2, the rules laid down in this Section 3 shall apply to the collection and production of seaweed. Those rules shall apply *mutatis mutandis* to the production of all multi-cellular marine algae or phytoplankton and micro-algae, ~~for further use as feed for aquaculture animals.~~

3.1. Conversion

3.1.1. The conversion period for a seaweed harvesting site shall be six months.

3.1.2. The conversion period for a seaweed ~~cultivation~~ **production** unit shall be a period of six months or one full production cycle, whichever is the longer.

3.1.3. During the conversion period, the aquaculture holding may be split into clearly separated **production** units which are not all managed under organic production. As regards seaweed production, the same species may be involved, provided that there is adequate separation between the **production** units.

3.2. Production rules for seaweed

3.2.1. The collection of wild seaweeds and parts thereof, growing naturally in the sea, is considered as organic production provided that:

- (a) the growing areas are of high ecological status as defined by Directive 2000/60/EC³², and are not unsuitable from a health point of view.
- (b) the collection does not affect significantly the stability of the natural ecosystem or the maintenance of the species in the collection area.

³² Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters (OJ L 376, 27.12.2006, p. 14).

3.2.2. The cultivation of seaweeds shall take place in coastal areas with environmental and health characteristics at least equivalent to those outlined in point 3.2.1(a) in order to be considered organic. In addition the following production rules shall apply:

- (a) sustainable practices shall be used in all stages of production, from collection of juvenile seaweed to harvesting;
- (b) to ensure that a wide gene-pool is maintained, the collection of juvenile seaweed in the wild shall take place on a regular basis to supplement indoor culture stock;
- (c) fertilisers shall not be used except in indoor facilities and only if they have been authorised for use in organic production for this purpose pursuant to Article 19.

~~3.3. Seaweed cultivation~~

~~3.3.1. Seaweed culture at sea shall only utilise nutrients naturally occurring in the environment, or from organic aquaculture animal production, preferably located nearby as part of a polyculture system.~~

~~3.3.2. In facilities on land where external nutrient sources are used, the nutrient levels in the effluent water shall be verifiably the same, or lower, than the inflowing water. Only nutrients of plant or mineral origin authorised for use in organic production pursuant to Article 19 may be used.~~

~~3.3.3. Culture density or operational intensity shall be recorded and shall maintain the integrity of the aquatic environment by ensuring that the maximum quantity of seaweed which can be supported without negative effects on the environment is not exceeded.~~

~~3.3.4. Ropes and other equipment used for growing seaweed shall be re-used or recycled where possible.~~

~~3.4. Sustainable harvesting of wild seaweed~~

~~3.4.1. A once-off biomass estimate shall be undertaken at the outset of seaweed harvesting~~

~~3.4.2. Documentary accounts shall be maintained in the unit or premises and shall enable the operator to identify and the control authority or control body to verify that the harvesters have supplied only wild seaweed produced in accordance with this Regulation.~~

~~3.4.3. Harvesting shall be carried out in such a way that the amounts harvested do not cause a significant impact on the state of the aquatic environment. Measures shall be taken to ensure that seaweed can regenerate and by-catches are prevented, such as harvest technique, minimum sizes, ages, reproductive cycles or size of remaining seaweed.~~

~~3.4.4. If seaweed is harvested from a shared or common harvest area, documentary evidence shall be available that the total harvest complies with this Regulation.~~

4. Requirements for aquaculture animals

In addition to the general production rules laid down in Article 7, 8, 9 and 12, the rules laid down in this Section 4 shall apply to ~~species of fish, crustaceans, echinoderms and molluscs, as referred to in point 4.1.5.10.~~ aquaculture animal production.

~~Those rules also shall apply *mutatis mutandis* to zooplankton, micro-crustaceans, rotifers, worms and other aquatic feed animals.~~

4.1. General requirements

4.1.1. Conversion

4.1.1.1. The following conversion periods for aquaculture production units shall apply for the following types of aquaculture facilities including the existing aquaculture animals:

- (a) for facilities that cannot be drained, cleaned and disinfected, a conversion period of 24 months;
- (b) for facilities that have been drained, or fallowed, a conversion period of 12 months;
- (c) for facilities that have been drained, cleaned and disinfected a conversion period of six months;

- (d) for open water facilities including those producing bivalve molluscs, a conversion period of three months.

4.1.1.2. During the conversion period, the aquaculture holding may be split into clearly separated **production** units which are not all managed under organic production. As regards the production of aquaculture animals, the same species may be involved provided that there is adequate separation between the **production** units.

4.1.2. Origin of aquaculture animals

4.1.2.1. With regard to the origin of the aquaculture animals the following rules shall apply:

- (a) organic aquaculture shall be based on the rearing of young stock originating from organic broodstock and organic holdings;
- (b) locally grown species shall be used and breeding shall aim to give strains which are more adapted to production conditions, ensuring good animal health and welfare and good utilisation of feed resources. Documentary evidence of their origin and treatment shall be provided for the control authority or control body;
- (c) species shall be chosen which are robust and can be produced without causing significant damage to wild stocks;
- (d) wild caught or non-organic aquaculture animals may be brought into a holding with a view to improving genetic stock. Such animals shall be kept under organic management for at least three months before they may be used for breeding:-

(da) for on growing purposes the collection of wild aquaculture juveniles is specifically restricted to the following cases:

(i) natural influx of fish or crustacean larvae and juveniles when filling ponds, containment systems and enclosures;

(ii) European glass eel, provided that an approved eel management plan is in place for the location and artificial reproduction of eel remains unsolved;

(iii) restocking of wild fry of species other than European eel in extensive aquaculture farming inside wetlands, such as brackish water ponds, tidal areas and costal lagoons, provided that:

–the restocking is in line with management measures approved by the relevant authorities to ensure the sustainable exploitation of the species concerned, and

–the fish are fed exclusively with feed naturally available in the environment.

4.1.2.2. The following rules shall apply with regard to breeding:

- (a) the use of hormones and hormone derivatives shall be prohibited;
- (b) artificial production of monosex strains, except by hand sorting, induction of polyploidy, artificial hybridisation and cloning shall not be used;
- (c) the appropriate strains shall be chosen;
- (d) where appropriate, species-specific conditions for broodstock management, breeding and juvenile production shall be established.

4.1.3. Nutrition

4.1.3.1. With regard to feed for fish and crustaceans and echinoderms: the following rules shall apply:

- (a) animals shall be fed with feed that meets the animal's nutritional requirements at the various stages of its development;
- (b) feeding regimes shall be designed with the following priorities:
 - (i) animal health and welfare;
 - (ii) high product quality, including the nutritional composition which shall ensure high quality of the final edible product;
 - (iii) low environmental impact;

- (c) the plant fraction of feed shall originate from organic production and the feed fraction derived from aquatic animals shall originate from organic aquaculture or sustainable exploitation of fisheries;
- (d) in the case of non-organic feed materials from plant origin, feed materials from animal and mineral origin, feed additives, certain products used in animal nutrition and processing aids shall be used only if they have been authorised for use in organic production under this Regulation;
- (e) growth promoters and synthetic amino-acids shall not be used;
- (f) only feed materials of mineral origin authorised for use in organic production pursuant to Article 19 may be used in organic aquaculture;
- (g) only feed additives, certain products used in animal nutrition and processing aids as referred to in point 1.4.4. of Part II may be used in organic aquaculture.

~~4.1.3.2. The following rules shall apply with regard to bivalve molluses and other species which are not fed by man but feed on natural plankton:~~

- ~~(a) such filter-feeding animals shall receive all their nutritional requirements from nature except in the case of juveniles reared in hatcheries and nurseries;~~
- ~~(b) the growing areas shall be of high ecological status as defined by Directive 2000/60/EC.~~

~~4.1.3.3. Specific rules on feed for carnivorous aquaculture animals~~

~~Feed for carnivorous aquaculture animals shall be sourced with the following priorities:~~

- ~~(a) organic feed of aquaculture origin;~~
- ~~(b) fish meal and fish oil from organic aquaculture trimmings sourced from fish, crustaceans or molluses;~~

- ~~(c) — fish meal and fish oil and ingredients of fish origin derived from trimmings of fish, crustaceans or molluscs already caught for human consumption in sustainable fisheries;~~
- ~~(d) — fish meal and fish oil and ingredients of fish origin derived from whole fish, crustaceans or molluscs caught in sustainable fisheries and not used for human consumption;~~
- ~~(e) — organic feed materials of plant or animal origin; plant material shall not exceed 60% of total ingredients.~~

~~4.1.3.4. Specific rules on feed for certain aquaculture animals~~

~~Fish in inland waters, penaeid shrimps and freshwater prawns and tropical freshwater fish shall be fed as follows:~~

- ~~(a) — they shall be fed with feed naturally available in ponds and lakes;~~
- ~~(b) — where natural feed is not available in sufficient quantities as referred to in point (a), organic feed of plant origin, preferably grown on the farm itself or seaweed may be used. Operators shall keep documentary evidence of the need to use additional feed;~~
- ~~(c) — where natural feed is supplemented in accordance with point (b) the feed ration of species as referred to in point 4.1.5.10. (g) and of siamese catfish (*Pangasius spp.*) may comprise a maximum of 10 % fish meal or fish oil derived from sustainable fisheries.~~

4.1.4. Health care

4.1.4.1. Disease prevention

With regard to disease prevention the following rules shall apply:

- (a) disease prevention shall be based on keeping the animals in optimal conditions by appropriate siting, taking into account, *inter alia*, the species' requirements as to good water quality, flow and exchange rate, optimal design of the holdings, the application of good husbandry and management practices, including regular cleaning and disinfection of premises, high quality feed, appropriate stocking density, and breed and strain selection;
- (b) the use of immunological veterinary medicines is allowed;
- (c) an animal health management plan shall detail biosecurity and disease prevention practices including a written agreement for health counselling, proportionate to the production unit, with qualified aquaculture animal health services who shall visit the farm at a frequency of not less than once per year and not less than once every two years in the case of bivalve shellfish;
- (d) holding systems, equipment and utensils shall be properly cleaned and disinfected;
- (e) bio-fouling organisms shall be removed only by physical means or by hand and where appropriate returned to the sea at a distance from the farm;
- (f) only substances for cleaning and disinfection of equipment and facilities authorised for use in organic production pursuant to Article 19 may be used.
- (g) with regard to fallowing the following rules shall apply:
 - (i) the competent authority shall determine whether fallowing is necessary and the appropriate duration which shall be applied and documented after each production cycle in open water containment systems at sea;
 - (ii) it shall not be mandatory for bivalve mollusc cultivation;

- (iii) during fallowing the cage or other structure used for aquaculture animal production is emptied, disinfected and left empty before being used again;
- (h) where appropriate, uneaten fish-feed, faeces and dead animals shall be removed promptly to avoid any risk of significant environmental damage as regards water status quality, minimise disease risks, and to avoid attracting insects or rodents;
- (i) ultraviolet light and ozone may be used only in hatcheries and nurseries;
- (j) for biological control of ectoparasites preference shall be given to the use of cleaner fish **and to the use of freshwater, marine water and sodium chloride solutions.**

4.1.4.2. Veterinary treatments

The following rules shall apply with regard to veterinary treatments:

- (a) disease shall be treated immediately to avoid suffering to the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary, under strict conditions and under the responsibility of a veterinarian, when the use of phytotherapeutic, homeopathic and other products is inappropriate. Where appropriate, restrictions with respect to courses of treatment and withdrawal periods shall be defined;
- (b) treatments related to the protection of human and animal health imposed on the basis of Union legislation shall be allowed;
- (c) when despite preventive measures to ensure animal health, according to point 4.1.4.1., a health problem arises, veterinary treatments may be used in the following order of preference:
 - (i) substances from plants, animals or minerals in a homoeopathic dilution;
 - (ii) plants and their extracts not having anaesthetic effects; and
 - (iii) substances such as trace elements, metals, natural immunostimulants or authorised probiotics;

- (d) the use of allopathic treatments shall be limited to two courses of treatment per year, with the exception of vaccinations and compulsory eradication schemes. However, in the cases of a production cycle of less than a year a limit of one allopathic treatment applies. If the indicated limits for allopathic treatments are exceeded the aquaculture animals concerned shall not be sold as organic products;
- (e) the use of parasite treatments, not including compulsory control schemes operated by Member States, shall be limited to twice per year or once per year where the production cycle is less than 18 months;
- (f) the withdrawal period for allopathic veterinary treatments and parasite treatments in accordance with point (d), including treatments under compulsory control and eradication schemes, shall be twice the withdrawal period as referred to in Article 11 of Directive 2001/82/EC or, in a case in which this period is not specified, 48 hours;
- (g) whenever veterinary medicinal products are used, such use shall be declared to the control authority or the control body before the animals are marketed as organic. Treated stock shall be clearly identifiable.

4.1.5. Housing conditions and husbandry practices

- 4.1.5.1. Closed recirculation aquaculture animal production facilities shall be prohibited, with the exception of hatcheries and nurseries or for the production of species used for organic feed organisms.
- 4.1.5.2. Artificial heating or cooling of water shall only be permitted in hatcheries and nurseries. Natural borehole water may be used to heat or cool water at all stages of production.
- 4.1.5.3. The husbandry environment of the aquaculture animals shall be designed in such a way that, in accordance with their species specific needs, the aquaculture animals shall:
 - (a) have sufficient space for their wellbeing and, where appropriate, a minimum stocking density;
 - (b) be kept in water of good quality with, *inter alia*, an adequate flow and exchange rate, sufficient oxygen levels and keeping a low level of metabolites;

- (c) be kept in temperature and light conditions in accordance with the requirements of the species and having regard to the geographic location.

~~In the case of freshwater fish, the bottom type shall be as close as possible to natural conditions.~~

~~In the case of carp, the bottom shall be natural earth.~~

4.1.5.4. The design and construction of aquatic containment systems shall provide flow rates and physiochemical parameters that safeguard the animals' health and welfare and provide for their behavioural needs.

4.1.5.5. Rearing units on land shall meet the following conditions:

- (a) for flow-through systems it shall be possible to monitor and control the flow rate and water quality of both in-flowing and out-flowing water;
- (b) at least five percent of the perimeter ("land-water interface") area shall have natural vegetation.

4.1.5.6. Containment systems at sea shall meet the following conditions:

- (a) they shall be located where water flow, depth and water-body exchange rates are adequate to minimise the impact on the seabed and the surrounding water body;
- (b) they shall have suitable cage design, construction and maintenance with regard to their exposure to the operating environment.

4.1.5.7. Containment systems shall be designed, located and operated to minimise the risk of escape incidents.

4.1.5.8. If fish or crustaceans escape, appropriate action shall be taken to reduce the impact on the local ecosystem, including recapture, where appropriate. Documentary evidence shall be maintained.

4.1.5.9. For aquaculture animal production in fishponds, tanks or raceways, farms shall be equipped with either natural-filter beds, settlement ponds, biological filters or mechanical filters to collect waste nutrients or use seaweeds or animals (bivalves and algae) which contribute to improving the quality of the effluent. Effluent monitoring shall be carried out at regular intervals where appropriate.

4.1.5.10. Stocking density

~~In considering the effects of the stocking density on the welfare of produced fish, the condition of the fish (such as fin damage, other injuries, growth rate, behaviour expressed and overall health) and the water quality shall be monitored.~~

~~The stocking density shall be as set out by species or group of species:~~

~~(a) Organic production of salmonids in fresh water:~~

~~Species concerned: brown trout (*Salmo trutta*)—rainbow trout (*Oncorhynchus mykiss*)—American brook trout (*Salvelinus fontinalis*)—salmon (*Salmo salar*)—charr (*Salvelinus alpinus*)—grayling (*Thymallus thymallus*)—American lake trout (or grey trout) (*Salvelinus namaycush*)—huehen (*Huehohueho*)~~

Production system	Ongrowing farm systems must be fed from open systems. The flow rate must ensure a minimum of 60 % oxygen saturation for stock and must ensure their comfort and the elimination of production effluent.
Maximum stocking density	Salmonid species not listed below 15 kg/m³ Salmon 20 kg/m³ Brown trout and Rainbow trout 25 kg/m³ Arctic charr 20 kg/m³

(b) — Organic production of salmonids in sea water:

Species concerned: salmon (*Salmo salar*), brown trout (*Salmo trutta*) — rainbow trout (*Oncorhynchus mykiss*)

Maximum stocking density	10 kg/m ³ in net pens
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(c) — Organic production of cod (*Gadus morhua*) and other Gadidae, sea bass (*Dicentrarchus labrax*), sea bream (*Sparus aurata*), meagre (*Argyrosomus regius*), turbot (*Psetta maxima* [= *Scophthalmus maximus*]), red porgy (*Pagrus pagrus* [= *Sparus pagrus*]), red drum (*Sciaenops ocellatus*) and other Sparidae, and spinefeet (*Siganus spp.*)

Production system	In open water containment systems (net pens/cages) with minimum sea current speed to provide optimum fish welfare or in open systems on land.
Maximum stocking density	For fish other than turbot: 15 kg/m ³ For turbot: 25 kg/m ²

(d) — Organic production of sea bass, sea bream, meagre, mullets (*Liza*, *Mugil*) and eel (*Anguilla spp.*) in earth ponds of tidal areas and coastal lagoons

Containment system	Traditional salt pans transformed into aquaculture production units and similar earth ponds in tidal areas
Production system	There shall be adequate renewal of water to ensure the welfare of the species, At least 50 % of the dikes must have plant cover Wetland based depuration ponds required
Maximum stocking density	4 kg/m ³

~~(c) — Organic production of sturgeon in fresh water:~~

~~Species concerned: Sturgeon family (*Acipenseridae*)~~

Production system	Water flow in each rearing unit shall be sufficient to ensure animal welfare Effluent water to be of equivalent quality to incoming water
Maximum stocking density	30 kg/m³

(f) — Organic production of fish in inland waters:

Species concerned: ~~carp family (*Cyprinidae*) and other associated species in the context of polyculture, including perch, pike, catfish, coregonids, sturgeon~~

Production system	In fishponds which shall periodically be fully drained and in lakes. Lakes must be devoted exclusively to organic production, including the growing of crops on dry areas. The fishery capture area must be equipped with a clean water inlet and of a size to provide optimal comfort for the fish. The fish must be stored in clean water after harvest. Organic and mineral fertilisation of the ponds and lakes shall be carried out with only fertilisers and soil conditioners authorised for use in organic production pursuant to Article 19 with a maximum application of 20 kg nitrogen/ha. Treatments involving synthetic chemicals for the control of hydrophytes and plant coverage present in production waters shall be prohibited. Areas of natural vegetation shall be maintained around inland water units as a buffer zone for external land areas not involved in the production operation in accordance with the rules of organic aquaculture. For grow-out 'polyculture' shall be used on condition that the criteria laid down in the present specifications for the other species of lakes fish are duly adhered to.
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Production yield	The total production of species is limited to 1500 kg of fish per hectare per year.
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(g) — Organic production of penaeid shrimps and freshwater prawns

(*Macrobrachium* spp.):

Establishment of production unit/s	Location to be in sterile clay areas to minimise environmental impact of pond construction. Ponds to be built with the natural pre-existing clay. Mangrove destruction shall not be permitted.
Conversion time	Six months per pond, corresponding to the normal lifespan of a produced shrimp.
Broodstock origin	A minimum of half the broodstock shall be domesticated after three years operating. The remainder is to be pathogen free wild broodstock originating from sustainable fisheries. A compulsory screening to be implemented on the first and second generation prior to introducing to the farm.
Eyestalk ablation	Is prohibited.
Maximum on farm stocking densities and production limits	Seeding: maximum 22 post larvae/m² Maximum instantaneous biomass: 240 g/m²

(h) — Molluscs and echinoderms:

Production systems	Long lines, rafts, bottom culture, net bags, cages, trays, lantern nets, bouchot poles and other containment systems. For mussel cultivation on rafts the number of drop-ropes shall not exceed one per square meter of surface area. The maximum drop-rope length shall not exceed 20 m. Thinning out of drop-ropes shall not take place during the production cycle, however sub-division of drop ropes shall be permitted without increasing stocking density at the outset.
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- (i) ~~Tropical fresh water fish: milkfish (*Chanos chanos*), tilapia (*Oreochromis spp.*), siamese catfish (*Pangasius spp.*);~~

Production systems	Ponds and net cages
Maximum stocking density	Pangasius: 10 kg/m ³ Oreochromis: 20 kg/m ³

4.1.6. Animal welfare

4.1.6.1. All persons involved in keeping aquaculture animals shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals

4.1.6.2. Handling of aquaculture animals shall be minimised, undertaken with the greatest care and proper equipment and protocols used to avoid stress and physical damage associated with handling procedures. Broodstock shall be handled in a manner to minimise physical damage and stress and under anaesthesia where appropriate. Grading operations shall be kept to a minimum and as required to ensure fish welfare.

4.1.6.3. The following restrictions shall apply to the use of artificial light:

- (a) for prolonging natural day-length it shall not exceed a maximum that respects the ethological needs, geographical conditions and general health of produced animals, this maximum shall not exceed 16 hours per day, except for reproductive purposes;
- (b) abrupt changes in light intensity shall be avoided at the changeover time by the use of dimmable lights or background lighting.

4.1.6.4. Aeration is permitted to ensure animal welfare and health, under the condition that mechanical aerators are preferably powered by renewable energy sources.

4.1.6.5. The use of oxygen is only permitted for uses linked to animal health and welfare requirements and critical periods of production or transport, in the following cases:

- (a) exceptional cases of temperature rise or drop in atmospheric pressure or accidental pollution;
- (b) occasional stock management procedures such as sampling and sorting;

(c) in order to assure the survival of the farm stock.

4.1.6.6. Appropriate measures shall be taken to keep the duration of transport of aquaculture animals to a minimum.

4.1.6.7. Any suffering shall be kept to a minimum during the entire life of the animal, including at the time of slaughter.

4.1.6.8. Slaughter techniques shall render fish immediately unconscious and insensible to pain. Handling prior to slaughter shall be performed in a way that avoids injuries while keeping suffering and stress at a minimum. Differences in harvesting sizes, species, and production sites must be taken into account when considering optimal slaughtering methods.

4.2. — Specific rules for molluses

4.2.1. — Origin of seed

~~With regard to the origin of seed the following rules shall apply:~~

~~(a) — wild seed from outside the boundaries of the production unit may be used in the case of bivalve shellfish, provided that there is no significant damage to the environment, it is permitted by local legislation and the wild seed comes from:~~

~~(i) — settlement beds which are unlikely to survive winter weather or are surplus to requirements; or~~

~~(ii) — natural settlement of shellfish seed on collectors;~~

~~(b) — for the cupped oyster, *Crassostrea gigas*, preference shall be given to stock which is selectively bred to reduce spawning in the wild;~~

~~(c) — records shall be kept of how, where and when wild seed was collected to allow traceability back to the collection area.~~

~~4.2.2. Housing conditions and husbandry practices~~

~~With regard to the housing conditions and husbandry practices the following rules shall apply:~~

- ~~(a) production may be carried out in the same area of water as organic finfish and seaweed production in a polyculture system to be documented in the sustainable management plan. Bivalve molluscs may also be grown together with gastropod molluscs, such as periwinkles, in polyculture;~~
- ~~(b) organic bivalve mollusc production shall take place within areas delimited by posts, floats or other clear markers and shall, as appropriate, be restrained by net bags, cages or other man-made means;~~
- ~~(c) organic shellfish farms shall minimise risks to species of conservation interest. If predator nets are used their design shall not permit diving birds to be harmed.~~

~~4.2.3. Cultivation~~

~~With regard to cultivation the following rules shall apply:~~

- ~~(a) cultivation on mussel ropes and other methods listed in point 4.1.5.10 (h) may be eligible for organic production;~~
- ~~(b) bottom cultivation of molluscs is only permitted where no significant environmental impact is caused at the collection and growing sites. The evidence of minimal environmental impact shall be supported by a survey and report on the exploited area to be provided by the operator to the control authority or control body. The report shall be added as a separate chapter to the sustainable management plan.~~

4.2.4. — Management

With regard to management the following rules shall apply:

- (a) — production shall use a stocking density not in excess of that used for non-organic molluscs in the locality. Sorting, thinning and stocking density adjustments shall be made according to the biomass and to ensure animal welfare and high product quality;**
- (b) — biofouling organisms shall be removed by physical means or by hand and where appropriate returned to the sea away from mollusc farms. Molluscs may be treated once during the production cycle with a lime solution to control competing fouling organisms.**

4.2.5. — Specific cultivation rules for oysters

Cultivation in bags on trestles shall be permitted. These or other structures in which the oysters are contained shall be set out so as to avoid the formation of a total barrier along the shoreline. Stock shall be positioned carefully on the beds in relation to tidal flow to optimise production. Production shall meet the requirements set out in point 4.1.5.10. (h).

Part IV: Processed food and processed feed production rules

In addition to the general production rules laid down in Articles 7, 9 and 13, the rules laid down in this Part shall apply to processed food and processed feed.

1. General requirements for the production of processed food and feed

- 1.1. Food and feed additives, processing aids and other substances and ingredients used for processing food or feed and any processing practice applied, such as smoking, shall respect the principles of good manufacturing practice³³.
- 1.2. Operators producing processed food or feed shall establish and update appropriate procedures based on a systematic identification of critical processing steps.
- 1.3. The application of the procedures referred to in point 1.2. shall guarantee at all times that the produced processed products comply with this Regulation.
- 1.4. Operators shall comply with and implement the procedures referred to in point 1.2., and in particular shall:
 - (a) take preventive measures to avoid the risk of contamination by unauthorised substances or products;
 - (b) implement suitable cleaning measures, monitor their effectiveness and record these operations;
 - (c) guarantee that non-organic products are not placed on the market with an indication referring to organic production.

³³ Good manufacturing practices (GMPs) as defined in Article 3(a) of Commission Regulation (EC) N° 2023/2006 of 22 December 2006 on good manufacturing practice for materials and articles intended to come into contact with food (O.J. L 384, 29.12.2006, p. 75)

1.5. The preparation of processed organic products shall be kept separate in time or space from non-organic products. When non-organic products are also prepared or stored in the preparation unit concerned, the operator shall:

- (a) inform the control authority or control body accordingly;
- (b) carry out the operations continuously until the complete run has been dealt with, separated by place or time from similar operations performed on non-organic products;
- (c) store organic products, before and after the operations, separate by place or time from non-organic products;
- (d) keep available an updated register of all operations and quantities processed;
- (e) take the necessary measures to ensure identification of lots and to avoid mixtures or exchanges with non-organic products;
- (f) carry out operations on organic products only after suitable cleaning of the production equipment.

1.6. Products, substances and techniques that reconstitute properties that are lost in the processing and storage of organic food, that correct the results of negligence in the processing of organic food or that otherwise may be misleading as to the true nature of products intended to be marketed as organic food shall not be used.

2. Requirements for the production of processed food

2.1. The following conditions shall apply to the composition of organic processed food:

- (a) the product shall be produced mainly from agricultural ingredients; in order to determine whether a product is produced mainly from agricultural ingredients, added water and salt shall not be taken into account;
- (b) only those food additives, processing aids, flavourings, water, salt, preparations of micro-organisms and food enzymes, minerals, trace elements, vitamins, as well as amino acids and other micronutrients in foodstuffs for particular nutritional uses authorised for use in organic production pursuant to Article 19 may be used;

- (c) an organic ingredient shall not be present together with the same ingredient in conversion or in non-organic form;
- (d) food produced from in-conversion crops shall contain only one crop ingredient of agricultural origin.

2.2. Use of certain products and substances in processing of food

2.2.1. Only the products and substances as referred to in point 2.1(b) as well as the products and substances referred to in points 2.2.2, **and other products authorised pursuant to Article 19 2.2.4. and 2.2.5.**, may be used in the processing of food, with the exception of products and substances of the wine sector, for which point 2 of Part V shall apply, and of yeast for which point 1.3 of Part VI shall apply.

2.2.2. In the processing of food, the use of the following products and substances shall be allowed:

- (a) preparations of micro-organisms and food enzymes normally used in food processing; however food enzymes to be used as food additives have to be authorised for use in organic production pursuant to Article 19;
- (b) substances, and products as defined in Article 3(2)(b) **and (d)** of Regulation (EC) No 1334/2008 of the European Parliament and of the Council³⁴ labelled as natural flavouring substances or natural flavouring preparations, in accordance with Articles 15(1)(e) and Article 16 of that Regulation;
- (c) colours for stamping meat and eggshells in accordance with Article 17 of Regulation (EC) No 1333/2008 of the European Parliament and of the Council³⁵;
- (d) drinking water and salt (with sodium chloride or potassium chloride as basic components) generally used in food processing;

³⁴ Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34).

³⁵ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

- (e) minerals (trace elements included), vitamins, aminoacids, and micronutrients, only authorised as far their use is legally required in the foodstuffs in which they are incorporated.

2.2.3. For the purpose of the calculation referred to in Article 21(3), the following rules shall apply:

- (a) certain food additives authorised for use in organic production pursuant to Article 19 shall be calculated as agricultural ingredients;
- (b) preparations and substances referred to in point 2.2.2. shall not be calculated as agricultural ingredients;
- (c) yeast and yeast products shall be calculated as agricultural ingredients.

2.2.4. ~~The following non-organic agricultural ingredients may be used in the processing of organic food:~~

~~(a) animal products:~~

~~(i) aquatic organisms, not originating from aquaculture, and permitted in non-organic foodstuffs preparation;~~

~~(ii) gelatin;~~

~~(iii) casings;~~

~~(b) unprocessed vegetable products as well as products derived therefrom by processing:~~

~~(i) edible fruits, nuts and seeds:~~

~~— cola nuts ————— *Cola acuminata*;~~

~~(ii) — edible spices and herbs:~~

~~— horseradish seeds ————— *Armoracia rusticana*;~~

~~— safflower flowers ————— *Carthamus tinctorius*;~~

~~— watercress herb ————— *Nasturtium officinale*;~~

~~(iii) — miscellaneous:~~

~~— algae, including seaweed;~~

~~(c) — processed vegetable products:~~

~~(i) — sugars, starches and other products from cereals and tubers:~~

~~— rice paper;~~

~~— starch from rice and waxy maize, not chemically modified;~~

~~(ii) — miscellaneous:~~

~~— rum, only obtained from cane sugar juice.~~

~~2.2.5. Fats and oils whether or not refined, but not chemically modified, may be used in their non-organic form if they are derived from plants other than:~~

~~—cocoa— *Theobroma cacao*;~~

~~—coconut— *Cocos nucifera*;~~

~~—olive— *Olea europaea*;~~

~~—sunflower— *Helianthus annuus*;~~

~~—palm— *Elaeis guineensis*;~~

~~—rape— *Brassica napus, rapa*;~~

~~—safflower— *Carthamus tinctorius*;~~

~~—sesame— *Sesamum indicum*;~~

~~—soya— *Glycine max*.~~

3. Requirements for the production of processed feed

- 3.1. Organic feed materials, or in-conversion feed materials, shall not enter simultaneously with the same feed materials produced by non-organic means into the composition of the organic feed product.
- 3.2. Any feed materials used or processed in organic production shall not have been processed with the aid of chemically synthesised solvents.

3.2a. Sea salt and coarse rock salt may be used in the processing of organic feed and feeding organic animals.

3.2b. Products from sustainable fisheries, may be used in the processing of organic feed and feeding organic animals provided that: (i) they are produced or prepared without chemical solvents; (ii) their use is restricted to non-herbivores; and (iii) the use of fish protein hydrolysate is restricted solely to young animals.

3.2c. Non-organic feed material of plant, animal and mineral origin may be used in the processing of organic feed and feeding organic animals provided that their use is authorized according to Article 19.

Part V: Wine

1. Scope

- 1.1. In addition to the general production rules laid down in Articles 7, 8, 9 and 14, the rules laid down in this Part shall apply to the organic production of the products of the wine sector as referred to in point (l) of Article 1(2) of Regulation (EU) No 1308/2013.
- 1.2. Commission Regulations (EC) No 606/2009³⁶ and (EC) No 607/2009³⁷ shall apply, save as explicitly provided otherwise in this Part.

2. Use of certain products and substances

- 2.1. Products of the wine sector shall be produced from organic raw material.
- 2.2. Only products and substances authorised for use in organic production pursuant to Article 19 may be used for the making of products of the wine sector, including during the processes and oenological practices, subject to the conditions and restrictions laid down in Regulation (EU) No 1308/2013 and Regulation (EC) No 606/2009 and in particular in Annex I A to that Regulation.

~~3. Oenological practices and restrictions~~

- ~~3.1. Without prejudice to Sections 1. and 2. and to specific prohibitions and restrictions provided for in points 3.2 to 3.5, only oenological practices, processes and treatments, including the restrictions provided for in Article 80 and 83(2) of Regulation (EU) No 1308/2013, and in Article 3, Articles 5 to 9 and Articles 11 to 14 of Regulation (EC) No 606/2009, and in the Annexes to those Regulations, used before 1 August 2010, shall be permitted.~~

³⁶ Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1).

³⁷ Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60).

~~3.2. — The use of the following oenological practices, processes and treatments shall be prohibited:~~

- ~~(a) — partial concentration through cooling according to point (c) of Section B.1 of Part I of Annex VIII to Regulation (EU) No 1308/2013;~~
- ~~(b) — elimination of sulphur dioxide by physical processes according to point 8 of Annex I A to Regulation (EC) No 606/2009;~~
- ~~(c) — electrodialysis treatment to ensure the tartaric stabilisation of the wine according to point 36 of Annex I A to Regulation (EC) No 606/2009;~~
- ~~(d) — partial dealcoholisation of wine according to point 40 of Annex I A to Regulation (EC) No 606/2009;~~
- ~~(e) — treatment with cation exchangers to ensure the tartaric stabilisation of the wine according to point 43 of Annex I A to Regulation (EC) No 606/2009.~~

~~3.3. — The use of the following oenological practices, processes and treatments is permitted under the following conditions:~~

- ~~(a) — for heat treatments according to point 2 of Annex I A to Regulation (EC) No 606/2009, the temperature shall not exceed 70 °C;~~
- ~~(b) — for centrifuging and filtration with or without an inert filtering agent according to point 3 of Annex I A to Regulation (EC) No 606/2009, the size of the pores shall be not smaller than 0,2 micrometer.~~

~~3.4. — The use of the following oenological practices, processes and treatments shall be re-examined by the Commission before 1 August 2015 with a view to phase out or to further restrict those practices:~~

- ~~(a) — heat treatments as referred to in point 2 of Annex I A to Regulation (EC) No 606/2009;~~
- ~~(b) — use of ion exchange resins as referred to in point 20 of Annex I A to Regulation (EC) No 606/2009;~~

~~(c) reverse osmosis according to point (b) of Section B.1 of Part I of Annex VIII to Regulation (EU) No 1308/2013.~~

~~3.5. Any amendment introduced after 1 August 2010, as regards the oenological practice, processes and treatments provided for in Regulation (EC) No 1234/2007 or Regulation (EC) No 606/2009, may be applicable in the organic production of wine only after the adoption of the measures necessary for the implementation of the production rules provided for in this Section 3 and, if required, an evaluation according to Article 19 of this Regulation.~~

Part VI: Yeast used as food or feed

In addition to the general production rules laid down in Articles 7, 9 and 15, the rules laid down in this Part shall apply to organic yeast used as food or feed.

1. General requirements

- 1.1. For the production of organic yeast only organically produced substrates shall be used.
- 1.2. Organic yeast shall not be present in organic food or feed together with non-organic yeast.
- 1.3. The following substances may be used in the production, confection and formulation of organic yeast:
 - (a) processing aids authorised for use in organic production pursuant to Article 19;
 - (b) products and substances referred to in point 2. 2.2. (a) and (d) of Part IV.

ANNEX III

COLLECTION, PACKAGING, TRANSPORT AND STORAGE OF PRODUCTS

1. Collection of products and transport to preparation units

Operators may carry out simultaneous collection of organic and non-organic products only where appropriate measures are taken to prevent any possible mixture or exchange with non-organic products and to ensure the identification of the organic products. The operator shall keep the information relating to collection days, hours, circuit and date and time of reception of the products available to the control authority or control body.

2. Packaging and transport of products to other operators or units

2.1. Operators shall ensure that organic products are transported to other operators or units, including wholesalers and retailers, only in appropriate packaging, containers or vehicles closed in such a manner that substitution of the content cannot be achieved without manipulation or damage of the seal and provided with a label stating, without prejudice to any other indications required by Union law:

- (a) the name and address of the operator and, where different, of the owner or seller of the product;
- (b) the name of the product or a description of the compound feedingstuff accompanied by a reference to organic production;
- (c) the name or the code number of the control authority or control body to which the operator is subject; and
- (d) where relevant, the lot identification mark according to a marking system either approved at national level or agreed with the control authority or control body and which permits to link the lot with the records referred to in Article 24.

The information referred to in points (a) to (d) may also be presented on an accompanying document, if such a document can be undeniably linked with the packaging, container or vehicular transport of the product. This accompanying document shall include information on the supplier or the transporter.

2.2. The closing of packaging, containers or vehicles shall not be required where:

- (a) transportation is direct between an operator and another operator who are both subject to the organic control system;
- (b) the products are accompanied by a document giving the information required under point 2.1; and
- (c) both the expediting and the receiving operators keep documentary records of such transport operations available for the control authority or control body.

3. Special rules for transporting feed to other production or preparation units or storage premises

When transporting feed to other production or preparation units or storage premises, operators shall ensure that the following conditions are met:

- (a) during transport, organically produced feed, in-conversion feed, and non-organic feed shall be effectively physically separated;
- (b) vehicles or containers which have transported non-organic products may only be used to transport organic products if:
 - (i) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before commencing the transport of organic products and the operators record these operations;
 - (ii) all appropriate measures are implemented, depending on the risks evaluated in accordance with control arrangements and, where necessary, operators shall guarantee that non-organic products cannot be placed on the market with an indication referring to organic production;
 - (iii) the operator keep documentary records of such transport operations available for the control authority or control body;
- (c) the transport of finished organic feed shall be separated physically or in time from the transport of other finished products;

- (d) during transport, the quantity of products at the start and each individual quantity delivered in the course of a delivery round shall be recorded.

4. Transport of live fish

- 4.1. Live fish shall be transported in suitable tanks with clean water which meets their physiological needs in terms of temperature and dissolved oxygen.
- 4.2. Before transport of organic fish and fish products, tanks shall be thoroughly cleaned, disinfected and rinsed.
- 4.3. Precautions shall be taken to reduce stress. During transport, the density shall not reach a level which is detrimental to the species.
- 4.4. Documentary evidence shall be maintained for operations referred to in points 4.1, 4.2 and 4.3.

5. Reception of products from other operators of units

On receipt of an organic product, the operator shall check the closing of the packaging or container where it is required and the presence of the indications provided for in Section 2.

The operator shall crosscheck the information on the label referred to in Section 2 with the information on the accompanying documents. The result of those verifications shall be explicitly mentioned in the records referred to in Article 24.

6. Special rules for the reception of products from a third country

Where organic products are imported from a third country, they shall be transported in appropriate packaging or containers, closed in a manner preventing substitution of the content and provided with identification of the exporter and with any other marks and numbers serving to identify the lot and with the certificate of control for import from third countries as appropriate.

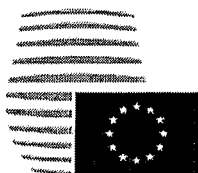
On receipt of an organic product imported from a third country, the natural or legal person to whom the imported consignment is delivered and who receives it for further preparation or marketing, shall check the closing of the packaging or container and, in the case of products imported in accordance with Article 28(1)(b)(ii), shall check that the certificate of inspection referred to in that Article covers the type of product contained in the consignment. The result of this verification shall be explicitly mentioned in the records referred to in Article 24.

7. Storage of products

- 7.1. For the storage of products, areas shall be managed in such a way as to ensure identification of lots and to avoid any mixing with or contamination by products or substances not in compliance with the organic production rules. Organic products shall be clearly identifiable at all times.
- 7.2. In case of organic plant and livestock production units, storage of input products other than those authorised for use in organic production pursuant to Article 19 is prohibited in the production unit.
- 7.3. The storage of allopathic veterinary medicinal products and antibiotics is permitted on agricultural and aquaculture holdings provided that they have been prescribed by a veterinarian in connection with treatment as referred to in points 1.5.2.2 of Part II and 4.1.4.2(a) of Part III of Annex II, that they are stored in a supervised location and that they are entered in the livestock record as referred to in Article 24.
- 7.4. Where operators handle both non-organic products and organic products and the latter are stored in storage facilities in which also other agricultural products or foodstuffs are stored:
 - (a) the organic products shall be kept separate from the other agricultural products or foodstuffs;

- (b) every measure shall be taken to ensure identification of consignments and to avoid mixtures or exchanges with non-organic products;
- (c) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before the storage of organic products and the operators shall record these operations.

(...)



Council of the
European Union

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Brussels, 27 October 2014
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COVER NOTE

From:	European Economic and Social Committee
date of receipt:	27 October 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

No. prev. doc.:	7956/14 +ADD1
Subject:	Opinion of the European Economic and Social Committee on the Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council (Official Controls Regulation) and repealing Council Regulation (EC) No 834/2007 - COM(2014) 180 final – 2014/0100 (COD)

Delegations will find attached the above-mentioned opinion. Please note that other language versions should be available at:

<https://dm.eesc.europa.eu/EESCDocumentSearch/Pages/opinionsresults.aspx?k=2014%2F0100>

Encl.: NAT/647

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DG B 2

EN



European Economic and Social Committee

NAT/647

**Organic production and
labelling of organic products**

Brussels, 16 October 2014

OPINION

of the

European Economic and Social Committee

on the

**Proposal for a Regulation of the European Parliament and of the Council on organic production
and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European
Parliament and of the Council (Official Controls Regulation) and repealing Council Regulation
(EC) No 834/2007**

COM(2014) 180 final – 2014/0100 (COD)

Rapporteur: **Armands Krauze**

NAT/647 – EESC-2014-02977-00-00-AC-TRA – 2014/0100 (COD) (EN) 1/10

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On 2 April 2014 and 28 April 2014 respectively, the European Parliament and the Council decided to consult the European Economic and Social Committee, under Articles 43(2) and 304 of the Treaty on the Functioning of the European Union, on the

Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Regulation (EC) No 834/2007
COM(2014) 180 final – 2014/0100 (COD).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 2 October 2014.

At its 502nd plenary session, held on 15 and 16 October 2014 (meeting of 16 October), the European Economic and Social Committee adopted the following opinion by 61 votes to one with 5 abstentions.

*

* *

1. Conclusions and recommendations

- 1.1. The EESC welcomes the Commission's legislative proposal and its intention to foster the development of organic farming in Europe in parallel with the development of the demand and agrees that there is a need to remedy the shortcomings of the current system. The Commission should both encourage the development of organic farming and boost consumer confidence in organic products.
- 1.2. Nevertheless, it is concerned that the Commission's impact assessment fails to properly assess the impact of a new regulation on the further development of organic farming in Europe. Nor does it assess the impact on organic farmers and the effects of this regulation on continuity of production.
- 1.3. The Committee supports the Commission in its efforts to encourage small farms to turn to organic farming and to reduce the administrative burden for the organic products sector as a whole.
- 1.4. The EU is a net importer of organic products; however, rising production costs and the ever increasing administrative burden on EU farmers do not allow the sector to respond appropriately to the challenge of stepping up EU organic production to meet growing consumer demand.

- 1.5 In the main, the Committee supports the Commission's goal of total conversion of mixed farms to organic farming, provided that provision is made for exceptions in certain cases. Additional support measures are required to help farmers make the transition to 100% organic farming.
- 1.6 The EESC urges the Commission to make the proposal for a regulation more specific as regards seed and vegetative reproductive material, since it will be difficult for organic farmers to reach the target of using 100% organic seed by 2021.
- 1.7 The EESC hopes that the negotiations on the Transatlantic Trade and Investment Partnership (TTIP) and any other agreements that may be concluded will not result in the undermining of the EU organic standards or the re-opening of discussions on or alterations to the conditions applicable to the sale and certification of organic products.
- 1.8 When it comes to animal well-being, organic farms must be held to higher standards than conventional farms at many levels; nevertheless, in some cases, it may be difficult for organic farmers to comply with the high requirements. Certain operations are banned in organic farming in connection with animal welfare considerations and the EESC recommends that the Commission consider and define very carefully the scope for exceptions, with a view to preserving the long-established traditional farming methods and arrangements employed for local breeds.
- 1.9 The Committee urges the Commission to analyse and take account both of the varying traditions, histories and climatic conditions in the Member States and EU regions and of the specificities of production in individual countries, ensuring that there is scope for flexibility in applying the exceptions while at the same time a certain level of harmonisation should be guaranteed.
- 1.10 Organic farmers must be able to meet their existing commitments and, for this reason, after the entry into force of the new regulation and midway through the 2014-2020 funding period for rural development programmes, farmers must be given the option of continuing with their existing commitments or following the new regulation. It has to be assured that changes in the current legal framework within an ongoing contract period do not result in retroactive sanctions for those farmers who cannot adapt to the amended requirements.
- 1.11 The EESC asks the European Commission to take account of the specific characteristics of Europe's outermost regions to enable them to develop local organic farming (access to seeds, a lack of diversity of supply, health problems).
- 1.12 The EESC calls on the European Commission to clarify the status of royal jelly, pollen and beeswax by including them in the list of other products in Annex I of the draft organic production regulation.

- 1.13 The EESC calls on the Commission to allocate sufficient aid for innovation and training in the area of organic farming, focusing specifically on vocational training for young people and lifelong learning for existing producers.
- 1.14 The EESC asks the Commission to draw up a proposal for a regulation that furthers the implementation of direct sales and short supply chains, for organic products.
- 1.15 The EESC calls on the Commission to ensure that the regulation provides the necessary tools to promote the public and collective procurement of organic foodstuffs in schools, hospitals and other public facilities.

2. General comments

General information on the positions of stakeholders

- 2.1 Organic farming is a holistic production system based on the management of natural resources, which places strict limitations on the use of chemical and synthetic inputs, prescribes the avoidance of mineral fertilisers and prohibits the use of genetically modified organisms (GMOs).
- 2.2 Organic farming cannot be reduced to one particular production method or to the development of certain products; it is a much broader concept. Organic farming takes into account not only the physical environment where it is carried out but also its social conditions. This type of production has a much broader vision, which also considers the socio-economic, political and socio-cultural dimension.
- 2.3 Biodiversity is generally much greater on organic farms, which support more species of plants and insects than their non-organic counterparts. On organic farms the soil is much richer in living organisms, which help to maintain its structure and ensure a high proportion of organic matter, thereby improving aeration and drainage.
- 2.4 Water quality in the surrounding areas is higher, as organic farmers use no pesticides or harmful synthetic mineral fertilisers. Proper crop rotation helps to improve soil fertility and increases nutrient use efficiency. Comparisons between farms demonstrate that nitrate leaching per hectare is 57% lower on organic farms.
- 2.5 Organic farming also fosters the creation of "green" jobs. A study conducted in the UK and Ireland in 2011 on employment rates on organic farms revealed that the latter generated 135% more full-time jobs than conventional farms¹.

¹

Morison, J., Hine, R. and Pretty, J., 2005. *Survey and Analysis of Labour on Organic Farms in the UK and Republic of Ireland. International Journal of Agricultural Sustainability Volume 3 (1)*.

- 2.6 During the Commission's on-line consultation in 2013, stakeholder organisations stressed that the review of legislation in this area should be based on the successes of current legislation and enable the EU to increase organic production. Among the scenarios proposed by the Commission, the majority of stakeholders supported the "improved status quo" policy option, i.e. better enforcement of and adjustments to the current legislation.
- 2.7 Despite the views of stakeholder organisations and civil society with regard to the new legislation, the European Commission has prepared and presented a legislative initiative that introduces significant changes.

General information about the Commission's legislative initiatives

- 2.8 The Commission proposal focuses on three main objectives: maintaining consumer confidence, maintaining producer confidence and making it easier for farmers to switch to organic farming.
- 2.9 The Commission proposes to strengthen and harmonise rules (both in the European Union and for imported products) by removing many of the current exceptions in terms of production and controls; to address the international dimension of trade in organic products for effectively by introducing new provisions on exports; and to reinforce controls by making them risk-based.
- 2.10 One of the Commission's key aims is to make it easier for small farmers to switch to organic farming by introducing the option for them to sign up to a group certification system, and to simplify legislation in order to reduce administrative costs for farmers and improve transparency.

3. General and specific comments

- 3.1 The EESC agrees that there is a need to remedy the shortcomings of the current system. For instance, it is vital to encourage small farms to turn to organic farming and to reduce the administrative burden so as to ensure a level playing field and boost consumer confidence in organic farming.
- 3.2 Raising quality standards for organic production and introducing stricter rules for manual production will make it possible to increase consumer confidence and also justify the price difference between organic and conventional products. However, it must not be forgotten that small farms wishing to meet these standards risk encountering economic difficulties.
- 3.3 The EESC urges the Commission to indicate clearly that the key provisions in the current legislation will be incorporated in the new regulation rather than in delegated acts and that they will continue to apply. Consideration will need to be given, in good time and in

consultation with stakeholders, to which cases require implementing and which delegated acts.

- 3.4 The EESC draws attention to the fact that organic farming is not compatible with the use of genetically modified products in the production process or with the cultivation of genetically modified crops on and around organic farms.
- 3.5 The EESC calls on the European Commission, to take into account the scientific studies on pollination. Pollination, which has developed over millions of years as a means of fertilising flowering plants, takes place fortuitously over the distances that can be covered by the pollinators, particularly bees (*Apis Mellifera*). Today, however, pollinators can also transport pollen containing genetically modified genes. For example, scientific studies² show that bees, one of the main pollinators, can fly distances of up to 14 km
- 3.6 The EESC is concerned that introducing separate limit values for organic products, as specifically provided for under Directive 2006/125/EC, may generate considerable extra costs. This would hinder or prevent the sector's successful development and smaller-scale organic producers would mainly be affected. The EESC assumes that organic farmers are subject to exactly the same environmental conditions as all other farmers. Separate limit values should therefore be avoided. Consumer protection should not be split into two components.
- 3.7 The EESC emphasises that the proportion of residues is basically lower in organic products than in products from conventional farming, but points out that residue limits have not yet been established. Accordingly, the EESC recommends as a starting point to conduct a careful study including an impact assessment. Furthermore, the EESC emphasises that there are no standardised EU rules for European laboratory equipment, the methods used or the de-certification thresholds applied by the certifying bodies. This harmonisation should precede the establishment of any other form of European de-certification threshold. It is absolutely necessary for this initiative to be linked to the introduction of an EU mechanism for compensating operators who suffer losses as a result of adventitious or secondary contamination.
- 3.8 In the main, the EESC can understand the Commission's goal of total conversion of mixed farms to organic farming. Nevertheless there are currently many mixed farms, with one part managed in compliance with the requirements applicable to organic production and another managed as a conventional farm. The legislative proposal plans to phase out mixed farms by 2017. The Committee points out that it will be difficult for many farms to convert the entire

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Displaced honey bees perform optimal scale-free search flights

Andrew M. Reynolds, Alan D. Smith, Randolph Menzel, Uwe Greggers, Donald R. Reynolds, and Joseph R. Riley, Rothamsted Research, Harpenden, Hertfordshire AL5 2JQ United Kingdom, Freie Universität Berlin, FB Biologie/Chemie/Pharmazie, Institut für Biologie - Neurobiologie, Königin-Luise-Str. 28/30, 14195 Berlin, Germany, Natural Resources Institute, University of Greenwich, Chatham, Kent ME4 4TB United Kingdom
Ecology, 88(8), 2007, pp. 1955-1961.

holding. Moreover it is very unclear what consequences a rigid implementation of this principle might have. Strategic splitting of holdings or increased abandonment of the organic production would be rather counterproductive. Therefore the EESC recommends maintaining flexibility in certain cases.

- 3.9 The EESC recommends that exceptions to the rules be maintained in certain specific cases of parallel production (farms producing both organic and conventional products). If no such provision is made for exceptions, the development of organic farming could be impeded. Exceptions should be maintained in the following cases: 1) for scientific institutes conducting studies of both organic and conventional farming; 2) for non-food products: for example, organic farms involved in agro-tourism should be permitted to keep conventional riding horses; 3) for personal consumption: for example on vegetable farms, where the owners keep a few cows or chickens to meet their own needs; 4) for farms that extend across different geographic areas: for example, where one part of the farm's land or buildings are situated in the mountains and another in the valley, or where two farms have historically been united although they are several dozen kilometres apart, meaning that there can be no contamination of organic by non-organic products; 5) perennial crops, in particular arboriculture and viticulture or plants used in perfumes, etc.; 6) crops that have no organic farming outlets.
- 3.10 When it comes to animal well-being, organic farms must be held to higher standards than conventional farms at many levels. The EESC recommends that the Commission give careful consideration to the specific requirements imposed on organic farmers and to provide for exceptions for particular operations (such as tail-docking and keeping animals tethered) that are banned in organic farming in connection with animal welfare considerations. To cite one example, in several EU Member States many years of selective breeding have produced traditional breeds of sheep for which tail-docking is a necessary operation, as the long tails would otherwise cause the animals to suffer. The EESC draws attention to the fact that, like the failure to introduce exceptions, some bans may actually reduce the well-being of the animals if they prevent long-established traditional farming methods and arrangements in use for local breeds from being applied. The bans might even lead to the disappearance of some breeds, which would represent a considerable loss of genetic resources.
- 3.11 The exception allowing the use of non-organic seed will be phased out by 2021. Organic farmer organisations report that it will be difficult for farmers growing specific varieties to reach 100% organic seed by 2021 in many countries. The EESC urges the Commission to make the proposal for a regulation more specific so as to prevent organic farmers from encountering difficulties in this area. However, the exception should only apply to crops for which seed appropriate to the local climate and conditions is not available on the market.
- 3.12 To this end, the Commission should provide for support mechanisms for developing seed production and add provisions that will enable the goal of exclusive use of organic seed and vegetative reproductive material to be achieved.

- 3.13 Other aspects of the organic seed market also need to be given special consideration. For instance, no restrictions must be placed on farmers' right to exchange seed, this being a prerequisite for obtaining seed that is 100% organic. Exchanges of this kind are vital to the selection that farmers carry out at local level. It is this choice that enables farmers to obtain varieties adapted to the local climatic conditions in a specific region and cultivate them without using mineral fertilisers and pesticides, whilst respecting historical and climatic differences and the specificities of production in individual countries.
- 3.14 The EESC draws attention to how important ecotypes of varieties and local crops not listed in the database of registered plant varieties are for organic production. It would be valuable to support efforts to give farmers a greater role in seed production and the search for new varieties. One of the main points cited is the lack of organic seed, particularly for vegetables. In conventional farming the emphasis is placed on products which have an appeal for the global market, in other words, on the worldwide use of hybrid varieties which are the property of multinationals and, as we know, cannot be used in organic production as they are cultivated using conventional methods.
- 3.15 Being new, the EU organic logo is not yet well known. National organic logos are important for consumers and their use should be maintained. For this reason, the EESC recommends that Member States be given the option of introducing stricter requirements and establishing national or private standards for animal species not covered in the regulation (such as deer, quail and wild boar), and for mass catering.
- 3.16 The EESC agrees that there is a need for stricter controls for products from third countries to ensure that they comply with EU requirements. Import controls can be strengthened by moving from equivalence to compliance in relation to the recognition of control bodies in third countries. However, the potential negative effects on the domestic organic markets in EU countries of the shift from equivalence to compliance have not been fully identified. For example, in 2001 establishing new import requirements in Japan resulted in a decline in the domestic organic market. A more detailed impact assessment is essential.
- 3.17 With respect to trade and trade agreements with third countries, the EESC underlines the importance of ensuring that products intended for export to the EU comply with production standards that are as stringent as those established for organic production at European level. The EESC endorses the introduction of electronic certification for product types and ranges, supported by reliable databases, which will enable the Member States to react quickly in cases of non-compliance by blocking the circulation of products that do not meet the requirements.
- 3.18 The EESC assumes that the EU organic standards must not be undermined or the conditions applicable to the sale and certification of organic products will not be re-opened for discussion or altered in the context of the negotiations on the Transatlantic Trade and Investment Partnership (TTIP).

- 3.19 Organic farming is a production method defined by its process; therefore, it cannot be characterised by finished products which meet one or more established standards. It is important that controls remain process-oriented.
- 3.20 The EESC advocates continuing with annual on-farm checks and believes that they should be based on a risk-assessment approach, which should be harmonised at EU level. The cost of the controls must be proportionate to avoid increased expenditure on the part of organic farmers and give consumers the opportunity to buy organic products at a reasonable price. However, provided that a risk-based control approach proves to be safe and credible for the control system, the interval of on-farm inspections could be adjusted.
- 3.21 The EESC is in favour of group certification for small farmers as provided for in the Commission's proposal with a view to reducing inspection and certification costs and the associated administrative burden, strengthening local networks, contributing to better market outlets and ensuring a level playing field with operators in third countries. At the same time, the EESC notes that this is a complex exercise which must be implemented gradually.
- 3.22 The EESC believes that it would be inappropriate to abolish the legislative provision allowing retailers to benefit from exemptions, since this would mean that commercial enterprises selling pre-packaged organic products would then have to be certified organic. This requirement would hamper trade in organic products and reduce the number of sales outlets and consumer access to these products. For example, small shops might not wish to pay for a certificate allowing them to sell organic products if they only intend to sell a limited selection of seasonal organic products and, as a result, organic farmers might find it extremely difficult to sell their products.
- 3.23 The EESC stresses the need to introduce EU-level market surveillance measures in order to gather information on the availability of the various products on the European market and on market trends, in particular the availability of organic seed in the various Member States.
- 3.24 The EESC welcomes the Commission's intention to draw up an action plan for the development of organic production within the European Union and its objectives, whilst noting that the plan is extremely general and incomplete. The measures the Commission proposes in the action plan need to be both clear and precise. For instance, in some areas, the Commission intends merely to propose, advise, help, consider or encourage, whilst farmers and the public expect concrete measures.
- 3.25 The EESC considers that the action plan should make the relationship between organic farmers, conventional farmers and farmers growing genetically modified plants one of its key priorities, with the aim of diminishing the risk of contamination by GMOs. Timely interpersonal communication, a discussion of the existing problems and a search for solutions will be the only way of achieving results and ensuring that these different spheres can coexist.

The EESC calls on the Commission to make the requisite means available to inform stakeholders and involve them in the decision-making process.

- 3.26 The measures set out in the action plan to raise awareness of the European instruments for supporting organic farming will not be sufficient to boost the competitiveness of the EU's organic farmers or the volume of organic production. The EESC recommends that an EU-funded campaign be organised to provide more information about Europe's organic farming system as a whole and about the new European logo for organic products.
- 3.27 The EESC considers that the Commission should provide more support for vocational training for young people, lifelong learning and innovation in the area of organic farming, by earmarking resources for this in rural development programmes and other European programmes. The EESC recommends that the Commission complement the legislation and the corresponding programmes by making support available for colleges and other education and training establishments to provide training and encourage innovation in the area of organic farming.
- 3.28 Moreover, organic farming is proving to be one of the main points of entry into the agricultural sector for young people. Developments in new information and communication technologies and the entry of young urban dwellers into this sector through organic farming present a major opportunity for the sector to become a force for innovation in disadvantaged areas.

Brussels, 16 October 2014.

The President
of the
European Economic and Social Committee

Henri Malosse



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2013)

Opinion

Title

DG AGRI - Impact Assessment supporting a review of the EU organic farming policy (legislation and action plan)

(draft version of 7 October 2013)*

(A) Context

In recent years the organic farming market has been characterized by unprecedented development, driven by strong growth in demand. However, consumer confidence may be eroded given that the EU organic production rules are being watered down by some actors and because of fraud cases. Furthermore, the entire regulatory framework is very complex, which creates difficulties in terms of understanding the system for operators, producers, consumers and public authorities. It will become even more complex with the implementation of a compliance regime for control bodies in non-recognized third countries from 2014. Moreover significant administrative burden is linked to the management of the exceptions by national administrations and to the control of business operators. This report examines how to fully optimise the beneficial effects of organic farming across the EU.

(B) Overall opinion: NEGATIVE

The report needs to be significantly improved in a number of important respects. Firstly, it should clarify which problem(s) this initiative aims to address and why e.g. insufficient supply or lack of consumer confidence. The report should then indicate the size of the problems and their possible drivers. This should be based as much as possible on evidence such as the FVO audits and ex-post evaluation results. Where appropriate, the analysis should be differentiated across key sectors and Member States. Secondly, the report should better explain how the policy options and measures are expected to address the identified problems. It should provide more details on the content and implementation of measures such as setting the threshold for non-authorised substances, and justify why more alternative options, which differ in terms of level of ambition, have not been considered. Thirdly, the report should assess the impacts on the supply and demand of organic products in the EU more comprehensively, including the impacts on conventional farming, animal welfare, consumer confidence, (groups of) Member States and third countries. Finally, the views of Member States and different stakeholder categories should be presented in greater detail.

Given the nature of these concerns, the IAB requests DG AGRI to submit a revised version of the IA report on which it will issue a new opinion.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

(C) Main recommendations for improvements

(1) Better present the problems and their drivers. The report should better explain which problem(s) this initiative aims to address, what is their magnitude and possible drivers. In particular, it should indicate the extent to which the current EU organic farming rules may hinder further growth of supply and demand for organic products in the EU. In doing so, the report should make better use of the ex-post evaluation and available anecdotal evidence (including the findings of the Food Veterinary Office and the Court of Auditors). Where appropriate, it should provide a more differentiated assessment of the situation across key sectors and (groups of) Member States, namely as regards consumers' perceptions and consumption of organic products. For example, the report should corroborate: (i) the alleged unfair competition within the EU and with third countries; (ii) the apparent risk of eroding consumer confidence; or (iii) the negative consequences of private and public organic product schemes competing with the EU scheme. More specifically, the report should further substantiate the claims that the current exceptions at national level discourage the production of certain inputs in their organic form, that consumers would disapprove of the introduction of the EU Ecolabel for food and that there is a need to define EU-wide common infringements specific to the organic farming sector. It should also provide more insights into the pros and cons of recognising control bodies from 'non-recognised' third-countries on the basis of 'equivalency' as compared to 'compliance'.

(2) Better present the options. The report should explain how the envisaged options and measures are expected to address the identified problems, namely as regards the "market-driven" option 2 or the prohibition of public organic product logos (that currently exist in 5 Member States). Conversely, it should clarify which option or measure would address the objective to "enhance profitability for producers". The report should then provide more information on the content and implementation of these measures. For example, it should indicate how and by whom the threshold for non-authorised substances would be defined, on what basis the transitional periods in removing exceptions would be set (to avoid market disruptions) and what exactly the requirement to "ensure the liability of all operators in the control chain" stands for. The report should also clarify if traders and food processors would be obliged to use the EMAS scheme under the (sub-) option 3A and how it envisages addressing the regulatory gaps related to exports. Finally, it should analyse additional alternative options which differ in terms of level of ambition, scope or timeline, such as maintaining only some of the current exceptions while phasing out the (clearly) superfluous ones, or justify why such alternative options have not been considered.

(3) Better assess the impacts. The report should assess more comprehensively the likely evolution of supply and demand under various policy options. It should explain the assumptions made regarding the availability of organic inputs, consumer responses to potentially higher prices of organic products (or the removal of mandatory annual controls and national public logos) and the number of new entrants in the sector. Such analysis should for example allow the report to better illustrate the impact of removing the exceptions on imports and on domestic supply, as well as the impact on animal welfare and consumer confidence (taking into account that the consumers' knowledge of the detailed organic rules tends to be rather limited). The report should also clarify: (i) under which conditions the prices paid to producers would be expected to increase (or decrease); (ii) which product categories, Member States and third countries are likely to be most impacted; (iii) what the impacts of the preferred option on SMEs would be if the group certification was not implemented; (iv) what the benefits of the envisaged "specific export policy" would be; and (v) how competition between conventional and organic farming is

likely to evolve following the new measures. Impacts on international trade and regulatory compatibility (for instance with the US) should also be assessed. Finally, the report should make better use of the key cost estimates (currently presented only in annexes), for example to corroborate the statement that the EMAS-related savings would more than compensate the additional costs for processors and traders.

(4) Better present stakeholders views. The report should describe in greater detail the views of key stakeholder groups (including Member States) as regards the problem definition, policy options, subsidiarity and impact analysis. This should be based on the feedback gathered not only through the public but also targeted consultations. In particular, the report should explain the rationale behind the identified stakeholder concerns and clarify the apparent inconsistency in the provided feedback (e.g. why some stakeholders prefer strengthening the production rules but at the same time keeping the exceptions). Given the large number of citizen replies to the public consultation, it should provide more details on the geographical coverage of respondents.

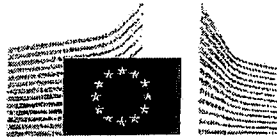
Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

An effort should be made to reach a better balance between the report and its lengthy annexes, namely by focusing on the most substantial or contested changes in the main text, by ensuring better consistency of argumentation throughout the report and by better referencing the additional information provided in annexes. The report should also provide more information on the timing and focus of the envisaged evaluation, including which data (and how) would be gathered and analysed.

(E) IAB scrutiny process

Reference number	2012/AGRI/014
External expertise used	No
Date of IAB meeting	6 November 2013



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2013)

Opinion

Title

DG AGRI - Impact assessment supporting a review of the EU organic farming policy (legislation and action plan)

(resubmitted draft version of 27 November 2013)*

(A) Context

In recent years the organic farming market has been characterized by unprecedented development, driven by strong growth in demand. However, consumer confidence may be eroded given that the EU organic production rules are being watered down by some actors and because of fraud cases. Furthermore, the entire regulatory framework is very complex, which creates difficulties in terms of understanding the system for operators, producers, consumers and public authorities. It will become even more complex with the implementation of a compliance regime for control bodies in non-recognized third countries from 2014. Moreover significant administrative burden is linked to the management of the exceptions by national administrations and to the control of business operators. This report examines how to fully optimise the beneficial effects of organic farming across the EU.

(B) Overall opinion: POSITIVE

While the report has been enhanced to some extent along the lines of the recommendations in the Board's first opinion, it should be further improved in a number of respects. Given the uncertainty about the development of supply and demand, the report should further discuss the possibility that the envisaged stricter rules would cause the market with organic products in the EU to contract rather than to expand in the medium term. In order to do so, it should provide more insights into the drivers of demand (such as consumer confidence and price sensitivity), including the alleged confusion related to the existence of alternative organic product schemes. The report should also corroborate the barriers to the development of the organic seed sector by the corresponding stakeholder views. With regard to the envisaged measures, it should further explain how they are expected to work in practice, such as the measuring of environmental performance of processors and traders or assessing the risk of retailers' non-compliance. The report should also clarify if the envisaged implementation measures will be accompanied by separate impact assessments, including setting the threshold for non-authorised residues in organic products. It should make greater effort to indicate which product categories, Member States and third countries are likely to be most impacted. Finally, the report should be substantially shortened, namely by streamlining the problem definition and by avoiding duplications throughout the text.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

(C) Main recommendations for improvements

(1) Further improve the problem definition. While having explained the regulatory and non-regulatory problem drivers in more detail, the report still needs to demonstrate their relative importance and (negative) impact on the supply and demand for organic products in the EU. In order to better address the current lack of product-specific data, the report should present the problems in a more neutral manner and clarify against which benchmark the organic production in the EU can be assessed as lower than "expected". On the demand side, it should more critically assess that: (i) consumer confidence would be eroded (given that it does not seem to have been significantly affected by the fraud cases), and that (ii) the existence of private organic logos with more stringent rules leads to consumer confusion and disrupts trade between Member States. While the non-compliance with existing rules has been illustrated with a number of concrete examples, the report should acknowledge the absence of evidence that could demonstrate the (extent of) unfair competition within the EU and with third countries. The conclusion that the development of the organic seed sector is hindered by the current exceptions should be supported by corresponding stakeholder views. Finally, the problem definition needs to be significantly shortened by avoiding duplications (i.e. presenting the problem drivers only once) and by removing quotes from individual stakeholders (which, although illustrative, do not adequately reflect the overall feedback received).

(2) Better describe the options. The report should make greater effort to relate the envisaged measures to their corresponding problem drivers, in order to clarify which issues are being directly addressed by the options and which are not (such as the multiple certifications/logos). More insight should be also provided on the link between the identified export issues and the envisaged export certificate(s). The report should clarify how the objectives/principles of organic farming and their status would be amended, and if separate impact assessments would be carried out for the envisaged implementation measures (including setting the threshold for non-authorised residues in organic products). Furthermore, the report should better explain how some of the measures are expected to work in practice, such as: (i) measuring of environmental performance when processors and traders deal with both organic and conventional products; (ii) assessing the risk of non-compliance of retailers; (iii) setting the transition period so it allows for "smooth shift from the current rules to the new stricter ones" (in case of unavailability of organic inputs); or (iv) defining transitional measures concerning the removal of recognition of control bodies for the purpose of equivalence so as to avoid "market disruption".

(3) Further develop the assessment and comparison of impacts. While having better presented impacts, their assessment remains largely theoretical and fairly general, namely due to the uncertainty as regards how the supply and demand would react to the envisaged regulatory changes. Nevertheless, the report should further discuss the possibility that the expected increase in consumer confidence would not sufficiently compensate potentially higher prices under the preferred solution (causing the market to contract not only in the short- but also in the medium-term). In doing so, it should clarify the likelihood that alternative organic schemes would gradually disappear (although being currently better known by consumers than the EU one) and that the potential price increase would increase the exclusivity of organic products (making them therefore less attainable for lower income consumers). The report should also make greater effort to indicate which product categories, Member States and third countries are likely to be most impacted (such as new Member States, disadvantaged areas, or least developed countries). Finally, the report should ensure that the comparison of options in terms of their effectiveness corresponds to the preceding impact analysis, including the above mentioned uncertainty (e.g. the

conclusions on consumer confidence and improvement of the functioning of internal market seem to be overly positive).

(4) Better present stakeholders views. The report should make further efforts to corroborate the analysis with the views of key stakeholder groups, including consumers, small farmers, Member States and third countries, where available. It should present the overall summary of both public and targeted consultations in annexes, including explaining how the numerous concerns of stakeholders have been addressed (or otherwise).

(D) Procedure and presentation

The main report needs to be substantially shortened, for example by: (i) further streamlining the problem definition in line with the comments above; (ii) shortening the general objectives; (iii) avoiding duplication in assessing the effectiveness of options; and (iv) re-focusing the monitoring and evaluation arrangements on specific rather than operational objectives, monitoring thus the impact of regulatory changes rather than their adoption.

(E) IAB scrutiny process

Reference number	2012/AGRI/014
External expertise used	No
Date of IAB meeting	Written procedure An earlier version of this report was submitted to the IAB in October 2013, for which the Board issued an opinion on 8 November 2013



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2013)

Opinion

Title **DG AGRI - Impact Assessment supporting a review of the EU organic farming policy (legislation and action plan)**

(draft version of 7 October 2013)*

(A) Context

In recent years the organic farming market has been characterized by unprecedented development, driven by strong growth in demand. However, consumer confidence may be eroded given that the EU organic production rules are being watered down by some actors and because of fraud cases. Furthermore, the entire regulatory framework is very complex, which creates difficulties in terms of understanding the system for operators, producers, consumers and public authorities. It will become even more complex with the implementation of a compliance regime for control bodies in non-recognized third countries from 2014. Moreover significant administrative burden is linked to the management of the exceptions by national administrations and to the control of business operators. This report examines how to fully optimise the beneficial effects of organic farming across the EU.

(B) Overall opinion: NEGATIVE

The report needs to be significantly improved in a number of important respects. Firstly, it should clarify which problem(s) this initiative aims to address and why e.g. insufficient supply or lack of consumer confidence. The report should then indicate the size of the problems and their possible drivers. This should be based as much as possible on evidence such as the FVO audits and ex-post evaluation results. Where appropriate, the analysis should be differentiated across key sectors and Member States. Secondly, the report should better explain how the policy options and measures are expected to address the identified problems. It should provide more details on the content and implementation of measures such as setting the threshold for non-authorised substances, and justify why more alternative options, which differ in terms of level of ambition, have not been considered. Thirdly, the report should assess the impacts on the supply and demand of organic products in the EU more comprehensively, including the impacts on conventional farming, animal welfare, consumer confidence, (groups of) Member States and third countries. Finally, the views of Member States and different stakeholder categories should be presented in greater detail.

Given the nature of these concerns, the IAB requests DG AGRI to submit a revised version of the IA report on which it will issue a new opinion.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

(C) Main recommendations for improvements

(1) Better present the problems and their drivers. The report should better explain which problem(s) this initiative aims to address, what is their magnitude and possible drivers. In particular, it should indicate the extent to which the current EU organic farming rules may hinder further growth of supply and demand for organic products in the EU. In doing so, the report should make better use of the ex-post evaluation and available anecdotal evidence (including the findings of the Food Veterinary Office and the Court of Auditors). Where appropriate, it should provide a more differentiated assessment of the situation across key sectors and (groups of) Member States, namely as regards consumers' perceptions and consumption of organic products. For example, the report should corroborate: (i) the alleged unfair competition within the EU and with third countries; (ii) the apparent risk of eroding consumer confidence; or (iii) the negative consequences of private and public organic product schemes competing with the EU scheme. More specifically, the report should further substantiate the claims that the current exceptions at national level discourage the production of certain inputs in their organic form, that consumers would disapprove of the introduction of the EU Ecolabel for food and that there is a need to define EU-wide common infringements specific to the organic farming sector. It should also provide more insights into the pros and cons of recognising control bodies from 'non-recognised' third-countries on the basis of 'equivalency' as compared to 'compliance'.

(2) Better present the options. The report should explain how the envisaged options and measures are expected to address the identified problems, namely as regards the "market-driven" option 2 or the prohibition of public organic product logos (that currently exist in 5 Member States). Conversely, it should clarify which option or measure would address the objective to "enhance profitability for producers". The report should then provide more information on the content and implementation of these measures. For example, it should indicate how and by whom the threshold for non-authorised substances would be defined, on what basis the transitional periods in removing exceptions would be set (to avoid market disruptions) and what exactly the requirement to "ensure the liability of all operators in the control chain" stands for. The report should also clarify if traders and food processors would be obliged to use the EMAS scheme under the (sub-) option 3A and how it envisages addressing the regulatory gaps related to exports. Finally, it should analyse additional alternative options which differ in terms of level of ambition, scope or timeline, such as maintaining only some of the current exceptions while phasing out the (clearly) superfluous ones, or justify why such alternative options have not been considered.

(3) Better assess the impacts. The report should assess more comprehensively the likely evolution of supply and demand under various policy options. It should explain the assumptions made regarding the availability of organic inputs, consumer responses to potentially higher prices of organic products (or the removal of mandatory annual controls and national public logos) and the number of new entrants in the sector. Such analysis should for example allow the report to better illustrate the impact of removing the exceptions on imports and on domestic supply, as well as the impact on animal welfare and consumer confidence (taking into account that the consumers' knowledge of the detailed organic rules tends to be rather limited). The report should also clarify: (i) under which conditions the prices paid to producers would be expected to increase (or decrease); (ii) which product categories, Member States and third countries are likely to be most impacted; (iii) what the impacts of the preferred option on SMEs would be if the group certification was not implemented; (iv) what the benefits of the envisaged "specific export policy" would be; and (v) how competition between conventional and organic farming is

likely to evolve following the new measures. Impacts on international trade and regulatory compatibility (for instance with the US) should also be assessed. Finally, the report should make better use of the key cost estimates (currently presented only in annexes), for example to corroborate the statement that the EMAS-related savings would more than compensate the additional costs for processors and traders.

(4) Better present stakeholders views. The report should describe in greater detail the views of key stakeholder groups (including Member States) as regards the problem definition, policy options, subsidiarity and impact analysis. This should be based on the feedback gathered not only through the public but also targeted consultations. In particular, the report should explain the rationale behind the identified stakeholder concerns and clarify the apparent inconsistency in the provided feedback (e.g. why some stakeholders prefer strengthening the production rules but at the same time keeping the exceptions). Given the large number of citizen replies to the public consultation, it should provide more details on the geographical coverage of respondents.

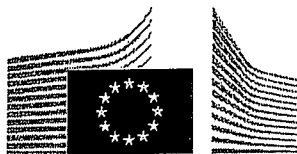
Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

An effort should be made to reach a better balance between the report and its lengthy annexes, namely by focusing on the most substantial or contested changes in the main text, by ensuring better consistency of argumentation throughout the report and by better referencing the additional information provided in annexes. The report should also provide more information on the timing and focus of the envisaged evaluation, including which data (and how) would be gathered and analysed.

(E) IAB scrutiny process

Reference number	2012/AGRI/014
External expertise used	No
Date of IAB meeting	6 November 2013



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2013) XXX draft

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on organic production and labelling of organic products, amending Regulation (EU)
No XXX/XXX of the European Parliament and of the Council [*Official controls
Regulation*] and repealing Council Regulation (EC) No 834/2007**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. Grounds for and objectives of the proposal

Over the last 10 years the organic market has been characterized by a dynamic development driven by a strong growth in demand. The global world market for organic food has expanded fourfold since 1999. The area under organic production in the Union has doubled. Each year 500000 ha of land are converted to organic farming. However, neither internal supply nor the legislative framework has kept up with this market expansion. Production rules do not sufficiently integrate evolving consumer and citizen concerns and expectations; labelling rules are complicated; weaknesses in the control system and in the trade regime have been identified. The legislation is complex and entails a high level of administrative burden which is stopping small farmers from joining the Union's organic scheme.

The proposal aims at improving the legislation on organic production with the objectives of:

- (1) removing the obstacles to the sustainable development of organic production in the Union,
- (2) guaranteeing fair competition for farmers and operators and improving the functioning of the internal market,
- (3) maintaining or improving consumer confidence in organic products.

1.2. General context

When adopting Council Regulation (EC) No 834/2007 on organic production and labelling of organic products¹, the Council earmarked a series of issues on which the Commission was required to submit a report to the European Parliament and the Council, after having reviewed the experience gained from the application of Regulation (EC) No 834/2007.

The Council adopted conclusions on the Commission report² at its meeting on Agriculture and Fisheries of 13-14 May 2013³ and called on the Member States and on the Commission to develop the organic production sector at an ambitious level by reviewing the current legal framework, with a view to improving its usability while providing for a period of stability and certainty, and aiming at further clarification and simplification and addressing the current outstanding issues requiring further development.

The review of the Organic Production legislation is part of the Commission's Regulatory Fitness and Performance Programme⁴.

The review gives the opportunity to align the Commission implementing powers in Council Regulation (EC) No 834/2007 to the differentiation between delegated and implementing powers of the Commission introduced by Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFUE).

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 (OJ L189, 20.6.2007, p. 1)

² COM (2012) 212 final of 11 May 2012 Report from the Commission to the European Parliament and to the Council on the application of Council regulation (EC) No 834/2007 on organic production and labelling of organic products

³ 8906/13 AGRILEG 56 – Organic Production: Application of the regulatory framework and development of the sector

⁴ Commission Communication on EU Regulatory Fitness of 12 December 2012 – COM(2012)746

1.3. Existing provisions on this area

The first Union legislation on organic production was adopted in 1991. Council Regulation (EEC) No 2092/91 provided a legal definition of organic production through production rules, defined control and labelling requirements and rules for importing organic products. This provided a basis to protect consumers and organic producers against false and misleading organic claims.

The legislation was revised with the adoption of Council Regulation (EC) No 834/2007 in June 2007, which notably:

- defined organic production further by describing its objectives and principles,
- improved the harmonisation of the organic production rules within the Union, by putting an end to national rules for animal products,
- introduced the possibility of exceptions to the rules under the responsibility of Member States (MS) but with strict limitations and for a limited period of time,
- linked the organic control system to the official food and feed controls system provided in Regulation (EC) No 882/2004⁵ and made obligatory the accreditation of private control bodies,
- restructured the import regime: in addition to the recognition of third countries for the purpose of equivalence, the European Union recognises control bodies (CBs) active in third countries for the purpose of equivalence or compliance. The previous system of individual authorisations granted by MS consignment by consignment was removed from the basic Regulation and is now being phased out.

1.4. Consistency with other policies

This initiative pursues the objectives of the Communication on Smart Regulation in the European Union. One of the aims of the review is to simplify legislative burdens.

It is in line with the general framework of the Europe 2020 Strategy in particular regarding the sustainable growth priority and the promotion of a more resource efficient, greener and a more competitive economy.

It is consistent with the reform of the Common Agricultural Policy (CAP), which shapes the overall framework for the development of agriculture in the Union for the period 2014-2020⁶. The new provisions aim at a sustainable competitiveness to achieve an economically viable food production

⁵ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1)

⁶ Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608); Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671); Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487); Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

sector, together with the sustainable management of the Union's natural land-based resources, in which organic production has been identified as a key-element.

The proposal takes into account the new Common Fisheries Policy as regards aquaculture which plays a key role in ensuring sustainable, long-term food security as well as growth and employment while reducing pressure on wild fish stocks, in a context of growing global aquatic food demand.

It is also consistent with the Commission's proposal for a new Council and Parliament regulation on official controls⁷, which aims at consolidating the integrated approach in all areas related to the food chain by rationalising and simplifying the overall legislative framework whilst simultaneously pursuing the objective of better regulation. In particular, definitions are aligned and/or clarified as appropriate, and the necessary specific control provisions are proposed to be integrated into the single legislative framework for official controls.

Finally, the organic production scheme forms part of the Union's agricultural product quality schemes together with geographical indications, traditional specialities guaranteed, products of the EU's outermost regions and mountain areas as is underlined in the Communication from the Commission to the European Parliament and to the Council, the European Economic and Social Committee and the Committee of the Regions on agricultural product quality policy and indicated in Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes⁸.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

2.1. Consultations

The current situation was analysed in depth on the basis of the information collected during a series of stakeholder hearings to which the Commission services invited over 70 experts and academics to discuss all the issues relating to the current and future challenges facing the organic sector.

The Commission launched an on-line consultation at the beginning of 2013. Around 45 000 replies were submitted in answer to the questionnaire and almost 1 400 free contributions were received. The majority (96%) of responses were submitted by citizens of the European Union, the remaining 4% were sent by stakeholders.

In addition, stakeholders of the sector were informed and consulted on the review in several meetings of the Advisory Group on Organic Farming.

Member States, as competent authorities in charge of implementing the legislation, were kept informed and were consulted on technical aspects of the review.

2.2. Main outcome of the consultations

The citizens and consumers who replied to the public consultation are concerned mainly with environmental and quality issues. They would like the European organic standard to be strengthened

⁷ Proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...] /2013 [Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation), COM(2013)265 final of 6.5.2013.

⁸ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2010, p. 1)

and wish to have uniformity of organic rules for farmers and other operators all over the Union. Therefore the majority is in favour of putting an end to the exceptions to the rules. High expectations were expressed as regards residues of products and substances that are not authorised for use in organic production. The organic logo of the European Union was ranked at the same level as national logos as a means to recognize organic products. The majority of citizens and stakeholders trust the organic control system while considering that it could be improved, notably by introducing electronic certification. Also the majority is in favour of group certification for small farmers.

The need to improve the legislation on organic production is widely acknowledged in the organic sector. There is also broad agreement that organic production should remain close to its principles and objectives and that exceptions to the rules should be ended.

2.3. Impact assessment

The impact assessment compared three alternative policy scenarios:

- The improved status quo, based on improvements and better enforcement of the current legislation,
- The market-driven option, which aims at providing the conditions to respond dynamically to further market developments with more flexible rules. Long lasting exceptional rules would be integrated in the production rules.
- The principle-driven option which aims at re-focussing organic production on its principles, which would be better reflected in the production rules. Exceptional rules would be ended.

The three policy options have been assessed against their potential to achieve the CAP 2020 objectives, specific policy objectives and operational objectives for the review, and in terms of effectiveness and efficiency. The principle-driven option performs better according to all criteria evaluated, followed by the market-driven option and then the improved status quo.

The expected results of the principle-driven option are the following:

- A positive market outlook, thanks to improved consumer confidence, is expected to support organic products prices and to attract newcomers,
- The removal of exceptions to the rules is expected to contribute to the development of organic inputs, notably seeds,
- Clearer and simpler production rules will make the sector more attractive,
- Fair competition will be improved notably by stronger harmonisation, simpler and clearer rules and the move from equivalence to compliance for the recognition of control bodies in third countries,
- Consumer confidence will be addressed with harmonised production rules taking into account evolving societal concerns (environmental management system for processors and traders, animal welfare),
- A risk-based approach is expected to improve the effectiveness and efficiency of controls and contribute, together with a more reliable import regime, to fraud prevention.
- Positive environmental impacts associated with organic production will be stressed by ending exceptional rules,
- Animal welfare conditions will be improved through the removal of exceptions such as tethering of animals.

The impact assessment concluded that the preferred option was the principle-driven option, together with the inclusion of the improvements proposed in the improved status quo, and with some sub-options.

Particular attention has been paid to simplification during the whole process. The preferred option will:

- clarify the provisions on scope, production rules, labelling and controls,
- remove ineffective provisions,
- limit the MS decision level to grant exceptions to the rules,
- simplify labelling rules,
- simplify the import regime,
- simplify requirements for small farmers, notably with the introduction of group certification.

As regards administrative costs, the current proposal will lead to the removal of 37 out of the 135 existing information obligations imposed on organic operators and administrations.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Summary of the proposed action

In order for organic production to remain close to consumers and citizens' expectations, the link of organic production with its principles is confirmed.

Specific production rules are gathered in an Annex of the proposed Regulation, thus addressing the issue of readability.

Production rules are strengthened and harmonised by removing exceptions, except where temporary measures are necessary in order to allow organic production to continue or recommence in the case of catastrophic circumstances. Organic agricultural holdings have to be entirely managed in compliance with the requirements applicable to organic production and the retrospective acknowledgement for the conversion period is not possible any more. The agricultural ingredients used in the composition of organic processed products have to be exclusively organic. Organic operators other than farmers or operators producing seaweed or aquaculture animals are required to develop a system to measure their environmental performance.

The control system is improved through the integration of all control related provisions in a single legislative text under the Commission proposal for a Regulation on official controls and other official activities in food and feed. Consequently, operators, competent authorities, control authorities and bodies will no longer need in the future to rely in two different legislative texts for the provisions related to controls.

Controllability is enhanced by the clarification, simplification and harmonisation of the production rules and the removal of a series of possible exceptions to such rules.

The proposal repeals the possibility to exempt certain types of retailers provided for in Regulation (EC) No 834/2007, which has led to different interpretations and practices across Member States and has made management, supervision and control system more difficult.

The risk-based approach to official controls is reinforced through the repeal of the requirement for a mandatory annual verification of compliance of all operators provided for in Regulation (EC) No 834/2007. This will make it possible to adapt the control frequency so that operators with a low risk profile may be physically inspected less than annually and/or subject to reduced annual physical inspections, while higher risk operators would be targeted by enhanced controls. There will thus be a

fairer balance of the control pressure on operators, with a reduced burden on those with a proven track record of compliance with the rules, and a more effective and efficient use of resources by the competent authorities, control authorities and control bodies.

Specific provisions are introduced in order to increase transparency with regard to fees that may be collected for the controls of the organic sector and the provisions related to the publication of operators together with information on their certification status are reinforced.

A system of group certification is introduced for small-scale farmers in the Union with a view to reducing the inspection and certification costs and the associated administrative burden, strengthening local networks, contributing to better market outlets, and ensuring a level playing field with operators in Third Countries.

Specific provisions for the official controls on organic production and labelling are introduced for enhanced traceability and fraud prevention: operators may not be controlled by different control authorities or bodies for the same type or range of products; operators engaging in different stages of the organic chain should be controlled by the same control authority or body. Specific provisions are also introduced to harmonise action to be taken when non-authorised products or substances are detected.

The proposal, finally, defines action to be taken throughout the Union on the same broad categories of non-compliance so as to ensure a level playing field in the treatment of operators, the proper functioning of the internal market and consumers' trust, while not prejudging the definition of sanctions that is under Member States' competence.

The trade regime is adapted to improve the level playing for the organic operators of the European Union and in Third Countries and to better ensure consumer confidence. The possibility of equivalence agreements with Third Countries remains while the system of unilateral equivalency is phased out. The recognition of control bodies is proposed to be progressively shifted to a compliance regime.

3.2. Legal basis

Treaty on the Functioning of the European Union, Article 43(2) thereof.

3.3. Subsidiarity and proportionality principles

The proposal revises an existing quality scheme set within the CAP. Production and trade of agricultural products and foodstuffs on the market of the European Union and ensuring the proper functioning of the internal market in organic products are matters of Union competence. Both are competences shared with MS.

As part of the overall CAP, to ensure the smooth development of the single market, a Union-wide scheme on organics is more efficient than 28 different schemes. In addition, it allows for a stronger and more consistent trade policy vis-à-vis global trading partners, most notably by enhancing the bargaining power of the Union.

The proposal leads to further harmonisation in the following areas:

- The current possibility offered to Member States to grant exceptions to the rules, which leads to unfair competition among operators, risk of loss of consumer confidence, complexity in the legislation and trade issues (difficulties to implement compliance) is reduced.
- The fact that the response to the same non-compliance with EU organic legislation can vary according to Member States is an issue leading to unfair competition and ineffective functioning of the single market.

3.4. Choice of instruments

The proposed instrument is a regulation, since the existing provisions have been demonstrated to provide an appropriate framework for Member States; other types of measure would not be appropriate. A directive would provide more flexible rules, which could entail unfair competition among operators and lead to confusion and deception of consumer. A regulation provides a consistent approach for Member States to follow and reduces the administrative burden because operators are required to comply with a single set of rules. Soft law instruments such as guidelines are considered inadequate to tackle differences in the interpretation and implementation of the rules and in view of the international context.

4. BUDGETARY IMPLICATION

The proposal allocates a budget for technical assistance measures. Details of the financial implications can be found in the legislative financial statement.

5. OPTIONAL ELEMENTS: SIMPLIFICATION

The proposal provides for simplifications and clarifications and fills several gaps in the legislation.

On production rules, the proposal brings major simplifications for operators and national administrations with a limitation of the Member State decision level to grant exceptions. Several ineffective provisions are removed, notably with the reinforcement of the risk-based approach on controls. On the import side, the compliance regime for control bodies will be easier to manage for the producers, the control bodies and the Commission.

A significant simplification for small farmers is brought by group certification which allows more proportionate inspection and record-keeping requirements.

The proposal intends to make the legislation more user-friendly. In particular, while the general production rules remain in the text of the Regulation, the specific organic production rules are gathered in one Annex of the Regulation.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [*Official controls Regulation*] and repealing Council Regulation (EC) No 834/2007

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee⁹,

Having regard to the opinion of the Committee of the Regions¹⁰,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Organic production is 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 production standards in line with the demand of a growing number of consumers for products produced using natural substances and processes. Organic production thus plays a dual societal role, where it on the one hand provides for a specific market responding to consumer demand for organic products and on the other hand, delivers public goods contributing to the protection of the environment and animal welfare, as well as to rural development.
- (2) The respect of high health, environmental and animal welfare standards in the production of organic products attributes to the high quality of those products. As underlined in the Communication from the Commission to the European Parliament and to the Council, the European Economic and Social Committee and the Committee of the Regions on agricultural product quality policy¹¹, organic production forms part of the Union's agricultural product quality schemes together with geographical indications, traditional specialties guaranteed and products of the outermost regions of the Union, as laid down in Regulation (EU) No 1151/2012 of the European Parliament and of the Council¹² and Regulation (EU) No 228/2013 of the European Parliament

⁹ OJ C , , p. .

¹⁰ OJ C , , p. .

¹¹ COM (2009) 234 final.

¹² Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

and of the Council¹³, respectively. In this sense, organic production pursues the same objectives within the objectives of the Common Agricultural Policy ('CAP') which are inherent to all Union's agricultural product quality schemes.

- (3) In particular, the objectives of the organic production policy are embedded in the objectives of the CAP by ensuring that farmers receive a fair return for the respect of the organic production standards. In addition, the growing consumer demand for organic products creates conditions for further development and expansion of the market of those products and thus for increase in the return of farmers engaged in organic production.
- (4) Furthermore, organic production is a system that contributes to the integration of environmental protection requirements into the CAP and promotes sustainable agricultural production. That is why, measures financially supporting organic production have been introduced under the CAP and in particular strengthened in the recent reform of the legal framework of the rural development policy.
- (5) In view of the objectives of the Union organic production policy, the legal framework established for the realisation of that policy should aim at ensuring fair competition and a proper functioning of the internal market in organic products, and of maintaining and justifying consumer confidence in products labelled as organic. It should further aim at providing conditions under which the policy can progress in line with production and market developments.
- (6) The policy priorities of the Europe 2020 strategy as set out in the Commission Communication entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' include the aims of achieving a competitive economy based on knowledge and innovation, fostering a high-employment economy delivering social and territorial cohesion and supporting the shift towards a resource efficient and low-carbon economy. The organic production policy should therefore provide operators with the right tools to better identify and promote their products while protecting them against unfair practices.
- (7) Given the dynamic evolution of the organic sector, Council Regulation (EC) No 834/2007¹⁴ identified the need for a future review of the Union rules on organic production, taking into account the experience gained from the application of those rules. The results of that review carried out by the Commission show that the Union legal framework of organic production should be improved to provide for rules that correspond to the high expectations of consumers and that guarantee sufficient clarity for those to whom they are addressed. Therefore, Regulation (EC) No 834/2007 should be repealed and replaced by a new Regulation.
- (8) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

¹³ Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ L 78, 20.3.2013, p. 23).

¹⁴ 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 (OJ L 189, 20.7.2007, p. 1).

- (9) Experience gained so far with the application of Regulation (EC) No 834/2007 shows a need to clarify to which products this Regulation applies. Primarily, it should cover agricultural products listed in Annex I to the Treaty. Moreover, it should cover processed agricultural products for use as food or feed in order to ensure that when those products are sold or consumed, the organic nature of the agricultural products from which they are processed remains fully visible to the consumer. Finally, this Regulation should cover certain other products which are linked to agricultural products in a similarly close way as processed agricultural products because those other products constitute a major outlet for agricultural products or form an integral part of the production process and, thus, contribute to the objectives pursued by this Regulation. For reasons of clarity, those other products, not listed in Annex I to the Treaty, should be listed in an Annex to this Regulation.
- (10) Because of the local nature of mass-catering operations, measures taken by Member States and private schemes in this area are considered adequate to ensure the functioning of the single market. Therefore, food prepared by mass-caterers in their premises should not be subject to this Regulation. Equally, products of hunting and fishing of wild animals should not be covered by this Regulation since the production process cannot be fully controlled.[]
- (11) In order to take into account new production methods or material or international commitments, the power to adopt certain acts should be delegated to the Commission in respect of the amendment of the list of other products falling within the scope of this Regulation. Only products which are closely linked to agricultural products should be eligible for inclusion.
- (12) Research projects have highlighted that consumer confidence is crucial in the market for organic food. In the long run, standards that are not trustworthy can jeopardize public confidence and lead to market failure. Therefore the sustainable development of organic production in the Union should be based on sound production rules which are harmonised at Union level. In addition, those production rules should answer operators' and consumers' expectations regarding the compliance with the principles and rules laid down in this Regulation.
- (13) As a matter of principle, the general production rules of this Regulation should include the prohibition of the use of ionising radiation and genetically modified organisms (GMOs) and products produced from or by GMOs. Since consumers are more and more concerned about environmental impacts of food processing and transportation, organic operators other than farmers and operators producing seaweed or aquaculture animals should be required to manage their environmental performance according to a harmonised system. In order to implement the general production rules, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of the criteria to which the environmental management system is to correspond and of the rules for the application of the prohibition of the use of GMOs and products produced from or with GMOs in organic production.

The risk of non-compliance with the organic production rules is considered higher in agricultural holdings which include units not managed under organic production rules. Therefore, after an appropriate conversion period, all EU agricultural holdings should be entirely managed in compliance with the requirements applicable to organic production. Organic agricultural holdings should undergo the same conversion period in all Member States, irrespective of their previous adherence or not to agri-environmental measures supported by Union funds. In order to ensure quality,

traceability and compliance with this Regulation and adaptation to technical development, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of rules supplementing the general conversion rules or supplementing and amending the specific conversion rules.

- (14) Specific production rules should be established with regard to plant, livestock and aquaculture production, including rules for the collection of wild plants and seaweeds, and with regard to the production of processed food and feed, as well as of wine and yeast.
- (15) As organic plant production is based on nourishing the plants primarily through the soil ecosystem, hydroponic production should not be allowed. In addition, organic plant production should involve the use of production techniques that prevent or minimise any contribution to the contamination of the environment.
- (16) Concerning soil management and fertilisation, conditions should be laid down for the use of cultivation practices allowed in organic plant production and for the use of fertilisers and conditioners.
- (17) The use of pesticides, which may have detrimental effects on the environment or result in the presence of residues in agricultural products, should be significantly restricted. Preference should be given to the application of measures that prevent the damage caused by pests, diseases and weeds through techniques which do not involve the use of plant protection products. The use of certain plant protection products should be allowed if such techniques do not provide adequate protection and only if authorised, including with respective conditions of use, under this Regulation.
- (18) In order to ensure quality, traceability and compliance with this Regulation and adaptation to technical development, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of rules supplementing the specific plant production rules as regards cultivation practices, soil management and fertilisation, plant health and management of pests, diseases and weeds, management of mushroom production and other specific plants and plant production systems, origin of seed and vegetative propagating material, and collection of wild plants.
- (19) As livestock production naturally implies the management of agricultural land, where the manure is used to nourish crop production, landless livestock production should be prohibited. The choice of breeds should take account of their capacity to adapt to local conditions, their vitality and their resistance to disease and a wide biological diversity should be encouraged.
- (20) In organic livestock production housing should satisfy the behavioural needs of the animals. Specific housing conditions and husbandry practices should be laid down with regard to certain animals, including bees. Those conditions and practices should ensure a high level of animal welfare, which in certain aspects should go beyond the Union animal welfare standards applicable to livestock production in general. In most cases livestock should have permanent access to open air areas for grazing and such open air areas should in principle be organised under an appropriate system of rotation.
- (21) In order to avoid environmental pollution of natural resources such as soil and water by nutrients, an upper limit for the use of manure per hectare and for keeping livestock per hectare should be set. That limit should be related to the nitrogen content of the manure.

- (22) Mutilations which lead to stress, harm, disease or the suffering of animals should be prohibited. However, specific operations essential to certain types of production and for the sake of security of animals and human beings may be permitted under strict conditions.
- (23) Livestock should be fed on grass, fodder and feedingstuffs produced in accordance with the rules of organic production, preferably coming from the own holding, by taking into account their physiological needs. In addition, in order to provide for the basic nutritional requirements of livestock, certain minerals, trace elements and vitamins may need to be used under well defined conditions.
- (24) Animal-health management should mainly be based on prevention of disease. In addition, specific cleaning and disinfection measures should be applied. The preventive use of chemically-synthesised allopathic medicinal products should not be permitted in organic production, unless in the event of sickness or injury of an animal requiring an immediate treatment and only limited to a strict minimum. In such cases, in order to guarantee the integrity of organic production for consumers, it should be possible to take restrictive measures such as doubling the withdrawal period after use of such medicinal products. Regarding beekeeping, it is necessary to lay down specific rules for disease prevention and veterinary treatment.
- (25) In order to ensure quality, traceability and compliance with this Regulation and adaptation to technical development, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of rules supplementing the specific livestock production rules as regards the origin of animals, livestock housing, including minimum surface areas indoors and outdoors and the maximum number of animals per hectare, husbandry practices, breeding, feed and feeding, and disease prevention and veterinary treatment.
- (26) The Communication from the Commission to the Council and the European Parliament on a strategy for the sustainable development of European aquaculture of 2002¹⁵ set out a vision for the development of that sector over a ten year period to reach the status of a stable industry in rural and coastal areas providing alternatives to the fishing industry in terms of products and employment. The Communication pointed to the potential for organic aquaculture production and the requirement for norms and criteria to be developed.
- (27) Organic aquaculture is a relatively new field of organic production compared to organic agriculture where long experience exists at the farm level. Given consumers' growing interest in organic aquaculture products, further growth in the conversion of aquaculture units to organic production is likely. This is leading to increased experience, technical knowledge and development, with improvements in organic aquaculture that should be reflected in the production rules.
- (28) To ensure common understanding, in order to avoid ambiguities and to guarantee the uniform application of the organic aquaculture animal and seaweed production rules, certain definitions relating to aquaculture should accompany these production rules.
- (29) In order to ensure quality, traceability and compliance with this Regulation and adaptation to technical development, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of rules supplementing the specific seaweed production rules as regards suitability of aquatic medium and sustainable management plan, harvesting of wild seaweed, seaweed cultivation, and

¹⁵ COM(2002) 511 of 19.9.2002.

antifouling measures and cleaning of production equipment and facilities, and in respect of the establishment of rules supplementing the specific production rules for aquaculture animals as regards suitability of aquatic medium and sustainable management plan, the origin of aquaculture animals, aquaculture husbandry, including aquatic containment systems, production systems and maximum stocking density, breeding, management of aquaculture animals, feed and feeding, and disease prevention and veterinary treatment.

- (30) Operators producing organic food or feed should follow appropriate procedures based on a systematic identification of critical processing steps in order to ensure that processed products comply with the organic production rules. Organic processed products should be produced with the use of processing methods which guarantee that the organic integrity and vital qualities of the products are maintained through all stages of organic production.
- (31) Provisions concerning the composition of organic processed food should be laid down. In particular, such food should be produced mainly from agricultural ingredients that are organic with a limited possibility to use certain non-organic agricultural ingredients specified in this Regulation. In addition, only substances authorised in accordance with Article 18 should be allowed for use in the production of organic processed food.
- (32) Processed food should be labelled as organic only where all or almost all the ingredients of agricultural origin are organic. However, special labelling provisions should be laid down for processed foods which include agricultural ingredients that cannot be obtained organically, as it is the case for products of hunting and fishing. Moreover, for the purpose of consumer information, transparency in the market and to stimulate the use of organic ingredients, it should also be made possible to refer to organic production in the ingredients list under certain conditions.
- (33) Provisions concerning the composition of organic processed feed and the use of certain substances and techniques in the production of that feed should be laid down.
- (34) In order to ensure quality, traceability and compliance with this Regulation and adaptation to technical development, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of rules supplementing the specific production rules for processed food and feed as regards the procedures to be followed, preventive measures to be taken, composition of processed food and feed, cleaning measures, the placing on the market of processed products including their labelling and identification, separation of organic products, agricultural ingredients and feed materials from non-organic products, agricultural ingredients and feed materials, the list of of non-organic agricultural ingredients which may exceptionally be used for the production of organic processed products, the calculation of the percentage of agricultural ingredients in accordance with Article 18(4)(a)(ii), and the techniques used in food or feed processing.
- (35) Organic wine should be produced entirely from organic raw material and only substances authorised in accordance with Article 18 may be added. Certain oenological practices, processes and treatments should be prohibited in the production of organic wine. Other practices, processes and treatments should be permitted under well defined conditions.
- (36) In order to ensure quality, traceability and compliance with this Regulation and adaptation to technical development, the power to adopt certain acts should be

delegated to the Commission in respect of the establishment of rules supplementing the specific wine production rules as regards oenological practices and restrictions.

- (37) Initially yeast was not considered an agricultural ingredient under Regulation (EC) No 834/2007 and therefore it could not count for the agricultural composition of organic products. However, Commission Regulation (EC) 889/2008¹⁶ introduced the obligatory calculation of yeast and yeast products as agricultural ingredients for the purposes of organic production as from 1 January 2014, providing the industry with sufficient time to adjust to that rule. In view of that, only organically produced substrates should be used in the production of organic yeast and only certain substances should be allowed for use in its production, confection and formulation. In addition, organic yeast should not be present in organic food or feed together with non-organic yeast.
- (38) In order to ensure quality, traceability and compliance with this Regulation and adaptation to technical development, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of rules supplementing the specific production rules for organic yeast as regards the processing and the substrates used in its production.
- (39) In order to take account of a possible future need to have specific production rules for products whose production does not fall within any of the categories of specific production rules laid down in this Regulation, as well as in order to ensure quality, traceability and compliance with this Regulation and adaptation to technical development, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of specific production rules for such products.
- (40) Regulation (EC) No 834/2007 provided for different exceptions from organic production rules. The experience gained from the application of those provisions has shown that such exceptions have a negative impact on organic production. In particular, it has been found out that the very existence of such exceptions impedes the production of inputs in organic form and that the high level of animal welfare associated with organic production is not ensured. In addition, the management and control of exceptions entail considerable administrative burden, both for the national administrations and operators. Finally, this has created conditions for distortions in competition and has threatened to undermine consumer confidence. In view of that, the possibility to allow exceptions from organic production rules should be further restricted and limited to cases of catastrophic circumstances.
- (41) In order to allow organic production to continue or recommence in cases of catastrophic circumstances, the power to adopt certain acts should be delegated to the Commission to establish the criteria for qualifying cases of catastrophic circumstances and to lay down specific rules for addressing such cases and for the necessary monitoring and reporting requirements.
- (42) The use in organic production of products and substances as plant protection products, fertilisers, soil conditioners, nutrients, components of animal nutrition, feed or food additives, processing aids and products for cleaning and disinfection should be limited to the minimum. The same approach should be followed regarding the use of products and substances as food additives and processing aids in the production of organic

¹⁶ Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 337, 16.12. 2008, p. 1).

processed food. Therefore, provision should be made for the authorisation of such products and substances for use in organic production and in the production of organic processed food, subject to the principles laid down in this Regulation and to certain criteria.

- (43) In order to ensure quality, traceability and compliance with this Regulation as regards organic production and production of organic processed food and feed, and adaptation to technical development, the power to adopt certain acts should be delegated to the Commission to provide for additional criteria for the authorisation or withdrawal of products and substances for use in organic production and in the production of organic processed food and feed, and other requirements for the use of such authorised products and substances.
- (44) Under certain conditions organic products and non-organic products can be collected and transported simultaneously. In order to duly separate organic from non-organic products during handling and to avoid any commingling specific provisions should be laid down.
- (45) In order to ensure the integrity of organic production and adaptation to technical development, the power to adopt certain acts should be delegated to the Commission in respect of the establishment of rules amending or supplementing the specific rules on collection, packaging, transport and storage of organic products.
- (46) The labelling of agricultural products and foodstuffs should be subject to the general rules laid down in Regulation (EU) No 1169/2011 of the European Parliament and of the Council¹⁷, and in particular the provisions aimed at preventing labelling that may confuse or mislead consumers. In addition, specific provisions relating to the labelling of organic products should be laid down in this Regulation. They should protect both the interests of operators to have their products on the market correctly identified and to function in the conditions of fair competition, and those of consumers to enable them to make informed choices.
- (47) In view of that, the terms used to indicate organic products should be protected from being used on non-organic products throughout the Union and independently of the language used. The protection should also apply to the usual derivatives or diminutives of those terms, whether they are used alone or combined.
- (48) In order to create clarity for consumers throughout the Union market, the use of the organic production logo of the European Union should be made obligatory for all organic pre-packed food produced within the EU. It should otherwise be possible to use that logo on a voluntary basis in the case of non pre-packed organic products produced within the Union or any organic products imported from third countries. The model of the organic production logo of the European Union should be set out in this Regulation.
- (49) It is however considered appropriate to limit the use of that logo to products which contain only, or almost only, organic ingredients in order not to mislead consumers as to the organic nature of the entire product. It should therefore not be allowed to use it in the labelling of in-conversion products or processed products of which less than 95 % of its ingredients of agricultural origin are organic.

¹⁷ Regulation (EU) No 1169/2011 of the European Parliament and of the Council ...[title to be inserted]

- (50) The use of national and private organic labels could be justified by standards that go beyond the requirements of the Union legislation. Therefore they should continue to be allowed.
- (51) For the sake of avoiding any possible confusion amongst consumers on the Union or non-Union origin of the product, whenever the organic production logo of the European Union is used, consumers should be informed about the place where the agricultural raw materials of which the product is composed have been farmed. In this context, it should be allowed to refer to aquaculture on the label of products from organic aquaculture instead of referring generally to agriculture.
- (52) In order to provide clarity for the consumer and to ensure that the appropriate information is communicated to the consumer, the power to adopt certain acts should be delegated to the Commission to adapt the list of terms referring to organic production set out in this Regulation, as well as to establish the specific labelling and composition requirements applicable to feed and ingredients thereof, to lay down further rules on labelling and the use of the indications, other than the organic production logo of the European Union, set out in this Regulation and to amend the organic production logo of the European Union.
- (53) Organic production is only credible if accompanied by effective verification and controls at all stages of production, processing and distribution. Organic production should be subject to official controls performed in accordance with Regulation (EU) No (XXX/XXXX) of the European Parliament and of the Council¹⁸ to verify compliance with the rules on organic production and labelling of organic products.
- (54) Specific requirements should be laid down to ensure compliance with the rules that are peculiar to the organic production. In particular, provisions should be made for the notification of the activities of the operators who are subject to official controls and for a certification system to identify the operators that comply with the rules governing organic production and labelling of organic products. The transparency of the certification system should be ensured by requiring from Member States to make public the list of operators having notified their activities and any fees that may be collected in relation to the controls for compliance with the organic production rules.
- (55) Small farmers in the Union face, individually, relatively high inspection costs and administrative burden linked to organic certification. A system of group certification should be allowed with a view to reducing the inspection and certification costs and the associated administrative burden, strengthening local networks, contributing to better market outlets and ensuring a level playing field with operators in third countries.
- (56) In order to ensure the effectiveness, efficiency and transparency of the organic production and labelling system, the power to adopt certain acts should be delegated to the Commission in respect of the requirements for keeping records by operators, the

¹⁸ Regulation (EU) No XX/XXX of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...] /2013 [Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation) (OJ L ...).

requirements for the publication of the list of operators, as well as the requirements and procedures to be applied for the publication of the fees collected in relation to the controls for compliance with the organic production rules and for the supervision by the competent authorities of the application of those fees.

- (57) In order to ensure the effective and efficient functioning of the certification of a group of operators, the power to adopt certain acts should be delegated to the Commission in respect of the responsibilities of the individual members of a group of operators, the composition and dimension of that group, the scope of the products to be produced by a group of operators, the conditions for participation in the group, and the set up and functioning of the group's system for internal controls, including the scope, content and frequency of the controls to be carried out.
- (58) The experience with the arrangements for import of organic products into the Union under Regulation (EC) No 834/2007 has shown that there is a need to revise those arrangements in order to respond to consumer expectations that imported organic products meet standards as high as those of the Union, as well as to better ensure the access of Union organic products to the international market. In addition, it is necessary to provide for clarity regarding the rules applicable to export of organic products, in particular by establishing a certificate of export and laying down provisions for export to third countries recognised for the purpose of equivalence under Regulation (EC) No 834/2007.
- (59) The provisions governing the import of products that comply with the Union production and labelling rules and in respect of which operators have been subject to the control of control authorities and control bodies recognised by the Commission as competent to carry out controls and certification in the field of organic production in third countries, should be further reinforced. In particular, requirements concerning the accreditation bodies which accredit control bodies for the purposes of import of compliant organic products into the Union should be laid down. This would ensure an even playing field for the supervision of the control bodies by the Commission. Furthermore, it is necessary to provide for the possibility for the Commission to contact directly the accreditation bodies and competent authorities in third countries to render the supervision of control bodies and control authorities respectively more efficient.
- (60) The possibility for organic products to get access to the Union market where such products do not comply with the Union rules on organic production but come from third countries whose organic production and control systems have been recognised as equivalent to those of the Union should be preserved. However, the scheme for recognition of equivalence of third countries, as laid down in Regulation (EC) No 834/2007, should be abolished and the equivalence of new third countries, which have not been recognised for that purpose under that Regulation, should only be granted through an international agreement between the Union and those third countries, where a reciprocal recognition of equivalence would be also pursued for the Union.
- (61) Third countries recognised for the purpose of equivalence under Regulation (EC) No 834/2007 should continue to be recognised as such under this Regulation, provided that they continue to ensure the equivalence of their organic production and control rules to the relevant Union rules in force and that they fulfil all requirements relating to the supervision of their recognition by the Commission. That supervision should be based in particular on the annual reports the third countries send to the Commission.

- (62) The experience with the scheme of control authorities and control bodies recognised as competent to carry out controls and issue certificates in third countries for the purpose of import of products providing equivalent guarantees shows that the differences between the standards applied by those authorities and bodies could be substantial and difficult to adapt in practice to a level at which they can be considered equivalent to the respective Union rules. Therefore that scheme of recognition of equivalence should be abolished. However, sufficient time should be given to those control authorities and control bodies so that they can prepare themselves for obtaining recognition for the purposes of import of products complying with Union rules.
- (63) The placing on the market as organic of any organic product imported into the Union, under any of the import arrangements provided for in this Regulation, should be subject to the availability of the information necessary to ensure the traceability of the product on the food chain.
- (64) In order to ensure fair competition among operators, the traceability of the imported products intended to be placed on the market within the Union as organic, the transparency of the recognition procedure of control authorities and control bodies within the context of import of compliant organic products and in order to ensure the management of the list of third countries recognised for the purpose of equivalence under Regulation (EC) No 834/2007, the power to adopt certain acts should be delegated to the Commission in respect of the documents intended for customs authorities in third countries, in particular an organic export certificate, the documents necessary for the purposes of import, the criteria for recognition or withdrawal of the recognition of control authorities and control bodies in the context of import of compliant organic products, and in respect of the information to be sent by third countries recognised under Regulation (EC) No 834/2007 necessary for the supervision of their recognition and the exercise of that recognition by the Commission, including on-the-spot examination.
- (65) Provision should be made to ensure that the movement of organic products that have been subject to a control in one Member State and which comply with this Regulation cannot be restricted in another Member State. In order to ensure proper functioning of the single market and trade between Member States, the power to adopt certain acts should be delegated to the Commission to lay down rules relating to the free movement of organic products.
- (66) It is necessary to lay down measures to ensure the smooth transition to some modifications of the legal framework governing the import of organic products into the Union, as introduced by this Regulation. In particular, a provision allowing recognition of conversion period starting under Regulation (EC) No 834/2007 should be set out. Furthermore, a date for the expiration of the recognition of control authorities and control bodies for the purpose of equivalence should be set and provisions to address the situation until the expiration of their recognition should be laid down. Provisions should be also laid down regarding applications from third countries for the purpose of equivalence which have been submitted under Regulation (EC) No 834/2007 and which are pending at the time of entry into force of this Regulation
- (67) In order to ensure the management of the list of control authorities and control bodies recognised for the purpose of equivalence under Regulation (EC) No 834/2007 and to complete the examination of applications from third countries for recognition for the purpose of equivalence that are pending at the moment of entry into force of this

Regulation, the power to adopt certain acts should be delegated to the Commission in respect of the information to be sent by those control authorities and control bodies that is necessary for the supervision of their recognition and in respect of the exercise of that supervision by the Commission, as well as in respect of any procedural rules necessary for the examination of the pending applications from third countries.

- (68) Member States should provide the Commission annually with the necessary information for implementation of this Regulation concerning the organic sector and trade.
- (69) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the measures and conditions necessary for the application of production rules; the specific and practical modalities as regards the presentation, composition and size of the indications referring to the code numbers of control authorities and control bodies and of the indication of the place where the agricultural raw materials have been produced; the attribution of code numbers to control bodies and control authorities; the indication of the place where the agricultural raw materials have been produced; the laying down of form and modalities as regards presentation, composition, size and design of the use of the organic production logo of the European Union; the procedures for participation in group certification and for the exchange of information; the specific requirements for the operators' notification of their activity to the competent authorities and for their record keeping; the lists of recognised control authorities and control bodies recognised for their activities in third countries for the purpose of compliance; the withdrawal of the recognition of a control authority or a control body in cases of non-compliance with the provisions set out in this Regulation; precautionary measures in relation with cases of non-compliance affecting the integrity of organic products communicated or suspicions of such cases; the withdrawal of the recognition of third countries whose system of production no more complies with principles and production rules equivalent to those laid down in this Regulation or whose control measures are no more of equivalent effectiveness to those laid down in this Regulation; the measures to establish, publish, make available or diffuse the information concerning the details and specifications regarding the content, form and method of notification, submission and exchange of information required in the framework of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of Commission's exercise of implementing powers.¹⁹
- (70) The Commission should be empowered to adopt immediately applicable implementing acts where, in duly justified cases relating to the protection against unfair practices in case of non-compliance, or the suspicion thereof, affecting the integrity of imported organic products under the control of recognised authorities or recognised bodies, imperative grounds of urgency so require.
- (71) Since the objectives of this Regulation in particular fair competition and a proper functioning of the internal market in organic products as well as ensuring consumer confidence in these products and in the organic production logo of the European Union, cannot be sufficiently achieved by the Member States but can rather, because of the required harmonisation of the rules on organic production, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of

¹⁹ OJ L 55, 28.2.2011, p. 13.

subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

Regulation (EU) No XXX/XXXX (Official controls) should be amended to take account of the results of the review of the political and legislative framework of organic production and the specific needs relating to the official controls and other official activities governing organic production and labelling of organic products, as identified in that review. In view of that, provisions are necessary to enhance the control of operators involved in organic production and action by the competent authorities, control authorities or control bodies in cases of detection of non-authorised products or substances and of non-compliance. In addition, the provisions relating to the tasks and responsibilities of the competent authorities, the approval and supervision of control bodies, the official certification, the reporting obligations and the administrative assistance should be also adapted to meet the specific needs of the organic production sector.

HAVE ADOPTED THIS REGULATION:

Chapter I

Subject matter, scope and definitions

Article 1

Subject matter

This Regulation establishes the principles of organic production and lays down the rules concerning organic production and the use of indications referring thereto in labelling and advertising.

Article 2

Scope

1. This Regulation shall apply to agricultural products listed in Annex I to the Treaty and to some other products listed in Annex I to this Regulation, insofar as those agricultural products and those other products are intended to be produced, prepared, distributed, placed on the market, imported or exported as organic.

The products of hunting and fishing of wild animals shall not be considered as organic products.

2. This Regulation shall apply to any operator involved in activities, at any stage of production, preparation and distribution, relating to the products referred to in paragraph 1.

Mass-catering operations shall not be subject to this Regulation.

Member States may apply national rules or, in the absence thereof, private standards on labelling and control of products originating from mass-catering operations.

3. This Regulation shall apply without prejudice to other specific Union provisions relating to the placing of products on the market and, in particular, to Regulation

(EU) No 1308/2013 of the European Parliament and of the Council²⁰, and to Regulation (EU) No 1169/2011 of the European Parliament and of the Council²¹.

4. In order to take into account new production methods or material or international commitments, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 adapting the list of products set out in Annex I. Only products which are closely linked to agricultural products shall be eligible for inclusion in that list.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'organic production' means the use of production methods compliant with this Regulation, at all stages of production, preparation and distribution;
- (2) 'organic' means coming from or related to organic production;
- (3) 'agricultural raw material' means an agricultural product that has not been subjected to any operation of preservation or processing;
- (4) 'preventive measures' means measures to be taken in order to ensure soil quality as well as prevention and control of pests, diseases and weeds, and to prevent contamination with products or substances that are not authorised under this Regulation;
- (5) 'conversion' means the transition from non-organic to organic production within a given period of time;
- (6) 'operator' means the natural or legal person responsible for ensuring that this Regulation is complied with at all stages of production, preparation and distribution and export under their control;
- (7) 'group of operators' means a group in which each operator is a farmer who has a holding of up to 5 hectares of utilised agricultural area and who may, in addition to producing food or feed, be engaged in processing of food or feed.
- (8) 'farmer' means farmer as defined in point (a) of Article 4 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council²²;
- (9) 'agricultural area' means agricultural area as defined in point (e) of Article 4 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council;

²⁰ Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

²¹ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

²² Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

- (10) 'plants' means plants as defined in point 5 of Article 3 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²³;
- (11) 'plant production' means production of agricultural crop products including harvesting of wild plant products for commercial purposes;
- (12) 'plant products' means plant products as defined in point 6 of Article 3 of Regulation (EC) No 1107/2009;
- (13) 'plant protection products' means the products referred to in Article 2 of Regulation (EC) No 1107/2009;
- (14) 'livestock production' means the production of domestic or domesticated terrestrial animals, including insects;
- (15) 'veranda' means an additional, roofed, uninsulated, outdoor part of a livestock building, the longest side usually equipped with wire fencing or netting with outdoor climate, natural and artificial illumination and a littered floor;
- (16) 'aquaculture' means aquaculture as defined in point (d) of Article 3 of Council Regulation (EC) No 1198/2006²⁴;
- (17) 'veterinary treatment' means all courses of a curative or preventive treatment against one occurrence of a specific disease;
- (18) 'veterinary medicinal products' means veterinary medicinal products as defined in point (2) of Article 1 of Directive 2001/82/EC of the European Parliament and of the Council²⁵;
- (19) 'preparation' means the operations of preserving or processing of organic products, including slaughter and cutting for livestock products, packaging, labelling or alterations made to the labelling relating to organic production;
- (20) 'food' means food as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council²⁶;
- (21) 'feed' means feed as defined in point 4 of Article 3 of Regulation (EC) No 178/2002;
- (22) 'in-conversion feedingstuffs' means feedingstuffs produced during the conversion period, with the exclusion of those harvested in the 12 months following the beginning of the conversion;
- (23) 'placing on the market' means placing on the market as defined in point 8 of Article 3 of Regulation (EC) No 178/2002;
- (24) 'traceability' means traceability as defined in point 15 of Article 3 of Regulation (EC) No 178/2002;
- (25) 'stages of production, preparation and distribution' means any stage from and including the primary production of an organic product up to and including its

²³ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

²⁴ Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund (OJ L 223, 15.8.2006, p. 1).

²⁵ Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (OJ L 311, 28.11.2001, p. 1)

²⁶ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

storage, processing, transport, sale or supply to the final consumer, and where relevant labelling, advertising, import, export and subcontracting activities;

- (26) 'catastrophic circumstances' means circumstances deriving from an 'adverse climatic event', an 'environmental incident', a 'natural disaster' or a 'catastrophic event' as defined in points (h), (j), (k) and (l) of Article 2(1) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council²⁷ respectively;
- (27) 'mass-caterer' means mass-caterer as defined in point (d) of Article 2(2) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council;
- (28) 'pre-packed food' means pre-packed food as defined in point (e) of Article 2(2) of Regulation (EU) No 1169/2011;
- (29) 'ingredient' means ingredient as defined in point (f) of Article 2(2) of Regulation (EU) No 1169/2011;
- (30) 'labelling' means labelling as defined in point (j) of Article 2(2) of Regulation (EU) No 1169/2011;
- (31) 'advertising' means any presentation of organic products to the public, by any means other than a label, that is intended or is likely to influence and shape attitude, beliefs and behaviours in order to promote directly or indirectly the sale of organic products;
- (32) 'competent authorities' means competent authorities as defined in point 5 of Article 2 of Regulation (EU) No XXX/XXXX [*Official controls Regulation*];
- (33) 'control authority' means control authority for organic products as defined in point 39 of Article 2 of Regulation (EU) No XXX/XXXX [*Official controls Regulation*];
- (34) 'control body' means a delegated body as defined in point 38 of Article 2 of Regulation (EU) No XXX/XXXX [*Official controls Regulation*]. The term control body also comprises the body recognised by the Commission or by a third country recognised by the Commission to carry out controls in third countries for the import of organic products into the Union;
- (35) 'non-compliance' means non-compliance with this Regulation;
- (36) 'genetically modified organism (GMO)' means a genetically modified organism as defined in point (2) of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council²⁸ which is not obtained through the techniques of genetic modifications listed in Annex I.B to that Directive;
- (37) 'produced from GMOs' means derived in whole or in part from GMOs but not containing or consisting of GMOs;
- (38) 'produced by GMOs' means derived in whole or in part from GMOs but not containing or consisting of GMOs;

²⁷ Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

²⁸ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1)

- (39) 'food additive' means a food additive as defined in point (a) of Article 3(2) of Regulation (EC) No 1333/2008 of the European Parliament and of the Council²⁹;
- (40) 'feed additive' means a feed additive as defined in point (a) of Article 2(2) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council³⁰;
- (41) 'processed food' means food that has undergone any treatment resulting in a substantial change in the original state of the food;
- (42) 'processing aid' means processing aid as defined in point (b) of Article 3(2) of Regulation (EC) No 1333/2008;
- (43) 'ionising radiation' means ionising radiation as defined in Article 1 of Council Directive 96/29/Euratom³¹;
- (44) 'importer' means the natural or legal person within the Union who presents a consignment for release for free circulation into the Union, either in person, or through a representative.

²⁹ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16)

³⁰ Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29)

³¹ Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (OJ L 159, 29.6.1996, p. 1)

Chapter II

Principles of organic production

Article 4

General principles

Organic production is a sustainable management system for agriculture that is based on the following general principles:

- (a) the respect of nature's systems and cycles and sustains and enhances the health of soil, water, plants and animals and the balance between them;
- (b) the contribution to a high level of biological diversity;
- (c) the responsible use of energy and the natural resources, such as water, soil, organic matter and air;
- (d) the respect of high animal welfare standards and in particular the fulfilment of animals' species-specific behavioural needs.
- (e) the appropriate design and management of biological processes based on ecological systems using natural resources which are internal to the system by methods that:
 - (i) use living organisms and mechanical production methods;
 - (ii) practice land-related crop cultivation and livestock production or practice aquaculture which complies with the principle of sustainable exploitation of fisheries;
 - (iii) exclude the use of GMOs and products produced from or by GMOs with the exception of veterinary medicinal products;
 - (iv) are based on the use of preventive measures, when appropriate;
- (f) the restriction of the use of external inputs. Where external inputs are required or the appropriate management practices and methods referred to in point (e) do not exist, these shall be limited to:
 - (i) inputs from organic production;
 - (ii) natural or naturally-derived substances;
 - (iii) low solubility mineral fertilisers;
- (g) the adaptation, where necessary, and within the framework of this Regulation, of the production taking account of the sanitary status, regional differences in ecological balance, climate and local conditions, stages of development and specific husbandry practices.

Article 5

Specific principles applicable to agricultural activities and aquaculture

In the framework of agricultural activities and aquaculture, organic production shall in particular be based on the following specific principles:

- (a) the maintenance and enhancement of soil life and natural soil fertility, soil stability and soil biodiversity preventing and combating soil compaction and soil erosion, and the nourishing of plants primarily through the soil ecosystem;
- (b) the limitation of the use of non-renewable resources and external inputs to a minimum;
- (c) the recycling of wastes and by-products of plant and animal origin as input in plant and livestock production;
- (d) the maintenance of plant health by preventive measures, in particular the choice of appropriate species and varieties resistant to pests and diseases, appropriate crop rotations, mechanical and physical methods and the protection of natural enemies of pests;
- (e) the choice of breeds having regard to the capacity of animals to adapt to local conditions, their vitality and their resistance to disease or health problems; the practice of site-adapted and land-related livestock production; the application of animal husbandry practices, which enhance the immune system and strengthen the natural defence against diseases, in particular including regular exercise and access to open air areas and pastureland, where appropriate;
- (f) the observance of a high level of animal welfare respecting species-specific needs;
- (g) the feeding of livestock with organic feed composed of agricultural ingredients from organic production and of natural non-agricultural substances;
- (h) the exclusion of genetic engineering, cloning, artificially induced polyploidy and ionising radiation from the whole organic food chain;
- (i) the continuing health of the aquatic environment and the quality of surrounding aquatic and terrestrial ecosystems;
- (j) the feeding of aquatic organisms with feed from sustainable exploitation of fisheries as defined in point (e) of Article 3 of Council Regulation (EC) No 2371/2002³² or with organic feed composed of agricultural ingredients from organic production and of natural non-agricultural substances.

Article 6

Specific principles applicable to the processing of organic food and feed

The production of processed organic food and feed shall in particular be based on the following specific principles:

- (a) the production of organic food from organic agricultural ingredients;
- (b) the production of organic feed from organic feed materials;
- (c) the limitation of the use of food additives and of non-organic ingredients with mainly technological and sensory functions and of micronutrients and processing aids, so that they are used to a minimum extent and only in case of essential technological need or for particular nutritional purposes;

³²

Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, p. 59).

- (d) the limitation of the use of feed additives and processing aids to a minimum extent and only in case of essential technological or zootechnical needs or for particular nutritional purposes;
- (e) the exclusion of substances and processing methods that might be misleading regarding the true nature of the product;
- (f) the processing of food or feed with care, preferably with the use of biological, mechanical and physical methods.

Chapter III

Production rules

Article 7

General production rules

1. Operators shall comply with the following general production rules:
 - (a) the entire agricultural holding shall be managed in compliance with the requirements applicable to organic production.
 - (b) During the conversion period, the agricultural holding may be split into clearly separated units which are not all managed under organic production. As regards animals, different species shall be involved. As regards aquaculture, the same species may be involved, provided that there is adequate separation between the production sites. As regards plants, different varieties that can be easily differentiated shall be involved;
 - (c) only products and substances authorised pursuant to Article 18 may be used in organic agriculture and aquaculture, provided that the corresponding product or substance has been authorised in agriculture in the Member States concerned in accordance with the relevant provisions of Union law or the relevant national provisions based on Union law;
 - (d) the use of ionising radiation for the treatment of organic food or feed, or of raw materials used in organic food or feed shall be prohibited;
 - (e) organic operators other than farmers and operators producing seaweed or aquaculture animals, shall put in place an environmental management system with a view to improving their environmental performance.
 - (f) organic products shall be collected, packaged, transported and stored in accordance with the rules set out in Annex III.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 33 to provide the criteria to which the environmental management system referred to in point (e) of paragraph 1 is to correspond and to amend or supplement the rules set out in Annex III. Those delegated acts shall take account of the rules set out in Regulation (EC) No 1221/2009 of the European Parliament and of the Council³³.

Article 8

Conversion

1. Farmers and operators producing seaweed or aquaculture animals shall respect a conversion period. During the whole conversion period they shall apply the rules on

³³ Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

organic production laid down in this Regulation and, in particular, the specific rules on conversion set out in Annex II.

2. The conversion period shall start at the earliest when the farmer or the operator producing seaweed or aquaculture animals has notified his activity to the competent authorities in accordance with this Regulation.
3. No previous period may be recognised retroactively as being part of the conversion period.
4. Products produced during the conversion period shall not be marketed as organic.
5. In order to ensure quality, traceability and compliance with this Regulation as regards organic production and adaptation to technical development, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 to supplement the rules laid down in this Article or supplement and amend the rules set out in Annex II as regards conversion.

Article 9

Prohibition of the use of GMOs

1. GMOs and products produced from or by GMOs shall not be used in organic production as food or feed or in food or feed, as processing aids, plant protection products, fertilisers, soil conditioners, seeds, vegetative propagating material, micro-organisms or animals.
2. For the purposes of paragraph 1, with regard to GMOs or products produced from or by GMOs for food and feed, operators may rely on the labels of a product or any other accompanying document, affixed or provided pursuant to Directive 2001/18/EC, Regulation (EC) No 1829/2003 of the European Parliament and of the Council³⁴ or Regulation (EC) No 1830/2003 of the European Parliament and of the Council³⁵.
3. Operators may assume that no GMOs or products produced from or by GMOs have been used in the manufacture of purchased food and feed when such products are not labelled, or accompanied by a document, pursuant to the Regulations referred to in the paragraph 2, unless they have obtained other information indicating that the labelling of the products concerned is not in conformity with those Regulations.
4. In order to ensure quality, traceability and compliance with this Regulation as regards organic production and adaptation to technical development, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 laying down the rules for the application of the prohibition of the use of GMOs and products produced from or by GMOs in organic production.

³⁴ Regulation (EC) 1829/2003 of the European Parliament and the Council of 22 September 2003 on genetically modified food and feed (OJ L 268, 18.10.2003, p. 1).

³⁵ Regulation (EC) 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms (OJ L 268, 18.10.2003, p. 24).

Article 10

Plant production rules

1. Operators producing plants or plant products shall in particular comply with the specific production rules set out in Part I of Annex II.
2. Each Member State shall ensure that a computerised database is established for the listing of the varieties for which seed or vegetative propagating material obtained by the organic production method is available on its territory.
3. In order to ensure quality, traceability and compliance with this Regulation as regards organic plant production and adaptation to technical development, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 amending or supplementing the specific plant production rules as regards:
 - (a) cultivation practices;
 - (b) soil management and fertilization;
 - (c) plant health and management of pests, diseases and weeds;
 - (d) management of mushroom production and other specific plant and plant production systems;
 - (e) origin of seed and vegetative propagating material;
 - (f) collection of wild plants.
4. The Commission shall adopt implementing acts laying down the technical details for the establishment of the database referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 11

Livestock production rules

1. Livestock operators shall in particular comply with the specific production rules set out in Part II of Annex II.
2. In order to ensure quality, traceability and compliance with this Regulation as regards organic livestock production and adaptation to technical development, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 amending or supplementing the specific livestock production rules as regards:
 - (a) the origin of animals;
 - (b) livestock housing, including minimum surface areas indoors and outdoors and the maximum number of animals per hectare;
 - (c) husbandry practices;
 - (d) breeding;
 - (e) feed and feeding;
 - (f) disease prevention and veterinary treatment;

Article 12

Production rules for seaweed and aquaculture animals

1. Operators producing seaweed and aquaculture animals shall in particular comply with the specific production rules set out in Part III of Annex II.
2. In order to ensure quality, traceability and compliance with this Regulation as regards organic seaweed production and adaptation to technical development, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 amending or supplementing the specific seaweed production rules as regards:
 - (a) suitability of aquatic medium and sustainable management plan;
 - (b) harvesting of wild seaweed;
 - (c) seaweed cultivation;
 - (d) antifouling measures and cleaning of production equipment and facilities.
3. In order to ensure quality, traceability and compliance with this Regulation as regards organic aquaculture animals and adaptation to technical development, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 amending or supplementing the specific production rules for aquaculture animals as regards:
 - (a) suitability of aquatic medium and sustainable management plan;
 - (b) the origin of aquaculture animals;
 - (c) aquaculture husbandry, including aquatic containment systems, production systems and maximum stocking density;
 - (d) breeding;
 - (e) management of aquaculture animals;
 - (f) feed and feeding;
 - (g) disease prevention and veterinary treatment.

Article 13

Production rules for processed food and feed

1. Operators producing processed food and feed shall in particular comply with the specific production rules set out in Part IV of Annex II.
2. In order to ensure quality, traceability and compliance with this Regulation as regards organic processed food and feed and adaptation to technical development, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 to amend or supplement the specific production rules for processed food and feed as regards:
 - (a) procedures to be followed;
 - (b) preventive measures to be taken;
 - (c) composition of processed food and feed;
 - (d) cleaning measures;

- (e) the placing on the market of processed products including their labelling and identification;
- (f) separation of organic products, agricultural ingredients and feed materials from non-organic products, agricultural ingredients and feed materials;
- (g) the list of non-organic agricultural ingredients which may exceptionally be used for the production of organic processed products;
- (h) the calculation of the percentage of agricultural ingredients in accordance with Article 19 (4) (ii);
- (i) techniques used in food or feed processing.

Article 14

Production rules for wine

1. Operators producing products of the wine sector shall in particular comply with the specific production rules set out in Part V of Annex II.
2. In order to ensure quality, traceability and compliance with this Regulation as regards organic production of wine and adaptation to technical development, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 amending or supplementing the specific wine production rules as regards oenological practices and restrictions.

Article 15

Production rules for yeast used as food or feed

1. Operators producing yeast used as food or feed shall in particular comply with the specific production rules set out in Part VI of Annex II.
2. In order to ensure quality, traceability and compliance with this Regulation as regards organic yeast production and adaptation to technical development, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 amending or supplementing the specific yeast production rules as regards the processing and the substrates used.

Article 16

Production rules for other products

In order to take account of a possible future need to have specific production rules for additional other products, and in order to ensure quality, traceability and compliance with this Regulation as regards organic production of those additional other products, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 amending or supplementing Annex II with regard to specific production rules for those products.

Article 17

Adoption of exceptional production rules

In order to allow organic production to continue or recommence in the case of catastrophic circumstances and subject to the principles laid down in Chapter II, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 providing for the criteria to qualify such situations as catastrophic and laying down specific rules on how to address such situations, on monitoring and on reporting requirements.

Article 18

Authorisation of products and substances used in organic production

1. The Commission may authorise certain products and substances for use in organic production and inclusion in restricted lists, for the following purposes:
 - (a) as plant protection products;
 - (b) as fertilisers, soil conditioners and nutrients;
 - (c) as feed materials of mineral origin and other feed materials;
 - (d) as feed additives and processing aids;
 - (e) as products for cleaning and disinfection of ponds, cages, buildings and installations for animal production;
 - (f) as products for cleaning and disinfection of buildings and installations used for plant production, including storage on an agricultural holding.

The Commission may also authorise certain products and substances for use in the production of organic processed food and inclusion in restricted lists, for the following purposes:

- (a) as food additives and processing aids,
 - (b) as processing aids for the production of yeast and yeast products.
2. The authorisation of the products and substances referred to in the first subparagraph of paragraph 1 for use in organic production shall be subject to the principles laid down in Chapter II and to the following criteria which shall be evaluated as a whole:
 - (a) their use is necessary for sustained production and essential for its intended use;
 - (b) all products and substances are of plant, animal, microbial or mineral origin except where products or substances from such sources are not available in sufficient quantities or qualities or if alternatives are not available;
 - (c) in the case of products referred to in point (a) of the first subparagraph of paragraph 1, the following shall apply:
 - (i) their use is essential for the control of a harmful organism or a particular disease for which other biological, physical or breeding alternatives or cultivation practices or other effective management practices are not available;

- (ii) if products are not of plant, animal, microbial or mineral origin and are not identical to their natural form, they may be authorised only if their conditions for use preclude any direct contact with the edible parts of the crop;
- (d) in the case of products referred to in point (b) of the first subparagraph paragraph 1, their use is essential for obtaining or maintaining the fertility of the soil or to fulfil specific nutrition requirements of crops, or specific soil-conditioning purposes;
- (e) in the case of products referred to in points (c) and (d) of the first subparagraph of paragraph 1, the following shall apply:
 - (i) their use is necessary to maintain animal health, animal welfare and vitality and contribute to an appropriate diet fulfilling the physiological and behavioural needs of the species concerned or their use is necessary to produce or preserve feed because the production or preservation of feed is not possible without having recourse to such substances;
 - (ii) feed of mineral origin, trace elements, vitamins or provitamins shall be of natural origin except where products or substances from such sources are not available in sufficient quantities or qualities or if alternatives are not available.

The authorisation of the products and substances referred to in the second subparagraph of paragraph 1 for use in the production of organic processed food shall be subject to the principles laid down in Chapter II and to the following criteria which shall be evaluated as a whole:

- (a) alternatives authorised in accordance with this Article are not available;
- (b) it would be impossible to produce or preserve the food or to fulfil given dietary requirements provided for on the basis of the Union legislation, without having recourse to those products and substances;
- (c) they are to be found in nature and may have undergone only mechanical, physical, biological, enzymatic or microbial processes, except where products and substances from such sources are not available in sufficient quantities or qualities.

The authorisation of the use of chemically synthesised products or substances is strictly limited to cases where the use of external inputs referred to in Article 5(b) of this Regulation would contribute to unacceptable environmental impacts.

3. In order to ensure specific quality, traceability and compliance with this Regulation as regards organic production and production of processed organic food and feed, and adaptation to technical development, the Commission shall be empowered to adopt delegated acts, in accordance with Article 33 providing for additional criteria for the authorization or withdrawal of products and substances referred to in paragraph 1 for use in organic production and in the production of organic processed food and feed, and other requirements and conditions for the use of such authorised products and substances.
4. Where a Member State considers that a product or substance should be added to, or withdrawn from the lists of authorized products and substances referred to in paragraph 1, or that the specifications of use mentioned in the production rules

should be amended, the Member State shall ensure that a dossier giving the reasons for the inclusion, withdrawal or amendments is sent officially to the Commission and to the other Member States.

Requests for amendment or withdrawal shall be published by Member States.

5. The Commission shall adopt implementing acts authorizing products and substances that may be used in organic production and products and substances that may be used in the production of processed organic food and feed, including the procedures to be followed for the authorization and the lists of those products and substances and, where appropriate, their description, compositional requirement and conditions for use. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34 (2).

Chapter IV

Labelling

Article 19

Use of terms referring to organic production

1. For the purposes of this Regulation a product shall be regarded as bearing terms referring to organic production where, in the labelling, advertising material or commercial documents, such a product, its ingredients or feed materials are described in terms suggesting to the purchaser that the product, its ingredients or feed materials have been obtained in accordance with this Regulation. In particular, the terms listed in Annex IV, their derivatives or diminutives, such as 'bio' and 'eco', alone or combined, may be used throughout the Union and in any language listed in that Annex for the labelling and advertising of products which comply with this Regulation.
2. The terms referred to in paragraph 1 shall not be used anywhere in the Union and in any language listed in Annex IV for the labelling, advertising and commercial documents of a product which does not comply with this Regulation, unless it is clear that there is no link with organic agricultural production..

Furthermore, any terms, including terms used in trademarks, or practices used in labelling or advertising liable to mislead the consumer or user by suggesting that a product or its ingredients comply with this Regulation shall not be used.
3. The terms referred to in paragraph 1 shall not be used for a product for which it has to be indicated in the labelling or advertising that it contains GMOs, consists of GMOs or is produced from or with GMOs.
4. As regards processed food, the terms referred to in paragraph 1 may be used:
 - (a) in the sales description, provided that:
 - (i) the processed food complies with the production rules set out in Part IV of Annex II;
 - (ii) at least 95 % by weight of its agricultural ingredients are organic;
 - (b) only in the list of ingredients, where less than 95% of agricultural ingredients are organic and provided that those ingredients comply with the production rules set out in this Regulation.

The list of ingredients referred to in point (b) of the first subparagraph shall indicate which ingredients are organic. The references to organic production may only appear in relation to the organic ingredients. That list of ingredients shall include an indication of the total percentage of organic ingredients in proportion to the total quantity of agricultural ingredients.

The terms referred to in paragraph 1 and the indication of the percentage referred to in the second subparagraph of this paragraph shall appear in the same colour, identical size and style of lettering as the other indications in the list of ingredients.

5. In order to provide clarity for the consumer and to ensure that the appropriate information is communicated to the consumer, the Commission shall be empowered

to adopt delegated acts in accordance with Article 33 concerning the adaptation of the list of terms set out in Annex IV taking into account linguistic developments within the Member States and concerning the establishment of specific labelling and composition requirements applicable to feed and ingredients thereof.

Article 20

Compulsory indications

1. Where terms as referred to in Article 19(1) are used:
 - (a) the code number of the control authority or control body to which the operator who has carried out the last production or preparation operation is subject, shall also appear in the labelling;
 - (b) the organic production logo of the European Union referred to in Article 21 as regards pre-packed food shall also appear on the packaging.
2. Where the organic production logo of the European Union is used, an indication of the place where the agricultural raw materials of which the product is composed have been farmed shall also appear in the same visual field as the logo and shall take one of the following forms, as appropriate:
 - (a) 'EU Agriculture', where the agricultural raw material has been farmed in the Union,
 - (b) 'non-EU Agriculture', where the agricultural raw material has been farmed in third countries,
 - (c) 'EU/non-EU Agriculture', where part of the agricultural raw materials has been farmed in the Union and a part of it has been farmed in a third country.

The word "Agriculture" may be replaced by "Aquaculture" when appropriate.

The indication 'EU' or 'non-EU' may be replaced or supplemented by the name of a country in the case where all agricultural raw materials of which the product is composed have been farmed in that country.

For the indication 'EU' or 'non-EU' small quantities by weight of ingredients may be disregarded provided that the total quantity of the disregarded ingredients does not exceed 5 % of the total quantity by weight of agricultural raw materials.

The indication 'EU' or 'non-EU' shall not appear in a colour, size and style of lettering more prominent than the sales description of the product.
3. The indications referred to in paragraphs 1, 2 and Article 21(3) shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.
4. In order to provide clarity for the consumer and to ensure that the appropriate information is communicated to the consumer, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 laying down further rules on labelling and the use of the indications referred to in point (a) of paragraph 1 and in paragraphs 2 and Article 21(3).
5. The Commission shall adopt implementing acts relating to the following:

- (a) specific and practical modalities as regards the presentation, composition and size of the indications referred to in point (a) of paragraph 1 and in paragraphs 2 and Article 21(3);
- (b) the assignment of code numbers to control authorities and control bodies;
- (c) the indication of the place where the agricultural raw materials have been farmed in accordance with paragraphs 2 and Article 21(3).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 21

Organic production logo of the European Union

1. The organic production logo of the European Union may be used in the labelling, presentation and advertising of products which comply with this Regulation.
2. The organic production logo of the European Union is an official attestation in accordance with Articles 85 and 90 of Regulation (EU) No XXX/XXXX [Official controls Regulation].
3. The use of the organic production logo of the European Union shall be optional for products imported from third countries. In addition, where that logo appears in the labelling, the indication referred to Article 20(2) shall also appear in the labelling.
4. The organic production logo of the European Union shall follow the model set out in Annex IV and shall comply with the rules set out in that Annex.
5. National and private logos may be used in the labelling, presentation and advertising of products which comply with this Regulation.
6. In order to provide clarity for the consumer and to ensure that the appropriate information is communicated to the consumer, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 amending the organic production logo of the European Union.

Chapter V

Organic certification

Article 22

Organic certification system

1. Any operator or group of operators who produces, prepares or stores organic products, who imports such products from a third country or exports such products to a third country or who places such products on the market shall, prior to the placing on the market as organic or prior to conversion, notify his activity to the competent authorities of the Member States where the activity is carried out.
2. Operators and groups of operators shall keep records on the different activities they engage in accordance with this Regulation.
3. Competent authorities shall keep an updated list containing the names and addresses of operators and groups of operators who have notified their activities in accordance with paragraph 1 and shall make that list public, together with the information relating to their organic certificates as referred to in Article 23(1). The competent authorities shall respect the requirements of the protection of personal data under Directive 95/46/EC of the European Parliament and of the Council³⁶.
4. Member States shall ensure that the fees that may be collected by the competent authorities, the control authorities or the control bodies in accordance with article 76 of Regulation (EU) No XX/XXXX (official controls Regulation) are made public.
5. In order to ensure the effectiveness, efficiency and transparency of the organic production and labelling system, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning the requirements for keeping records, the requirements for the publication of the list referred to in paragraph 3 and the requirements and procedures to be applied for the publication of the fees referred to in paragraph 4 and for the supervision by the competent authorities of the application of those fees.
6. The Commission may adopt implementing acts to provide details and specifications regarding the content, form and way of notification referred to in paragraph 1 and the form of the publication of the fees referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 23

Organic certificate

1. Operators and groups of operators that have notified their activity in accordance with Article 22(1) and comply with this Regulation shall be entitled to be provided with an organic certificate. The organic certificate, issued in the form of an electronic

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Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

certificate wherever possible, shall at least allow the identification of the operator or group of operators, the type or range of products covered by the certificate and its period of validity.

2. The organic certificate is an official certification within the meaning of Articles 85 and 86 of Regulation (EU) No XXX/XXX (official controls regulation).
3. Operators shall systematically verify the organic certificate of their suppliers.

Article 24

Group of operators

1. Each group of operators shall establish a system for internal controls. That system shall consist of a documented set of control activities and procedures, in accordance with which an identified person or body is responsible for verifying compliance with this Regulation of each member of the group.
2. Deficiencies in the set-up or functioning of the system for internal controls referred in to paragraph 1, in particular as regards failures to detect or address non-compliance by individual members of the group of operators that affect the integrity of organic products, may result in the withdrawal of the organic certification for the whole group.
3. In order to ensure the effective and efficient functioning of the certification of a group of operators, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning the responsibilities of the individual members of a group of operators, the composition and dimension of a group of operators, the scope of the products to be produced by a group of operators, the conditions for participation in a group of operators, the set-up and functioning of the group's system for internal controls, including the scope, content and frequency of the controls to be carried out.
4. The Commission may adopt implementing acts concerning the exchange of information between the group of operators and the competent authority or authorities, control authorities or control bodies, and between the Member States and the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Chapter VI

Trade with third countries

Article 25

Export of organic products

1. A product may be exported from the Union as organic and bear the organic production logo of the European Union if it complies with this Regulation.
However, a product may be exported as organic to a third country which is recognized in accordance with Article 29 if it complies with the requirements of the third country to be placed as organic within its market.
2. In order to avoid creating unequal conditions to operators when exporting to third countries, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning specific rules for exports of organic products to a third country which is recognized in accordance with Article 29.
3. In order to ensure fair competition among operators, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning documents intended for customs authorities in third countries, in particular as regards an organic export certificate issued in the form of an electronic certificate wherever possible providing assurance that exported organic products comply with this Regulation.

Article 26

Import of organic products

1. A product may be imported from a third country in order to be placed on the market within the Union as organic if the following conditions are met:
 - (a) the product is an organic product as referred to in Article 2(1);
 - (b) the product:
 - (i) complies with Chapters II, III and IV and all operators, including the exporters in the third country concerned, have been subject to the control of control authorities or control bodies recognised in accordance with Article 27; or
 - (ii) comes from a third country which is recognised in accordance with:
 - Article 28; or
 - Article 29;
 - (c) the operators in third countries are able to provide at any time, to the importers or the national authorities information allowing the identification of the operator who carried out the last operation with a view to ensuring the traceability of the organic product.
2. In order to ensure the traceability of the imported products intended to be placed on the market within the Union as organic, the Commission shall be empowered to

adopt delegated acts in accordance with Article 33 concerning documents necessary for the purposes of import which should be in electronic form wherever possible

Article 27

Recognition of control authorities and control bodies

1. The Commission may adopt implementing acts recognising, or withdrawing the recognition of, control authorities and control bodies which fulfil the criteria set out in a delegated act adopted pursuant to paragraph 6 and which are competent to carry out controls in third countries. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).
2. The control bodies shall be accredited to the most recently notified version, by the publication in the C series of the Official Journal of the European Union, of the International Standard ISO/IEC for conformity assessment – requirements for bodies certifying products, processes and services. The control bodies shall undergo regular on-the-spot evaluation, surveillance and multiannual re-assessment of their activities by the accreditation body.
3. The accreditation referred to in paragraph 2 may only be granted by:
 - (a) a national accreditation body in the Union in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council³⁷; or
 - (b) an accreditation body outside the Union that is a signatory of a multilateral recognition arrangement under the auspices of the International Accreditation Forum.
4. When examining requests for recognition, the Commission shall invite the control authority or control body to supply all the necessary information. The Commission may also entrust experts with the task of examining on the spot the application of the production rules and the control activities carried out in the third country by the control authority or control body concerned.

The recognised control authorities or control bodies shall provide the assessment reports issued by the accreditation body or, as appropriate, the competent authority on the regular on-the-spot evaluation, surveillance and multiannual re-assessment of their activities.

Based on the assessment reports, the Commission shall ensure appropriate supervision of the recognised control authorities and control bodies by regularly reviewing their recognition. For the purposes of that supervision, the Commission may request additional information to the accreditation bodies or, as appropriate, to the competent authorities.
5. The nature of the supervision shall be determined on the basis of an assessment of the risk of non-compliance.
6. In order to ensure the transparency of the recognition procedure, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning

³⁷ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p 30).

the criteria to be applied to the recognition, or the withdrawal of the recognition, of the control authorities and control bodies referred to in paragraph 1.

7. The Commission may adopt implementing acts to ensure the application of measures in relation to cases of non-compliance affecting the integrity of organic products imported under the recognition provided for in this Article or suspicion of such cases. Such measures may consist in particular in the verification of the integrity of the organic products before placing the products on the market within the Union and, where appropriate, the suspension of the authorisation of placing on the market within the Union of such products as organics. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).
8. On duly justified imperative grounds of urgency relating to the protection against unfair practices or practices which are incompatible with the principles and rules on organic production, protection of consumers' confidence or protection of fair competition between operators, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 34(3) to take the measures referred to in paragraph 7 of this Article or to decide on the withdrawal of the recognition of the control authorities and control bodies referred to in paragraph 1 of this Article.

Article 28

Equivalence under a trade agreement

A recognised third country referred to in the first indent of Article 26(1)(b)(ii) is a third country which the Union has recognised under a trade agreement as having a system of production complying with principles and production rules equivalent to those of the Union and control measures of equivalent effectiveness to those of the Union.

Article 29

Equivalence under Regulation (EC) No 834/2007

1. A recognised third country referred to in the second indent of Article 26(1)(b)(ii) is a third country which has been recognised for the purpose of equivalence under Article 33(2) of Regulation (EC) No 834/2007.
2. On the basis of annual reports to be sent to the Commission, by 31 March of each year, by the third countries referred to in paragraph 1 regarding the implementation and enforcement of the control measures established by them, the Commission assisted by the Member States shall ensure appropriate supervision of the recognised third countries by regularly reviewing their recognition. The nature of the supervision shall be determined on the basis of an assessment of the risk of non-compliance.
3. The control bodies performing controls in the third countries referred to in paragraph 1 shall be accredited to the most recently notified version, by the publication in the C series of the Official Journal of the European Union, of the International Standard ISO/IEC for conformity assessment – requirements for bodies certifying products, processes and services. The control bodies shall undergo regular on-the-spot evaluation, surveillance and multiannual re-assessment of their activities by the accreditation body. The accreditation may only be granted by an accreditation body

outside the Union that is a signatory of a multilateral recognition arrangement under the auspices of the International Accreditation Forum.

4. The Commission shall, by means of an implementing act, establish a list of the third countries referred to in paragraph 1 and may amend that list by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).
5. In order to ensure the management of the list of third countries referred to in paragraph 4, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning the information to be sent by those third countries necessary for the supervision of their recognition by the Commission, as well as the exercise of that supervision by the Commission, including through on-the-spot examination.
6. The Commission may adopt implementing acts to ensure the application of measures in relation to cases of non-compliance affecting the integrity of organic products imported from third countries referred to in this Article or suspicion of such cases. Such measures may consist in particular in the verification of the integrity of the organic products before placing the products on the market within the Union and, where appropriate, the suspension of the authorisation of placing on the market within the Union of such products as organic. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Chapter VII

General provisions

SECTION 1

FREE MOVEMENT OF ORGANIC PRODUCTS

Article 30

Non-prohibition and non-restriction of the marketing of organic products

1. Competent authorities, control authorities and control bodies may not, on grounds relating to the production, to the labelling or to the presentation of the products, prohibit or restrict the marketing of organic products controlled by another competent authority, control authority or control body located in another Member State, if those products comply with this Regulation. In particular, no other controls than those under Regulation (EU) No XXX/XXX (official controls Regulation) may be performed or other fees than those under article 76 of Regulation (EU) No XXX/XXX may be collected.
2. In order to ensure the proper functioning of the single market and trade between Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 laying down rules relating to the free movement of organic products for the purposes of paragraph 1 of this Article.

SECTION 2

INFORMATION

Article 31

Information relating to the organic sector and trade

1. Member States shall transmit to the Commission the necessary information for the implementation and monitoring of the application of this Regulation.
2. The Commission shall adopt implementing acts as regards the system to be used to transmit information referred to in paragraph 1, the details of information to be transmitted, and the date by which that information is to be transmitted. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 32

Information relating to the competent authorities, control authorities and control bodies

1. Member States shall keep a regularly updated list with
 - (a) the names and addresses of the competent authorities;

- (b) the names and addresses of the control authorities and control bodies, and their code numbers.

Member States shall make public the list referred to in point (b) of the first subparagraph..

2. The Commission shall publish annually on the internet the list of the control authorities and control bodies referred to in point (b) of the first paragraph.

Chapter VIII

Procedural and final provisions

SECTION 1

PROCEDURAL PROVISIONS

Article 33

Exercise of the delegation

1. The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in [...] shall be conferred on the Commission for a [period of seven years] from ...*. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in [...] may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to [...] shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

* OJ: Please insert the date of entry into force of this Regulation.

Article 34

Committee procedure

1. The Commission shall be assisted by a Committee called the "Organic production Committee". That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and the Council³⁸.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

SECTION 2

REPEAL, AMENDMENTS AND FINAL PROVISIONS

Article 35

Repeal

Regulation (EC) No 834/2007 is repealed.

Article 36

Transitional measures relating to conversion to organic farming

In order to ensure a smooth transition, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning the rules applicable to conversion periods for farmers initiating conversion before the entry into force of this Regulation.

Article 37

Transitional measures relating to control bodies and control authorities recognised under Article 33(3) of Regulation (EC) 834/2007

4.
 1. The recognition of control bodies and control authorities granted under Article 33(3) of Regulation (EC) 834/2007 shall expire on [31 December 2018] at the latest.
 2. The Commission shall, by means of an implementing act, establish a list of the control bodies and control authorities referred to in paragraph 1 and may amend that list by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

³⁸

Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011 p. 13).

3. In order to ensure the management of the list of the control bodies and control authorities referred to in paragraph 1, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning the information to be sent by those control bodies and control authorities necessary for the supervision of their recognition by the Commission, as well as the exercise of that supervision by the Commission, including through on-the-spot examination.

Article 38

Transitional measures relating to applications from third countries submitted under Article 33(2) of Regulation (EC) 834/2007

1. The Commission shall complete the examination of applications from third countries submitted under Article 33(2) of Regulation (EC) No 834/2007 which are pending at the date of entry into force of this Regulation.
2. In order to complete the examination of the applications referred to in paragraph 1, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning the procedural rules necessary for the examination, including on the information to be submitted by the third countries.

Article 39

Amendments to Regulation (EU) No [...] on official controls and other official activities

Regulation (EU) No XXX/XXXX (Official controls Regulation) is amended as follows:

1. In article 2, point 38 is replaced by the following:
"38. 'delegated body' means a third party to which the competent authorities have delegated specific official control tasks or other official activities;"
2. In Article 3, paragraph 3 is replaced by the following:
"3. Competent authorities responsible for the verification of compliance with the rules referred to in point (j) of Article 1(2) may confer official control tasks or other official activities to one or more control authorities for organic products. In such cases, they shall attribute a code number to each of them."
3. Article 23 is replaced by the following:

"Article 23

Specific rules on official controls and on action to be taken by the competent authorities in relation to organic products and to protected designations of origin, protected geographical indications and traditional specialties guaranteed

1. In relation to the rules referred to in point (j) of Article 1(2), competent authorities shall:

(a) have procedures and arrangements in place to ensure that operators or groups of operators as defined in point (7) of Article 3 of Regulation (EU) No [organic production] of the European Parliament and of the Council* who engage in different stages of production, preparation and distribution and export for the same type or range of products are controlled by the same control authority for organic products or delegated body;

(b) have procedures and arrangements in place to ensure that, where operators or groups of operators contract out any of their activities to a third party, both the operator or group of operators and the third party to whom activities were subcontracted comply with the provisions on notification referred to in Article 22 of Regulation No XXX/XXXX (organic production and labelling of organic products);

(c) have procedures and arrangements in place to ensure that members of a group of operators are not entitled to be provided with an individual organic certificate for any of the activities covered by the certification of the group.

(d) have procedures and arrangements in place to ensure that, when the presence of products or substances that are not authorised pursuant to Article 18 of Regulation No XXX/XXX (organic production and labelling of organic products) is detected, the control authorities or control bodies shall carry out investigations in order to establish the causes for their presence, to guarantee the respect of the principles and rules set out in that Regulation and to allow taking appropriate action. Products in which such products or substances are present beyond a level established in accordance with paragraph 2(i) shall not be marketed as organic.

2. In relation to the rules referred to in point (j) of Article 1(2), when non-compliance is established, competent authorities shall:

(a) in case of non-compliance that affects the integrity of organic products throughout any of the stages of production, preparation and distribution and export in particular due to the use of prohibited or non-authorised substances and techniques or commingling with non-organic products, ensure that no reference is made to organic production in the labelling and advertising of the entire lot or production run concerned;

(b) in case of repetitive or prolonged non-compliance, ensure that the operator or the group of operators concerned, in addition to the measures referred to in point (a), is prohibited from marketing products which refer to organic production and that its organic certificate may be withdrawn for a period to be defined.

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 139, concerning rules for the performance of official controls and other official activities to verify compliance with the rules referred to in point (j) and (k) of Article 1(2) and on action to be taken by the competent authorities following such official controls and other official activities.

4. In relation to the rules referred to in point (j) of Article 1(2), the delegated acts referred to in paragraph 3 of this Article shall lay down rules on:

(a) the specific responsibilities and tasks of the competent authorities, in addition to those provided for in Articles 4, 8, 9, 10(1), 11 to 13, 34(1) and (2), 36, and in addition to Articles 25, 26, 28, 29, 30 and 32 for the approval and supervision of delegated bodies and to Articles 85 to 90 concerning official certification;

(b) additional requirements to those referred to in Article 8(1) for risk assessment, and for the establishment of the frequency of official controls, and of sampling as appropriate, taking into account the risk of the occurrence of non-compliance;

(c) the minimum frequency of official controls on operators as defined in point (d) of Article 2 of Regulation (EC) No 834/2007, and the cases where and the conditions under which certain such operators are to be exempted from certain official controls;

(d) additional methods and techniques for official controls to those referred to in Articles 13 and 33(1) to (5) and specific requirements for the performance of official controls aimed at ensuring the traceability of organic products at all stages of the production, preparation and distribution, and at providing assurances as to compliance with the rules referred to in point (j) of Article 1(2);

(e) additional measures to those provided for in Article 134(2) and (3) in case of suspicion of non-compliance, additional criteria to those referred to in the second subparagraph of Article 135(1), and additional measures to those provided for in Article 135(2) and in paragraph 2 of this Article in case of the occurrence of non-compliance; (f) additional requirements to those provided for in point (f) of Article 4(1) in relation to the facilities and equipment necessary to carry out official controls and specific and additional conditions and obligations to those referred to in Articles 25, 26, 28, 29, and 30 to 32 for the delegation of official control tasks and other official activities to delegated bodies;

(g) additional reporting obligations to those referred to in articles 12, 28 and 31 for the competent authorities, the control authorities [for organic products], and the delegated bodies in charge of official controls and other official activities;

(h) specific criteria and conditions for the activation and the functioning of the mechanisms of administrative assistance provided for in Title IV and for the exchange of information concerning non-compliances or the likelihood of non-compliances between competent authorities, control authorities [for organic products] and delegated bodies;

(i) the specific circumstances and reasons for the presence of non-authorised products or substances, and the specific criteria and conditions concerning the establishment of the level above which products in which such non-authorised products or substances are present, shall not be marketed as organic.

5. In relation to the rules referred to in point (k) of Article 1(2), the delegated acts referred to in paragraph 3 of this Article shall lay down rules on:

(a) additional requirements, methods and techniques to those referred to Articles 11 and 13 for official controls performed to verify compliance with product specifications and labelling requirements;

(b) additional methods and techniques to those referred in Article 13 for the performance of official controls aimed at ensuring the traceability of products falling within the scope of the rules referred to in point (k) of Article 1(2) at all stages of production, preparation and distribution, and at providing assurances as to compliance with those rules;

(c) specific additional criteria and specific additional content to those provided for in Article 108, for the preparation of the relevant parts of the multi-annual national control plan provided for in Article 107(1), and specific additional content of the report provided for in Article 112;

(d) specific criteria and conditions for the activation of the mechanisms of administrative assistance provided for in Title IV;

(e) specific measures to be taken, in addition to those referred to in Article 135(2) in case of non-compliance and of serious or recurrent non-compliance.

6. Where appropriate, the delegated acts referred to in paragraphs 4 and 5 shall derogate from the provisions of this Regulation referred to in those paragraphs.

* OJ L ..., p. ...”

Article 40

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President
[...]

For the Council
The President
[...]



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2013) XXX draft

ANNEXES 1 to 5

ANNEXES

to the

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007

ANNEX I

PRODUCTS REFERRED TO IN ARTICLE 2(1)

- yeasts used as food or feed,
- beer,
- beverages made from plant extracts,
- fruit nectars,
- chocolate and derived products,
- bread, pastry, cakes, confectionery, biscuits and other baker's wares,
- pasta, stuffed pasta,
- soups,
- sauces,
- cooked meals,
- ice cream,
- flavoured yoghurts, yoghurts containing added fruits, nuts or cocoa,
- sea salt,
- natural gums and resins,
- mustard paste,
- pollen,
- beeswax,
- essential oils,
- spirit drinks provided that the ethyl alcohol used for the production of the spirit drinks is exclusively of agricultural origin

ANNEX II
PRODUCTION RULES REFERRED TO IN CHAPTER III

Part I: Plant production rules

In addition to the production rules laid down in Articles 7 to 10, the rules set out in this Part shall apply to organic plant production.

1. General requirements

- 1.1. Hydroponic production which is a method of growing plants with their roots in a nutrient solution only or in an inert medium to which a nutrient solution is added, is prohibited.
- 1.2. All plant production techniques used shall prevent or minimise any contribution to the contamination of the environment.
- 1.3. Conversion
 - 1.3.1. For plants and plant products to be considered organic, the production rules as referred to in this Regulation must have been applied on the parcels during a conversion period of at least two years before sowing, or, in the case of grassland or perennial forage, at least two years before its use as feed from organic production, or, in the case of perennial crops other than forage, at least three years before the first harvest of organic products.
 - 1.3.2. The competent authority may decide, in the cases where the land has been contaminated with products not authorised for organic production, to extend the conversion period beyond the period referred to in point 1.3.1..
 - 1.3.3. In the case of treatment with a product not authorised for organic production, the competent authority shall require a new conversion period in accordance with point 1.3.1.

That period may be shortened in the following two cases:

- (a) treatment with a product not authorised for organic production as part of a compulsory control measure for pests, diseases or weeds, including quarantine organisms or invasive species, imposed by the competent authority of the Member State;
 - (b) treatment with a product not authorised for organic production as part of scientific tests approved by the competent authority of the Member State.
- 1.3.4. In the cases provided for in points 1.3.2. and 1.3.3., the length of the conversion period shall be fixed taking into account the following factors:
 - (a) the process of degradation of the product concerned shall guarantee, at the end of the conversion period, an insignificant level of residues in the soil and, in the case of a perennial crop, in the plant;
 - (b) the harvest following the treatment may not be sold with reference to organic production.
 - 1.3.5. The specific conversion rules for land associated with organic livestock production should be as follows:
 - 1.3.5.1. The conversion rules shall apply to the whole area of the production unit on which animal feed is produced.

- 1.3.5.2. Notwithstanding point 1.3.5.1., the conversion period may be reduced to one year for pasturages and open air areas used by non-herbivore species.
- 1.4. Origin of plants including seed and vegetative propagating material
- 1.4.1. For the production of plants and plant products only organically produced seed and propagating material shall be used. To this end, the mother plant in the case of seeds and the parent plant in the case of vegetative propagating material shall have been produced in accordance with this Regulation for at least one generation, or, in the case of perennial crops, two growing seasons.
- 1.4.2. Use of seed or vegetative propagating material not obtained from organic production
- Seed and vegetative propagating material not obtained from organic production may be used only when it comes from a production unit in conversion to organic production or where it is justified for use in research, test in small-scale field trials or for variety conservation purposes agreed by the competent authority of the Member State.
- 1.5. Soil management and fertilisation
- 1.5.1. Organic plant production shall use tillage and cultivation practices that maintain or increase soil organic matter, enhance soil stability and soil biodiversity, and prevent soil compaction and soil erosion.
- 1.5.2. The fertility and biological activity of the soil shall be maintained and increased by multiannual crop rotation including legumes and other green manure crops, and by the application of livestock manure or organic material, both preferably composted, from organic production.
- 1.5.3. Where the nutritional needs of plants cannot be met by measures provided for in points 1.5.1. and 1.5.2. only fertilisers and soil conditioners authorised for use in organic production in accordance with Article 18 may be used and only to the extent necessary.
- 1.5.4. The total amount of livestock manure, as defined in Council Directive 91/676/EEC¹, applied on the holding may not exceed 170 kg of nitrogen per year/hectare of agricultural area used. That limit shall only apply to the use of farmyard manure, dried farmyard manure and dehydrated poultry manure, composted animal excrements, including poultry manure, composted farmyard manure and liquid animal excrements.
- 1.5.5. Organic-production holdings may establish written cooperation agreements exclusively with other holdings and enterprises which comply with the organic production rules, with the intention of spreading surplus manure from organic production. The maximum limit as referred to in point 1.5.4., shall be calculated on the basis of all of the organic production units involved in such cooperation.
- 1.5.6. Preparations of micro-organisms may be used to improve the overall condition of the soil or the availability of nutrients in the soil or in the crops.
- 1.5.7. For compost activation appropriate plant-based preparations or preparations of micro-organisms may be used.
- 1.5.8. Mineral nitrogen fertilisers shall not be used.

¹ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).

1.6. Pest, disease and weed management

1.6.1. The prevention of damage caused by pests, diseases and weeds shall rely primarily on the protection by:

- natural enemies,
- the choice of species and varieties,
- crop rotation,
- cultivation techniques such as biofumigation, and
- thermal processes such as solarisation and shallow steam treatment of the soil (to a maximum depth of 10 cm).

1.6.2. Where plants cannot be protected adequately from pests and diseases by measures provided for in point 1.6.1. or in the case of an established threat to a crop, only products authorised for use in organic production in accordance with Article 18 may be used and only to the extent necessary.

1.6.3. The traps and/or dispensers of products other than pheromones, shall prevent the substances from being released into the environment and prevent contact between the substances and the crops being cultivated. The traps shall be collected after use and disposed of safely.

1.7. Products and techniques used for cleaning and disinfection

With regard to cleaning and disinfection only the products for cleaning and disinfection in plant production authorised for use in organic production in accordance with Article 18 shall be used.

2. Requirements for specific plants or plant products

2.1. Rules on mushroom production

For the production of mushrooms, substrates may be used, if they are composed only of the following components:

(a) farmyard manure and animal excrements:

- (i) either from holdings producing according to the organic production rules;
or
- (ii) referred to in point 1.5.3., only when the product referred to in point (i) is not available, provided that these farmyard manure and animal excrements do not exceed 25 % of the weight of total components of the substrate, excluding the covering material and any added water, before composting;

(b) products of agricultural origin, other than those referred to in point (a), from holdings producing according to the organic production rules;

(c) peat not chemically treated;

(d) wood, not treated with chemical products after felling;

(e) mineral products referred to in point 1.5.3., water and soil.

2.2. Rules concerning the collection of wild plants

The collection of wild plants and parts thereof, growing naturally in natural areas, forests and agricultural areas is considered as organic production provided that:

- (a) those areas have not, for a period of at least three years before the collection, received treatment with products other than those authorised for use in organic production;
- (b) the collection does not affect the stability of the natural habitat or the maintenance of the species in the collection area.

Part II: Livestock production rules

In addition to the production rules laid down in Articles 7, 8, 9 and 11, the rules set out in this Part shall apply to livestock production.

1. General Requirements

- 1.1. Landless livestock production, where the farmer producing livestock does not manage agricultural land and has not established a written cooperation agreement with another farmer is prohibited.
- 1.2. Conversion
 - 1.2.1. The conversion period shall start at the earliest when the farmer has notified his activity to the competent authorities and subjected his holding to the control system in accordance with this Regulation.
 - 1.2.2. Conversion periods specific to the type of animal production are set out in point 2.
 - 1.2.3. Animals and animal products produced during the conversion period shall not be marketed as organic.
 - 1.2.4. Animals and animal products may be deemed organic at the end of the conversion period if there is simultaneous conversion of the complete production unit, including livestock, pasturage and/or any land used for animal feed.
- 1.3. Origin of animals
 - 1.3.1. Organic livestock shall be born and raised on organic holdings.
 - 1.3.2. Animals existing on the holding at the beginning of the conversion period and their products may be deemed organic after compliance with the applicable conversion period referred to under point 2.
 - 1.3.3. With regard to the breeding of organic animals:
 - (a) reproduction shall use natural methods. Artificial insemination is however allowed;
 - (b) reproduction shall not be induced by treatment with hormones or similar substances, unless as a form of veterinary therapeutic treatment in case of an individual animal;
 - (c) other forms of artificial reproduction, such as cloning and embryo transfer, shall not be used;
 - (d) appropriate breeds shall be chosen. The choice of breeds shall also contribute to the prevention of any suffering and to avoiding the need for the mutilation of animals.
 - 1.3.4. In the choice of breeds or strains, account shall be taken of the capacity of animals to adapt to local conditions, their vitality and their resistance to disease. In addition, breeds or strains of animals shall be selected to avoid specific diseases or health problems associated with some breeds or strains used in intensive production, such as

porcine stress syndrome, pale-soft-exudative (PSE) syndrome, sudden death, spontaneous abortion and difficult births requiring caesarean operations. Preference is to be given to indigenous breeds and strains.

- 1.3.5. For breeding purposes, non-organically raised animals may be brought onto a holding when breeds are in danger of being lost to farming in accordance with Annex IV to Commission Regulation (EC) No 1974/2006² and in that case animals of those breeds must not necessarily be nulliparous.

1.4. Nutrition

1.4.1. General nutrition requirements

The following rules shall apply to livestock production with regard to nutrition:

- (a) feed for livestock shall be obtained primarily from the holding where the animals are kept or from other organic holdings in the same region;
- (b) livestock shall be fed with organic feed that meets the animal's nutritional requirements at the various stages of its development. Restricted feeding is not permitted in livestock production;
- (c) the keeping of livestock in conditions, or on a diet, which may encourage anaemia, is prohibited;
- (d) fattening practices shall be reversible at any stage of the rearing process. Force-feeding is forbidden;
- (e) with the exception of bees, livestock shall have permanent access to pasture or roughage;
- (f) growth promoters and synthetic amino-acids shall not be used;
- (g) suckling animals shall be fed with maternal milk for a minimum period;
- (h) feed materials of mineral origin, feed additives, certain products used in animal nutrition and processing aids shall be used only if they have been authorised for use in organic production in accordance with Article 18.

1.4.2. Grazing of common land and transhumance

1.4.2.1. Organic animals may be grazed on common land, provided that:

- (a) the common land is fully managed in accordance with this Regulation;
- (b) any non-organic animals which use the land concerned are derived from a production system equivalent to those as provided for Article 36(a)(iii) and (iv) of Council Regulation (EC) No 1698/2005³ or in Articles 28 and 30 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council⁴;

² Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 368, 23.12.2006, p. 15).

³ Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1).

⁴ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

- (c) any livestock products from organic animals, whilst using this land, is not regarded as being from organic production, unless adequate segregation from non-organic animals can be proved.
- 1.4.2.2. During the period of transhumance animals may graze on non-organic land when they are being moved on foot from one grazing area to another. The uptake of non-organic feed, in the form of grass and other vegetation on which the animals graze, shall be allowed for a maximum of 35 days covering both the outward and return journeys.
- 1.4.3. In-conversion feedingstuffs
 - 1.4.3.1. For in-conversion holdings, up to 15 % of the total average amount of feedingstuffs fed to livestock may originate from the grazing or harvesting of permanent pastures, perennial forage parcels or protein crops, sown under organic management on lands in their first year of conversion, provided that they are part of the holding itself. Feedingstuffs in their first year of conversion may not be used for the production of processed feed. When both in-conversion feedingstuffs and feedingstuffs from parcels in their first year of conversion are being used, the total combined percentage of such feedingstuffs shall not exceed the maximum percentages fixed in point 1.4.3.2.
 - 1.4.3.2. For organic holdings, up to 20 % on average of the feed formula of rations may comprise in-conversion feedingstuffs, namely feedingstuffs from the second year of conversion. For in-conversion holdings, when the in-conversion feedingstuffs come from the holding itself, this percentage may be increased to 100.
 - 1.4.3.3. The figures in points 1.4.3.1. and 1.4.3.2. shall be calculated annually as a percentage of the dry matter of feedingstuffs of plant origin.
- 1.4.4. Use of certain feed materials, products and substances in feedingstuffs

Only organic feed materials of animal origin as well as feed materials and feed additives authorised for use in organic production in accordance with Article 18 may be used in the processing of organic feed and in the feeding of organic animals.
- 1.5. Health care
 - 1.5.1. Disease prevention
 - 1.5.1.1. Disease prevention shall be based on breed and strain selection, husbandry management practices, high quality feed and exercise, appropriate stocking density and adequate and appropriate housing maintained in hygienic conditions.
 - 1.5.1.2. The use of immunological veterinary medicines is allowed.
 - 1.5.1.3. The use of chemically synthesised allopathic veterinary medicinal products or antibiotics for preventive treatment is prohibited.
 - 1.5.1.4. The use of substances to promote growth or production (including antibiotics, coccidiostats and other artificial aids for growth promotion purposes) and the use of hormones or similar substances to control reproduction or for other purposes (e.g. induction or synchronisation of oestrus), is prohibited.
 - 1.5.1.5. Where livestock is obtained from non-organic units, special measures such as screening tests or quarantine periods may apply, depending on local circumstances.

With regard to cleaning and disinfection, only the products for cleaning and disinfection in livestock buildings and installations authorised for use in organic production in accordance with Article 18 shall be used.

- 1.5.1.6. Housing, pens, equipment and utensils shall be properly cleaned and disinfected to prevent cross-infection and the build-up of disease carrying organisms. Faeces, urine and uneaten or spilt feed shall be removed as often as necessary to minimise smell and to avoid attracting insects or rodents. Rodenticides (to be used only in traps), and the products authorised for use in organic production in accordance with Article 18 may be used for the elimination of insects and other pests in buildings and other installations where livestock is kept.
- 1.5.2. Veterinary treatment.
 - 1.5.2.1. Where despite preventive measures to ensure animal health animals become sick or injured they shall be treated immediately.
 - 1.5.2.2. Disease shall be treated immediately to avoid suffering to the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary and under strict conditions and under the responsibility of a veterinarian, when the use of phytotherapeutic, homeopathic and other products is inappropriate. In particular restrictions with respect to courses of treatment and withdrawal periods shall be defined.
 - 1.5.2.3. Feed materials of mineral origin and nutritional additives authorised for use in organic production in accordance with Article 18 and phytotherapeutic and homeopathic products shall be used in preference to chemically-synthesised allopathic veterinary treatment or antibiotics, provided that their therapeutic effect is effective for the species of animal, and the condition for which the treatment is intended.
 - 1.5.2.4. With the exception of vaccinations, treatments for parasites and compulsory eradication schemes where an animal or group of animals receive more than three courses of treatments with chemically- synthesised allopathic veterinary medicinal products or antibiotics within 12 months, or more than one course of treatment if their productive lifecycle is less than one year, the livestock concerned, or produce derived from them, shall not be sold as organic products, and the livestock shall undergo the conversion periods mentioned in points 1.2 and 2.
 - 1.5.2.5. The withdrawal period between the last administration of an allopathic veterinary medicinal product to an animal under normal conditions of use, and the production of organically produced foodstuffs from such animals, is to be twice the legal withdrawal period as referred to in Article 11 of Directive 2001/82/EC or, in a case in which this period is not specified, 48 hours.
 - 1.5.2.6. Treatments related to the protection of human and animal health imposed on the basis of Union legislation shall be allowed.
- 1.6. Housing conditions and husbandry practices
 - 1.6.1. Insulation, heating and ventilation of the building shall ensure that air circulation, dust level, temperature, relative air humidity and gas concentration, are kept within limits which are not harmful to the animals. The building shall permit plentiful natural ventilation and light to enter.
 - 1.6.2. Housing for livestock shall not be mandatory in areas with appropriate climatic conditions to enable animals to live outdoors.

- 1.6.3. The stocking density in buildings shall provide for the comfort, the well-being and the species-specific needs of the animals which, in particular, shall depend on the species, the breed and the age of the animals. It shall also take account of the behavioural needs of the animals, which depend in particular on the size of the group and the animals' sex. The density shall ensure the animals' welfare by providing them with sufficient space to stand naturally, lie down easily, turn round, groom themselves, assume all natural postures and make all natural movements such as stretching and wing flapping.
- 1.6.4. The minimum surface for indoor and outdoor areas, and other characteristics of housing for different species and categories of animals, shall be as set out in points 2.1.4., 2.2.4., 2.3.4. and 2.4.5.
- 1.6.5. Open air areas may be partially covered. Verandas shall not be considered as open air areas.
- 1.6.6. The stocking density shall fulfil the following requirements:
- 1.6.6.1. The total stocking density shall be such as not to exceed the limit of 170 kg of organic nitrogen per year and hectare of agricultural area.
- 1.6.6.2. To determine the appropriate density of livestock referred to under point 1.6.6.1., the competent authority shall set out the livestock units equivalent to the limit referred to under point 1.6.6.1., following the figures laid down in each of the specific requirement by animal production.
- 1.7. Animal welfare
- 1.7.1. Personnel keeping animals shall possess the necessary basic knowledge and skills as regards the health and the welfare needs of the animals.
- 1.7.2. Husbandry practices, including stocking densities and housing conditions shall ensure that the developmental, physiological and ethological needs of animals are met.
- 1.7.3. The livestock shall have permanent access to open air areas, preferably pasture, whenever weather conditions and the state of the ground allow this unless restrictions and obligations related to the protection of human and animal health are imposed on the basis of Union legislation.
- 1.7.4. The number of livestock shall be limited with a view to minimising overgrazing, poaching of soil, erosion, or pollution caused by animals or by the spreading of their manure.
- 1.7.5. Where Article 7(1)(b) and point 1.4.2.1. of this Part apply, organic livestock shall be kept separate from other livestock.
- 1.7.6. Tethering or isolation of livestock shall be prohibited
- 1.7.7. Duration of transport of livestock shall be minimised.
- 1.7.8. Any suffering shall be kept to a minimum during the entire life of the animal, including at the time of slaughter.
- 1.7.9. Mutilation is prohibited.
- 1.7.10. Operations such as attaching elastic bands to the tails of sheep, tail-docking, cutting of teeth, trimming of beaks, toe clipping spur removal and dehorning shall not be carried out routinely in organic production.

- 1.7.11. Any suffering to the animals shall be reduced to a minimum by applying adequate anaesthesia and/or analgesia and by carrying out the operation only at the most appropriate age by qualified personnel.
- 1.7.12. Physical castration is allowed in order to maintain the quality of products and traditional production practices but only under adequate anaesthesia and/or analgesia and by carrying out the operation only at the most appropriate age by qualified personnel.
- 1.7.13. Loading and unloading of animals shall be carried out without the use of any type of electrical stimulation to coerce the animals. The use of allopathic tranquillisers, prior to or during transport, is prohibited.

2. Requirements for specific livestock species

2.1. Production of bovine, ovine and caprine animals

2.1.1. Conversion

For bovine, ovine and caprine animals and their products to be considered organic, the production rules set out in this Regulation must have been applied for at least:

- (a) 12 months in the case of bovine animals for meat production, and in any case at least three quarters of their lifetime;
- (b) six months in the case of ovine and caprine animals and of animals for milk production.

2.1.2. Nutrition

The following rules shall apply with regard to nutrition:

- (a) bovine, ovine and caprine animals shall have access to pasturage for grazing whenever conditions allow;
- (b) notwithstanding point (a), male bovine animals over one year old shall have access to pasturage or an open air area;
- (c) in cases where bovine, ovine and caprine animals have access to pasturage during the grazing period and where the winter-housing system gives freedom of movement to the animals, the obligation to provide open air areas during the winter months may be waived;
- (d) except during the period each year when the animals are under transhumance as mentioned in point 1.4.2.2., at least 90 % of the feed shall come from the farm unit itself or in case this is not feasible, be produced in cooperation with other organic farms in the same region;
- (e) rearing systems for bovine, ovine and caprine animals shall be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year. At least 60 % of the dry matter in daily rations of bovine, ovine and caprine animals shall consist of roughage, fresh or dried fodder, or silage. A reduction to 50 % for animals in dairy production for a maximum period of three months in early lactation is allowed;
- (f) all suckling bovine, ovine and caprine animals shall be fed in preference on maternal milk for a minimum period of three months for bovine animals and 45 days for ovine and caprine animals.

2.1.3. Specific housing conditions

The following rules shall apply with regard to the housing conditions:

- (a) housing of bovine, ovine and caprine animals shall have smooth, but not slippery floors. At least half of the indoor surface area as specified in the table on minimum surface areas for bovine, ovine and caprine animals set out in point 2.1.4., shall be solid, that is, not of slatted or of grid construction;
- (b) the housing shall be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product authorised as fertiliser or soil conditioner for use in organic production in accordance with Article 18;
- (c) Notwithstanding Article 3(1)(a) of Council Directive 2008/119/EC⁵ the housing of calves in individual boxes shall be forbidden after the age of one week.

2.1.4. Stocking density

The number of bovine, ovine and caprine animals per hectare shall respect the following limits.

Class or species	Maximum number of animals per ha equivalent to 170 kg N/ha/year
Calves for fattening	5
Other bovine animals less than one year old	5
Male bovine animals from one to less than two years old	3,3
Female bovine animals from one to less than two years old	3,3
Male bovine animals two years old or over	2
Breeding heifers	2,5
Heifers for fattening	2,5
Dairy cows	2
Cull dairy cows	2
Other cows	2,5
Goats	13,3
Ewes	13,3

The minimum surface areas indoors and outdoors and other characteristics of housing of bovine, ovine, and caprine animals shall be as follows:

⁵ Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (OJ L 10, 15.1.2009, p. 7).

	Indoors area (net area available to animals)		Outdoors area (exercise area, excluding pasturage)
	Live weight minimum (kg)	M ² /head	M ² /head
Breeding and fattening bovine animals	up to 100	1,5	1,1
	up to 200	2,5	1,9
	up to 350	4,0	3
	over 350	5 with a minimum of 1 m ² /100 kg	3,7 with a minimum of 0,75 m ² /100 kg
Dairy cows		6	4,5
Bulls for breeding		10	30
Ovine and caprine animals		1,5 sheep/goat	2,5
		0,35 lamb/kid	2,5 with 0,5 per lamb/kid

2.2. Production of equine animals

2.2.1. Conversion

For equine animals and their products to be considered organic, the production rules of this Regulation must have been applied for at least:

- (a) 12 months, for meat production, and in any case at least three quarters of their lifetime;
- (b) six months in the case of animals for milk production.

2.2.2. Nutrition

The following rules shall apply with regard to nutrition:

- (a) equine animals shall have access to pasturage for grazing whenever conditions allow;
- (b) in cases where equine animals have access to pasturage during the grazing period and where the winter- housing system gives freedom of movement to the animals, the obligation to provide open air areas during the winter months may be waived;
- (c) except during the period each year when the animals are under transhumance as mentioned in point 1.4.2.2., at least 90 % of the feed shall come from the farm unit itself or in case this is not feasible, be produced in cooperation with other organic farms in the same region;
- (d) rearing systems for equine animals shall be based on maximum use of grazing pasturage according to the availability of pastures in the different periods of the year. At least 60 % of the dry matter in daily rations of equine animals shall consist of roughage, fresh or dried fodder, or silage;

- (e) all suckling equine animals shall be fed in preference on maternal milk, for a minimum period of three months.

2.2.3. Specific housing conditions

The following rules shall apply with regard to the housing conditions:

- (a) housing of equine animals shall have smooth, but not slippery floors. At least half of the indoor surface area as specified in the table on minimum surface areas for equine animals set out in point 2.2.4., shall be solid, that is, not of slatted or of grid construction;
- (b) the housing shall be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product authorised as fertiliser or soil conditioner for use in organic production in accordance with Article 18.

2.2.4. Stocking density

The number of equine animals per hectare shall respect the following limit:

Class or species	Maximum number of animals per ha equivalent to 170 kg N/ha/year
Equine animals over six months old	2

The minimum surface areas indoors and outdoors and other characteristics of housing equine animals shall be as follows:

	Indoors area (net area available to animals)		Outdoors area (exercise area, excluding pasturage)
	Live weight minimum (kg)	M ² /head	M ² /head
Breeding and fattening equine animals	up to 100	1,5	1,1
	up to 200	2,5	1,9
	up to 350	4,0	3
	over 350	5 with a minimum of 1 m ² /100 kg	3,7 with a minimum of 0,75 m ² /100 kg

2.3. Production of porcine animals:

2.3.1. Conversion

For porcine animals and their products to be considered organic, the production rules of this Regulation must have been applied for at least six months.

2.3.2. Nutrition

The following rules shall apply with regard to nutrition:

- (a) at least 60 % of the feed shall come from the farm itself or in case this is not feasible, be produced in the same region in cooperation with other organic farms or feed operators;
- (b) all suckling porcine animals shall be fed in preference on maternal milk , for a minimum period of 40 days;
- (c) roughage, fresh or dried fodder, or silage shall be added to the daily ration for pigs.

2.3.3. Specific housing conditions

The following rules shall apply with regard to the housing conditions:

- (a) housing of porcine animals shall have smooth, but not slippery floors. At least half of the indoor surface area as specified in the table on minimum surface areas for porcine animals set out in point 2.3.4., shall be solid, that is, not of slatted or of grid construction;
- (b) the housing of porcine animals shall be provided with a comfortable, clean and dry laying/rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product authorised as fertiliser or soil conditioner for use in organic production in accordance with Article 18.
- (c) sows shall be kept in groups, except in the last stages of pregnancy and during the suckling period;
- (d) piglets shall not be kept on flat decks or in piglet cages;
- (e) exercise areas shall permit dunging and rooting by porcine animals. For the purposes of rooting different substrates can be used.

2.3.4. Stocking density

The number of porcine animals per hectare shall respect the following limits:

Class or species	Maximum number of animals per ha equivalent to 170 kg N/ha/year
Piglets	74
Breeding sows	6,5
Porcine animals for fattening	14
Other porcine animals	14

The minimum surface areas indoors and outdoors and other characteristics for housing porcine animals shall be as follows:

	Indoors area (net area available to animals)	Outdoors area (exercise area, excluding pasturage)

	Live weight minimum (kg)	M ² /head	M ² /head
Farrowing sows with piglets up to 40 days		7,5 sow	2,5
Fattening porcine animals	up to 50	0,8	0,6
	up to 85	1,1	0,8
	up to 110	1,3	1
Piglets	over 40 days and up to 30 kg	0,6	0,4
Brood porcine animals		2,5 female	1,9
		10 m ² /boar	8,0

2.4. Production of poultry

2.4.1. Conversion

For poultry and their products to be considered organic, the production rules of this Regulation must have been applied for at least:

- (a) 10 weeks for poultry for meat production, brought in before they are three days old;
- (b) six weeks in the case of poultry for egg production.

2.4.2. Origin of poultry

Poultry shall either be reared until they reach a minimum age or else shall come from slow-growing poultry strains as defined by the competent authority. Where slow-growing poultry strains are not used by the farmer the minimum age at slaughter shall be as follows:

- (a) 81 days for chickens;
- (b) 150 days for capons;
- (c) 49 days for Peking ducks;
- (d) 70 days for female Muscovy ducks;
- (e) 84 days for male Muscovy ducks;
- (f) 92 days for Mallard ducks;
- (g) 94 days for guinea fowl;
- (h) 140 days for male turkeys and roasting geese; and
- (i) 100 days for female turkeys.

2.4.3. Nutrition

The following rules shall apply with regard to nutrition:

- (a) at least 60 % of the feed shall come from the farm itself or in case this is not feasible, be produced in the same region in cooperation with other organic farms or feed operators;

- (b) roughage, fresh or dried fodder, or silage shall be added to the daily ration.

2.4.4. Specific housing conditions

The following rules shall apply with regard to the housing conditions:

- (a) poultry shall not be kept in cages;
- (b) water fowl shall have access to a stream, pond, lake or a pool whenever the weather and hygienic conditions permit in order to respect their species-specific needs and animal welfare requirements;
- (c) poultry shall have access to an open air area for at least one third of their life. Open air areas for poultry shall be mainly covered with vegetation and be provided with protective facilities and permit fowl to have easy access to adequate numbers of drinking and feeding troughs;
- (d) where poultry are kept indoors due to restrictions or obligations imposed on the basis of Union legislation, they shall permanently have access to sufficient quantities of roughage and suitable material in order to meet their ethological needs;
- (e) buildings for all poultry shall meet the following conditions:
 - (i) at least one third of the floor area shall be solid, that is, not of slatted or of grid construction, and covered with a litter material such as straw, wood shavings, sand or turf;
 - (ii) in poultry houses for laying hens, a sufficiently large part of the floor area available to the hens shall be available for the collection of bird droppings;
 - (iii) poultry shall have perches of a size and number commensurate with the size of the group and of the birds as laid down in the table on the minimum surface areas indoors and outdoors and other characteristics of housing for poultry production set out in point 2.4.5.;
 - (iv) the external boundary of the house, i.e. including a possible veranda, shall have exit/entry pop-holes of a size adequate for the birds, and those pop-holes shall have a combined length of at least 4 m per 100 m area of the house available to the birds. Where a veranda is present, the internal pop-holes between the house and the veranda shall have a combined length of 2 m per 100 m area of the house. Twenty-four hour access to the veranda must be allowed;
 - (v) poultry houses shall be constructed in a manner allowing all birds easy access to open air area, i.e. the maximum distance from any point within the house to the nearest external pop-hole shall not be more than 15 m;
 - (vi) multi-layer systems shall have no more than three levels of usable area including the ground floor. There shall be no more than 1 m between levels or intermediate areas, such as nesting areas. Higher tiers shall be capable of having manure removed by an automated system;
- (f) natural light may be supplemented by artificial means to provide a maximum of 16 hours light per day with a continuous nocturnal rest period without artificial light of at least eight hours;

- (g) buildings shall be emptied of livestock between each batch of poultry reared. The buildings and fittings shall be cleaned and disinfected during this time. In addition, when the rearing of each batch of poultry has been completed, runs shall be left empty during a period to be established by the Member States in order to allow vegetation to grow back. These requirements shall not apply where poultry are not reared in batches, are not kept in runs and are free to roam, throughout the day.

2.4.5. Stocking density

The maximum number of animals per hectare shall respect the following limits:

Class or species	Maximum number of animals per ha equivalent to 170 kg N/ha/year
Table chickens	580
Laying hens	230

The minimum surface area indoors and outdoors and other characteristics of housing for birds of the species *Gallus gallus* shall be as follows:

	Breeders/ parents	Young stock		Fattening birds		Capons	Layers
Age	Breeding birds	Pullets 0-8 weeks	Pullets 9-18 weeks	Starter 0-21 days	Finisher 22 to 81 days	22-150 days	Laying hens from 19 weeks
In house stocking rate (birds per m ² of usable area) for fixed and mobile houses	6 birds	24 birds with a maximum of 21 kg liveweight/m ²	15 birds with a maximum of 21 kg liveweight/m ²	20 birds with a maximum of 21 kg liveweight/m ²	10 birds with a maximum of 21 kg liveweight/m ²	10 birds with a maximum of 21 kg liveweight/m ²	6 birds
Perch space (cm)							18
Multi- layer systems additional limits/m ² of ground floor area (including veranda if 24h access)	9 birds	36 birds excluding veranda area	22 birds	Not normally applicable			9 birds
Flock size limits	3,000 including	10,000*	3,300**	10,000*	4,800	2,500	3,000

	males						
Open-air run stocking rates (m ² /bird), provided that the limit of 170 kg of N/ha/year is not exceeded	4	1	4	1	4	4	4

* sub-dividable to produce 3x3000 or 2x4800 batches with

** allowance for mortality and surplus sold to smaller farmers

The minimum surface areas indoors and outdoors and other characteristics of housing for birds of species other than *Gallus gallus* shall be as follows:

	<i>Turkeys</i>		<i>Geese</i>	<i>Ducks</i>			<i>Guinea fowl</i>	
Type	Male	Female	All	Peking	Male Muscovy	Female Muscovy	Mallard	All
In house stocking rate (birds per m ² of usable area) for fixed and mobile houses	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²	10 with a maximum of 21 kg liveweight/m ²
Perch space (cm)	40	40	Not normally applicable	Not normally applicable	40	40	Not normally applicable	20
Flock limits size	2,500	2,500	2,500	4,000 females 3,200 males	3,200	4,000	3,200	5,200
Open air stocking rate (m ² /bird) provided that the limit of 170 kg of N/ha/year is not exceeded	10	10	15	4.5	4.5	4.5	4.5	4

2.4.6. Access to open air areas

The following rules shall apply with regard to access to open air areas:

- poultry shall have access to an open air area for at least one third of their life. In particular, continuous daytime open air access shall be provided from as

early an age as practically possible, whenever physiological and physical conditions allow, except in the case of temporary restrictions imposed on the basis of Union legislation;

- (b) open air areas for poultry shall be mainly covered with vegetation composed of a diverse range of plants and be provided with protective facilities and permit fowl to have easy access to adequate numbers of drinking troughs. The vegetation on the open-air area must be harvested and removed at regular intervals to reduce the potential for nutrient surpluses. The open air areas shall not extend beyond a radius of 150 m from the nearest pop-hole of the poultry house. However an extension of up to 350 m from the nearest pop-hole of the poultry house is permissible provided that a sufficient number of shelters and drinking troughs are evenly distributed throughout the whole open-air area with at least four shelters per hectare;
- (c) under conditions where feed availability from the range area is limited, due for instance to long term snow cover or arid weather conditions, supplementary feeding of roughage must be included as part of poultry diets;
- (d) where poultry are kept indoors due to restrictions or obligations imposed on the basis of Union legislation, they shall permanently have access to sufficient quantities of roughage and suitable material in order to meet their ethological needs.

2.4.7. Animal welfare

The following rules shall apply with regard to animal welfare:

- (a) live plucking of poultry is prohibited;
- (b) if beak-trimming or comb-clipping are considered necessary by competent authorities under general legislation to control aggression between breeding males, such practices shall be restricted to breeding males and carried out on one day old chicks only.

2.5. Beekeeping

2.5.1. Conversion

Beekeeping products may be sold with references to organic production only when the organic production rules set out in this Regulation have been complied with for at least one year.

During the conversion period the wax shall be replaced with wax coming from organic beekeeping.

2.5.2. Origin of bees

Preference shall be given to the use of *Apis mellifera* and their local ecotypes.

2.5.3. Nutrition

The following rules shall apply with regard to nutrition:

- (a) at the end of the production season hives shall be left with sufficient reserves of honey and pollen to survive the winter;
- (b) the feeding of bee colonies shall only be permitted where the survival of the hives is endangered due to climatic conditions. Feeding shall be with organic honey, organic sugar syrups, or organic sugar.

2.5.4. Specific rules on disease prevention and veterinary treatment in beekeeping

The following rules shall apply with regard to disease prevention and veterinary treatment:

- (a) for the purposes of protecting frames, hives and combs, in particular from pests, only rodenticides (to be used only in traps), and appropriate products authorised for use in organic production in accordance with Article 18 are permitted;
- (b) physical treatments for disinfection of apiaries such as steam or direct flame are permitted;
- (c) the practice of destroying the male brood is permitted only to isolate the infestation of *Varroa destructor*;
- (d) if despite all preventive measures, the colonies become sick or infested, they shall be treated immediately and, if necessary, the colonies may be placed in isolation apiaries;
- (e) formic acid, lactic acid, acetic acid and oxalic acid as well as menthol, thymol, eucalyptol or camphor may be used in cases of infestation with *Varroa destructor*;
- (f) if a treatment is applied with chemically synthesised allopathic products, during such a period, the colonies treated shall be placed in isolation apiaries and all the wax shall be replaced with wax coming from organic beekeeping. Subsequently, the conversion period of one year laid down in point 2.5.1. shall apply to those colonies;
- (g) point (f) shall not apply to products authorised for use in organic production in accordance with Article 18.

2.5.5. Specific housing conditions in beekeeping

The following rules shall apply with regard to the housing conditions:

- (a) apiaries shall be placed in areas which ensure nectar and pollen sources consisting essentially of organically produced crops or, as appropriate, of spontaneous vegetation or non-organically managed forests or crops that are only treated with low environmental impact methods;
- (b) apiaries shall be kept at sufficient distance from sources that may lead to the contamination of beekeeping products or to the poor health of the bees;
- (c) the siting of the apiaries shall be such that, within a radius of 3 km from the apiary site, nectar and pollen sources consist essentially of organically produced crops and/or spontaneous vegetation and/or crops treated with low environmental impact methods equivalent to those as provided for under Article 36(a)(iii) and (iv) of Regulation (EC) No 1698/2005 or in Articles 28 and 30 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council which cannot affect the qualification of beekeeping production as being organic. These requirements do not apply where flowering is not taking place, or the hives are dormant;
- (d) the hives and materials used in beekeeping shall be made basically of natural materials presenting no risk of contamination to the environment or the apiculture products;

2.5.6. Specific rules on practices in beekeeping

The following rules shall apply with regard to beekeeping practices:

- (a) the beeswax for new foundations shall come from organic production units;
- (b) only natural products such as propolis, wax and plant oils may be used in the hives;
- (c) the use of chemical synthetic repellents is prohibited during honey extraction operations;
- (d) the use of brood combs is prohibited for honey extraction;
- (e) beekeeping shall not be considered as organic when practiced in regions or areas designated by Member States as regions or areas where organic beekeeping is not practicable.

2.5.7. Animal welfare

The following rules shall apply with regard to animal welfare:

- (a) the destruction of bees in the combs as a method associated with the harvesting of beekeeping products is prohibited;
- (b) mutilation such as clipping the wings of queen bees is prohibited.

Part III: Production rules for seaweed and aquaculture animals

1. Definitions

For the purposes of this Part, the following definitions shall apply:

- (1) 'closed recirculation aquaculture facility' means a facility where aquaculture takes place within an enclosed environment on land or on a vessel involving the recirculation of water, and depending on permanent external energy input to stabilise the environment for the aquaculture animals;
- (2) 'energy from renewable sources' means renewable non-fossil energy sources: wind, solar, geothermal wave, tidal, hydropower, landfill gas, sewage treatment plant gas and biogases;
- (3) 'hatchery' means a place of breeding, hatching and rearing through the early life stages of aquaculture animals, finfish and shellfish in particular;
- (4) 'nursery' means a place where an intermediate production system is applied between the hatchery and grow-out stages. The nursery stage is completed within the first third of the production cycle with the exception of species undergoing a smoltification process;
- (5) 'pollution' means the direct or indirect introduction into the aquatic environment of substances or energy as defined in Directive 2000/60/EC of the European Parliament and of the Council⁶ and in Directive 2008/56/EC of the European Parliament and of the Council⁷, in the waters where those Directives apply respectively;

⁶ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁷ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

- (6) 'polyculture' means the rearing of two or more species usually from different trophic levels in the same culture unit;
- (7) 'production cycle' means the lifespan of an aquaculture animal or seaweed from the earliest life stage to harvesting;
- (8) 'locally grown species' means those species which are neither alien nor locally absent species under Council Regulation (EC) No 708/2007⁸; it includes the species listed in Annex IV to that Regulation;
- (9) 'stocking density' means the live weight of aquaculture animals per cubic metre of water at any time during the grow-out phase and in the case of flatfish and shrimp the weight per square metre of surface.

2. Requirements for seaweed

In addition to the general production rules laid down in Article 7, 8, 9 and 12, the following rules shall apply to the collection and production of seaweed and *mutatis mutandis* to the production of all multi-cellular marine algae or phytoplankton and micro-algae for further use as feed for aquaculture animals.

2.1. Conversion

- 2.1.1. The conversion period for a seaweed harvesting site shall be six months.
- 2.1.2. The conversion period for a seaweed cultivation unit shall be the longer of six months or one full production cycle.
- 2.1.3. During the conversion period, the agricultural holding may be split into clearly separated units which are not all managed under organic production. As regards seaweed production, the same species may be involved, provided that there is adequate separation between the units.

2.2. Production rules for seaweed

- 2.2.1. The collection of wild seaweeds and parts thereof, growing naturally in the sea, is considered as organic production provided that:
 - (a) the growing areas are of high ecological quality as defined by Directive 2000/60/EC and, of a quality equivalent to designated waters under Directive 2006/113/EC of the European Parliament and of the Council⁹, and are not unsuitable from a health point of view. Wild edible seaweeds shall not be collected in areas which would not meet the criteria for Class A or Class B areas as defined in Annex II to Regulation (EC) No 854/2004 of the European Parliament and of the Council¹⁰ [*to be repealed by new official controls regulation*];
 - (b) the collection does not affect the long term stability of the natural habitat or the maintenance of the species in the collection area.

⁸ Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture (OJ L 168, 28.6.2007, p. 1).

⁹ Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters (OJ L 376, 27.12.2006, p. 14).

¹⁰ Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206).

- 2.2.2. The production of seaweeds shall take place in coastal areas with environmental and health characteristics at least equivalent to those outlined in point 2.2.1 in order to be considered organic. In addition the following production rules shall apply:
- (a) sustainable practices shall be used in all stages of production, from collection of juvenile seaweed to harvesting;
 - (b) to ensure that a wide gene-pool is maintained, the collection of juvenile seaweed in the wild shall take place on a regular basis to supplement indoor culture stock;
 - (c) fertilisers shall not be used except in indoor facilities and only if they have been authorised for use in organic production for this purpose.
- 2.3. Suitability of aquatic medium and sustainable management plan in seaweed production
- 2.3.1. Operations shall be situated in locations that are not subject to contamination by products or substances not authorised for use in organic production, or pollutants that would compromise the organic nature of the products.
- 2.3.2. Organic and non-organic production units shall be separated adequately and in accordance with the minimum separation distances set by Member States, where such minimum separation distances have been set. Such separation measures shall be based on the natural situation, separate water distribution systems, distances, the tidal flow, the upstream and the downstream location of the organic production unit. Seaweed production shall not be considered as organic when practiced at locations or in areas designated by Member State authorities as locations or areas which are unsuitable for organic aquaculture or seaweed harvesting.
- 2.3.3. An environmental assessment proportionate to the production unit shall be required for all new operations applying for organic production and producing more than 20 tonnes of aquaculture products per year to ascertain the conditions of the production unit and its immediate environment and likely effects of its operation. The operator shall provide the environmental assessment to the control authority or control body. The content of the environmental assessment shall be based on Annex IV to Directive 2011/92/EU of the European Parliament and of the Council¹¹. If the unit has already been subject to an equivalent assessment, then its use shall be permitted for this purpose.
- 2.3.4. The operator shall provide a sustainable management plan proportionate to the production unit for aquaculture and seaweed harvesting.
- 2.3.5. The plan shall be updated annually and shall detail the environmental effects of the operation, the environmental monitoring to be undertaken, and list measures to be taken to minimise negative impacts on the surrounding aquatic and terrestrial environments, including, where applicable, nutrient discharge into the environment per production cycle or per annum. The plan shall record the surveillance and repair of technical equipment.
- 2.3.6. Aquaculture and seaweed business operators shall draw up as part of the sustainable management plan a waste reduction schedule to be put in place at the commencement of operations. Where possible, the use of residual heat shall be limited to energy

¹¹ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

from renewable sources. For seaweed harvesting a once-off biomass estimate shall be undertaken at the outset.

2.4. Seaweed cultivation

2.4.1. Seaweed culture at sea shall only utilise nutrients naturally occurring in the environment, or from organic aquaculture animal production, preferably located nearby as part of a polyculture system.

2.4.2. In facilities on land where external nutrient sources are used the nutrient levels in the effluent water shall be verifiably the same, or lower, than the inflowing water. Only nutrients of plant or mineral origin authorised for use in organic production in accordance with Article 18 may be used.

2.4.3. Culture density or operational intensity shall be recorded and shall maintain the integrity of the aquatic environment by ensuring that the maximum quantity of seaweed which can be supported without negative effects on the environment is not exceeded.

2.4.4. Ropes and other equipment used for growing seaweed shall be re-used or recycled where possible.

2.5. Sustainable harvesting of wild seaweed

2.5.1. Documentary accounts shall be maintained in the unit or premises and shall enable the operator to identify and the control authority or control body to verify that the harvesters have supplied only wild seaweed produced in accordance with this Regulation.

2.5.2. Harvesting shall be carried out in such a way that the amounts harvested do not cause a significant impact on the state of the aquatic environment. Measures shall be taken to ensure that seaweed can regenerate, such as harvest technique, minimum sizes, ages, reproductive cycles or size of remaining seaweed.

2.5.3. If seaweed is harvested from a shared or common harvest area, documentary evidence shall be available that the total harvest complies with this Regulation.

3. Requirements for aquaculture animals

In addition to the general production rules laid down in Article 7, 8, 9 and 12, the rules set out in this Section shall apply to species of fish, crustaceans, echinoderms and molluscs, as referred to in point 3.1.5.6., and they apply *mutatis mutandis* to zooplankton, micro-crustaceans, rotifers, worms and other aquatic feed animals.

3.1. General rules

3.1.1. Conversion

3.1.1.1. The following conversion periods for aquaculture production units shall apply for the following types of aquaculture facilities including the existing aquaculture animals:

- (a) for facilities that cannot be drained, cleaned and disinfected, a conversion period of 24 months;
- (b) for facilities that have been drained, or fallowed, a conversion period of 12 months;
- (c) for facilities that have been drained, cleaned and disinfected a conversion period of six months;

- (d) for open water facilities including those producing bivalve molluscs, a conversion period of three months.
- 3.1.1.2. During the conversion period, the agricultural holding may be split into clearly separated units which are not all managed under organic production. As regards the production of aquaculture animals, the same species may be involved provided that there is adequate separation between the units.
- 3.1.1.3. The competent authority may decide to recognise retroactively as being part of the conversion period any previously documented period in which the facilities were not treated or exposed to products not authorised for organic production.
- 3.1.2. Origin of aquaculture animals
 - 3.1.2.1. The following rules shall apply with regard to the origin of the aquaculture animals:
 - (a) organic aquaculture shall be based on the rearing of young stock originating from organic broodstock and organic holdings;
 - (b) locally grown species shall be used and breeding shall aim to give strains which are more adapted to production conditions, good health and good utilisation of feed resources. Documentary evidence of their origin and treatment shall be provided for the control authority or control body;
 - (c) species shall be chosen which can be produced without causing significant damage to wild stocks;
 - (d) wild caught or non-organic aquaculture animals may be brought into a holding with a view to improving genetic stock. Such animals shall be kept under organic management for at least three months before they may be used for breeding.
 - 3.1.2.2. The following rules shall apply with regard to breeding:
 - (a) the use of hormones and hormone derivatives is prohibited;
 - (b) artificial induction of polyploidy, artificial hybridisation, cloning and production of monosex strains, except by hand sorting, shall not be used;
 - (c) the appropriate strains shall be chosen;
 - (d) species-specific conditions for broodstock management, breeding and juvenile production shall be established.
- 3.1.3. Nutrition
 - 3.1.3.1. The following rules shall apply with regard to feed for fish and crustaceans:
 - (a) animals shall be fed with feed that meets the animal's nutritional requirements at the various stages of its development;
 - (b) the plant fraction of feed shall originate from organic production and the feed fraction derived from aquatic animals shall originate from sustainable exploitation of fisheries;
 - (c) in the case of non-organic feed materials from plant origin, feed materials from animal and mineral origin, feed additives, certain products used in animal nutrition and processing aids shall be used only if they have been authorised for use in organic production under this Regulation;
 - (d) growth promoters and synthetic amino-acids shall not be used;

3.1.3.2. The following rules shall apply with regard to bivalve molluscs and other species which are not fed by man but feed on natural plankton:

- (a) such filter-feeding animals shall receive all their nutritional requirements from nature except in the case of juveniles reared in hatcheries and nurseries;
- (b) they shall be grown in waters which meet the criteria for Class A or Class B areas as defined in Annex II to Regulation (EC) No 854/2004;
- (c) the growing areas shall be of high ecological quality as defined by Directive 2000/60/EC and of a quality equivalent to designated waters under Directive 2006/113/EC.

3.1.3.3. The following rules shall apply with regard to feed for fish, crustaceans and echinoderms:

- (a) feeding regimes shall be designed with the following priorities:
 - (i) animal health;
 - (ii) high product quality, including the nutritional composition which shall ensure high quality of the final edible product;
 - (iii) low environmental impact;
- (b) only the feed materials of mineral origin authorised for use in organic production in accordance with Article 18 may be used in organic aquaculture.
- (c) only the feed additives, certain products used in animal nutrition and processing aids as referred to in point 1.4.4. of Part II may be used in organic aquaculture.

3.1.4. Health care

3.1.4.1. Disease prevention

The following rules shall apply with regard to disease prevention:

- (a) disease prevention shall be based on keeping the animals in optimal conditions by appropriate siting, optimal design of the holdings, the application of good husbandry and management practices, including regular cleaning and disinfection of premises, high quality feed, appropriate stocking density, and breed and strain selection;
- (b) the use of immunological veterinary medicines is allowed;
- (c) an animal health management plan shall detail biosecurity and disease prevention practices including a written agreement for health counselling, proportionate to the production unit, with qualified aquaculture animal health services who shall visit the farm at a frequency of not less than once per year and not less than once every two years in the case of bivalve shellfish;
- (d) holding systems, equipment and utensils shall be properly cleaned and disinfected;
- (e) bio-fouling organisms shall be removed only by physical means or by hand and where appropriate returned to the sea at a distance from the farm;
- (f) only substances for cleaning and disinfection of equipment and facilities authorised for use in organic production in accordance with Article 18 may be used.

- (g) With regard to following the following rules shall apply:
 - (i) the competent authority shall determine whether following is necessary and the appropriate duration which shall be applied and documented after each production cycle in open water containment systems at sea.
 - (ii) it shall not be mandatory for bivalve mollusc cultivation;
 - (iii) during following the cage or other structure used for aquaculture animal production is emptied, disinfected and left empty before being used again;
- (h) where appropriate, uneaten fish-feed, faeces and dead animals shall be removed promptly to avoid any risk of significant environmental damage as regards water status quality, minimise disease risks, and to avoid attracting insects or rodents;
- (i) ultraviolet light and ozone may be used only in hatcheries and nurseries;
- (j) for biological control of ectoparasites preference shall be given to the use of cleaner fish.

3.1.4.2. Veterinary treatments

The following rules shall apply with regard to veterinary treatments:

- (a) Disease shall be treated immediately to avoid suffering to the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary and under strict conditions, when the use of phytotherapeutic, homeopathic and other products is inappropriate. In particular restrictions with respect to courses of treatment and withdrawal periods shall be defined;
- (b) Treatments related to the protection of human and animal health imposed on the basis of Union legislation shall be allowed.
- (c) When despite preventive measures to ensure animal health, according to point 3.1.4.1., a health problem arises, veterinary treatments may be used in the following order of preference:
 - (i) substances from plants, animals or minerals in a homoeopathic dilution;
 - (ii) plants and their extracts not having anaesthetic effects; and
 - (iii) substances such as trace elements, metals, natural immunostimulants or authorised probiotics;
- (d) the use of allopathic treatments is limited to two courses of treatment per year, with the exception of vaccinations and compulsory eradication schemes. However, in the cases of a production cycle of less than a year a limit of one allopathic treatment applies. If the mentioned limits for allopathic treatments are exceeded the concerned aquaculture animals cannot be sold as organic products;
- (e) the use of parasite treatments, not including compulsory control schemes operated by Member States, shall be limited to twice per year or once per year where the production cycle is less than 18 months;
- (f) the withdrawal period for allopathic veterinary treatments and parasite treatments in accordance with point (c), including treatments under compulsory

control and eradication schemes, shall be twice the legal withdrawal period as referred to in Article 11 of Directive 2001/82/EC or in a case in which this period is not specified 48 hours;

- (g) whenever veterinary medicinal products are used, such use is to be declared to the control authority or the control body before the animals are marketed as organic. Treated stock shall be clearly identifiable.

3.1.5. Housing conditions and husbandry practices

3.1.5.1. The husbandry environment of the aquaculture animals shall be designed in such a way that, in accordance with their species specific needs, the aquaculture animals shall:

- (a) have sufficient space for their wellbeing;
- (b) be kept in water of good quality with sufficient oxygen levels;
- (c) be kept in temperature and light conditions in accordance with the requirements of the species and having regard to the geographic location;

In the case of freshwater fish the bottom type shall be as close as possible to natural conditions.

In the case of carp the bottom shall be natural earth.

3.1.5.2. The design and construction of aquatic containment systems shall provide flow rates and physiochemical parameters that safeguard the animals' health and welfare and provide for their behavioural needs.

3.1.5.3. Containment systems shall be designed, located and operated to minimise the risk of escape incidents.

3.1.5.4. If fish or crustaceans escape, appropriate action shall be taken to reduce the impact on the local ecosystem, including recapture, where appropriate. Documentary evidence shall be maintained

3.1.5.5. For aquaculture animal production in fishponds, tanks or raceways, farms shall be equipped with either natural-filter beds, settlement ponds, biological filters or mechanical filters to collect waste nutrients or use seaweeds and/or animals (bivalves and algae) which contribute to improving the quality of the effluent. Effluent monitoring shall be carried out at regular intervals where appropriate.

3.1.5.6. The stocking density shall be as set out in points (a) to (j) by species or group of species. In considering the effects of the stocking density on the welfare of produced fish, the condition of the fish (such as fin damage, other injuries, growth rate, behaviour expressed and overall health) and the water quality shall be monitored.

- (a) Organic production of salmonids in fresh water:

brown trout (*Salmo trutta*) – rainbow trout (*Oncorhynchus mykiss*) – American brook trout (*Salvelinus fontinalis*) – salmon (*Salmo salar*) – charr (*Salvelinus alpinus*) – grayling (*Thymallus thymallus*) – American lake trout (or grey trout) (*Salvelinus namaycush*) – huchen (*Huchohucho*)

Production system	Ongrowing farm systems must be fed from open systems. The flow rate must ensure a minimum of 60 % oxygen saturation for stock and must ensure their comfort and the
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		elimination of production effluent.
Maximum density	stocking	Salmonid species not listed below 15 kg/m ³ Salmon 20 kg/m ³ Brown trout and Rainbow trout 25 kg/m ³ Arctic charr 20 kg/m ³

(b) Organic production of salmonids in sea water:

salmon (*Salmo salar*), brown trout (*Salmo trutta*) - rainbow trout (*Oncorhynchus mykiss*)

Maximum density	stocking	10 kg/m ³ in net pens
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(c) Organic production of cod (*Gadus morhua*) and other Gadidae, sea bass (*Dicentrarchus labrax*), sea bream (*Sparus aurata*), meagre (*Argyrosomus regius*), turbot (*Psetta maxima* [= *Scophthalmus maximus*]), red porgy (*Pagrus pagrus* [= *Sparus pagrus*]), red drum (*Sciaenops ocellatus*) and other Sparidae, and spinefeet (*Siganus spp.*)

Production system		In open water containment systems (net pens/cages) with minimum sea current speed to provide optimum fish welfare or in open systems on land.
Maximum density	stocking	For fish other than turbot: 15 kg/m ³ For turbot: 25 kg/m ²

(d) Organic production of sea bass, sea bream, meagre, mullets (*Liza*, *Mugil*) and eel (*Anguilla spp.*) in earth ponds of tidal areas and coastal lagoons

Containment system		Traditional salt pans transformed into aquaculture production units and similar earth ponds in tidal areas
Production system		There shall be adequate renewal of water to ensure the welfare of the species, At least 50 % of the dikes must have plant cover Wetland based depuration ponds required
Maximum density	stocking	4 kg/m ³

(e) Organic production of sturgeon in fresh water:

species concerned: Sturgeon family (Acipenseridae)

Production system		Water flow in each rearing unit shall be sufficient to ensure animal welfare Effluent water to be of equivalent quality to incoming water
Maximum density	stocking	30 kg/m ³

(f) Organic production of fish in inland waters:

species concerned: carp family (Cyprinidae) and other associated species in the context of polyculture, including perch, pike, catfish, coregonids, sturgeon.

Production system	In fishponds which shall periodically be fully drained and in lakes. Lakes must be devoted exclusively to organic production, including the growing of crops on dry areas. The fishery capture area must be equipped with a clean water inlet and of a size to provide optimal comfort for the fish. The fish must be stored in clean water after harvest. Organic and mineral fertilisation of the ponds and lakes shall be carried out with only fertilisers and soil conditioners authorised for use in organic production in accordance with Article 18 with a maximum application of 20 kg nitrogen/ha. Treatments involving synthetic chemicals for the control of hydrophytes and plant coverage present in production waters are prohibited. Areas of natural vegetation shall be maintained around inland water units as a buffer zone for external land areas not involved in the production operation in accordance with the rules of organic aquaculture. For grow-out "polyculture" shall be used on condition that the criteria laid down in the present specifications for the other species of lakes fish are duly adhered to.
Production yield	The total production of species is limited to 1500 kg of fish per hectare per year.

(g) Organic production of penaeid shrimps and freshwater prawns (*Macrobrachium* spp.):

Establishment of production unit/s	Location to be in sterile clay areas to minimise environmental impact of pond construction. Ponds to be built with the natural pre-existing clay. Mangrove destruction is not permitted.
Conversion time	Six months per pond, corresponding to the normal lifespan of a produced shrimp.
Broodstock origin	A minimum of half the broodstock shall be domesticated after three years operating. The remainder is to be pathogen free wild broodstock originating from sustainable fisheries. A compulsory screening to be implemented on the first and second generation prior to introducing to the farm.
Byestalk ablation	Is prohibited.
Maximum on farm stocking densities and	Seeding: maximum 22 post larvae/m ²

production limits	Maximum instantaneous biomass: 240 g/m ²
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(h) Molluscs and echinoderms:

Production systems	Long-lines, rafts, bottom culture, net bags, cages, trays, lantern nets, bouchot poles and other containment systems. For mussel cultivation on rafts the number of drop-ropes shall not exceed one per square meter of surface area. The maximum drop-rope length shall not exceed 20 m. Thinning-out of drop-ropes shall not take place during the production cycle, however sub-division of drop ropes shall be permitted without increasing stocking density at the outset.
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(i) Tropical fresh water fish: milkfish (*Chanos chanos*), tilapia (*Oreochromis* spp.), siamese catfish (*Pangasius* spp.):

Production systems	Ponds and net cages
Maximum stocking density	Pangasius: 10 kg/m ³ Oreochromis: 20 kg/m ³

(j) Other aquaculture animal species: none

3.1.6. Animal welfare

3.1.6.1. Handling of aquaculture animals shall be minimised, undertaken with the greatest care and proper equipment and protocols used to avoid stress and physical damage associated with handling procedures. Broodstock shall be handled in a manner to minimise physical damage and stress and under anaesthesia where appropriate. Grading operations shall be kept to a minimum and as required to ensure fish welfare.

3.1.6.2. The following restrictions shall apply to the use of artificial light:

- (a) for prolonging natural day-length it shall not exceed a maximum that respects the ethological needs, geographical conditions and general health of produced animals, this maximum shall not exceed 16 hours per day, except for reproductive purposes;
- (b) abrupt changes in light intensity shall be avoided at the changeover time by the use of dimmable lights or background lighting.

3.1.6.3. Aeration is permitted to ensure animal welfare and health, under the condition that mechanical aerators are preferably powered by renewable energy sources.

3.1.6.4. The use of oxygen is only permitted for uses linked to animal health requirements and critical periods of production or transport, in the following cases:

- (a) exceptional cases of temperature rise or drop in atmospheric pressure or accidental pollution;
- (b) occasional stock management procedures such as sampling and sorting;
- (c) in order to assure the survival of the farm stock.

- 3.1.6.5. Slaughter techniques shall render fish immediately unconscious and insensible to pain. Differences in harvesting sizes, species, and production sites must be taken into account when considering optimal slaughtering methods.
- 3.2. Specific rules
- 3.2.1. Nutrition
- 3.2.1.1. Specific rules on feedingstuffs for carnivorous aquaculture animals
- Feedingstuffs for carnivorous aquaculture animals shall be sourced with the following priorities:
- (a) organic feedingstuffs of aquaculture origin;
 - (b) fish meal and fish oil from organic aquaculture trimmings;
 - (c) fish meal and fish oil and ingredients of fish origin derived from trimmings of fish already caught for human consumption in sustainable fisheries;
 - (d) organic feed materials of plant or animal origin.
- 3.2.1.2. Specific rules on feedingstuffs for certain aquaculture animals
- (a) Aquaculture animals as referred to in point 3.1.5.6. (f), (g) and (i) shall be fed with feedingstuffs naturally available in ponds and lakes;
 - (b) Where natural feedingstuffs are not available in sufficient quantities as referred to in point (a), organic feedingstuffs of plant origin, preferably grown on the farm itself or seaweed may be used. Operators shall keep documentary evidence of the need to use additional feedingstuffs;
 - (c) Where natural feedingstuff is supplemented according to point (b) the feed ration of species as referred to in point 3.1.5.6. (g) and of siamese catfish (*Pangasius* spp.) as referred to in point 3.1.5.6 (i) may comprise a maximum of 10 % fishmeal or fish oil derived from sustainable fisheries.
- 3.2.2. Housing conditions
- 3.2.2.1. Closed recirculation aquaculture animal production facilities are prohibited, with the exception of hatcheries and nurseries or for the production of species used for organic feed organisms.
- 3.2.2.2. Rearing units on land shall meet the following conditions:
- (a) for flow-through systems it shall be possible to monitor and control the flow rate and water quality of both in-flowing and out-flowing water;
 - (b) at least five percent of the perimeter ("land-water interface") area shall have natural vegetation.
- 3.2.2.3. Containment systems at sea shall:
- (a) be located where water flow, depth and water-body exchange rates are adequate to minimise the impact on the seabed and the surrounding water body;
 - (b) have suitable cage design, construction and maintenance with regard to their exposure to the operating environment.

3.2.2.4. Artificial heating or cooling of water shall only be permitted in hatcheries and nurseries. Natural borehole water may be used to heat or cool water at all stages of production.

3.2.3. Specific rules for molluscs

3.2.3.1. Origin of seed

The following rules shall apply with regard to the origin of seed:

- (a) provided that there is no significant damage to the environment and if permitted by local legislation, wild seed from outside the boundaries of the production unit may be used in the case of bivalve shellfish provided it comes from:
 - (i) settlement beds which are unlikely to survive winter weather or are surplus to requirements; or
 - (ii) natural settlement of shellfish seed on collectors;

Records shall be kept of how, where and when wild seed was collected to allow traceability back to the collection area;

- (b) for the cupped oyster, *Crassostrea gigas*, preference shall be given to stock which is selectively bred to reduce spawning in the wild.

3.2.3.2. Housing conditions and husbandry practices

The following rules shall apply with regard to the housing conditions and husbandry practices:

- (a) production may be carried out in the same area of water as organic finfish and seaweed production in a polyculture system to be documented in the sustainable management plan. Bivalve molluscs may also be grown together with gastropod molluscs, such as periwinkles, in polyculture;
- (b) organic bivalve mollusc production shall take place within areas delimited by posts, floats or other clear markers and shall, as appropriate, be restrained by net bags, cages or other man made means;
- (c) organic shellfish farms shall minimise risks to species of conservation interest. If predator nets are used their design shall not permit diving birds to be harmed.

3.2.3.3. Cultivation

The following rules shall apply with regard to cultivation:

- (a) cultivation on mussel ropes and other methods listed in point 3.1.5.6 (h) may be eligible for organic production;
- (b) bottom cultivation of molluscs is only permitted where no significant environmental impact is caused at the collection and growing sites. The evidence of minimal environmental impact shall be supported by a survey and report on the exploited area to be provided by the operator to the control authority or control body. The report shall be added as a separate chapter to the sustainable management plan.

3.2.3.4. Management

- (a) production shall use a stocking density not in excess of that used for non-organic molluscs in the locality. Sorting, thinning and stocking density adjustments shall be made according to the biomass and to ensure animal welfare and high product quality;
- (b) biofouling organisms shall be removed by physical means or by hand and where appropriate returned to the sea away from mollusc farms. Molluscs may be treated once during the production cycle with a lime solution to control competing fouling organisms.

3.2.3.5. Specific cultivation rules for oysters

Cultivation in bags on trestles is permitted. These or other structures in which the oysters are contained shall be set out so as to avoid the formation of a total barrier along the shoreline. Stock shall be positioned carefully on the beds in relation to tidal flow to optimise production. Production shall meet the requirements set out in point 3.1.5.6. (h).

Part IV: Processed food and processed feed production rules

In addition to the general production rules laid down in Articles 7, 9 and 13, the rules set out in this Part shall apply to processed food and processed feed.

1. General requirements for the production of processed food and feed

- 1.1. Food and feed additives, processing aids and other substances and ingredients used for processing food or feed and any processing practice applied, such as smoking, shall respect the principles of good manufacturing practice¹².
- 1.2. Operators producing processed food or feed shall establish and update appropriate procedures based on a systematic identification of critical processing steps.
- 1.3. The application of the procedures referred to in point 1.2. shall guarantee at all times that the produced processed products comply with the organic production rules.
- 1.4. Operators shall comply with and implement the procedures referred to in point 1.2. In particular, operators shall:
 - (a) take preventive measures to avoid the risk of contamination by unauthorised substances or products;
 - (b) implement suitable cleaning measures, monitor their effectiveness and record these operations;
 - (c) guarantee that non-organic products are not placed on the market with an indication referring to organic production.
- 1.5. When non-organic products are also prepared or stored in the preparation unit concerned, the operator shall:
 - (a) carry out the operations continuously until the complete run has been dealt with, separated by place or time from similar operations performed on non-organic products;
 - (b) store organic products, before and after the operations, separate by place or time from non-organic products;

¹² Good manufacturing practices (GMPs) as defined in the guidelines of the ICH (International Conference on Harmonization)

- (c) inform the control authority or control body thereof and keep available an updated register of all operations and quantities processed;
- (d) take the necessary measures to ensure identification of lots and to avoid mixtures or exchanges with non-organic products;
- (e) carry out operations on organic products only after suitable cleaning of the production equipment.

2. Requirements for the production of processed food

- 2.1. The preparation of processed organic food shall be kept separate in time or space from non-organic food.
- 2.2. The following conditions shall apply to the composition of organic processed food:
 - (a) the product shall be produced mainly from agricultural ingredients; in order to determine whether a product is produced mainly from agricultural ingredients, added water and salt shall not be taken into account;
 - (b) only food additives, processing aids, flavourings, water, salt, preparations of micro-organisms and enzymes, minerals, trace elements, vitamins, as well as amino acids and other micronutrients in foodstuffs for particular nutritional uses authorised for use in organic production in accordance with Article 18 may be used;
 - (c) an organic ingredient shall not be present together with an ingredient in conversion;
 - (d) food produced from in-conversion crops shall contain only one crop ingredient of agricultural origin.
- 2.3. Products, substances and techniques that reconstitute properties that are lost in the processing and storage of organic food, that correct the results of negligence in the processing of those products or that otherwise may be misleading as to the true nature of these products shall not be used.
- 2.4. Use of certain products and substances in processing of food
 - 2.4.1. Only the products and substances authorised for use in organic production in accordance with Article 18 as well as the products and substances mentioned under points (a) to (e) hereunder, may be used in the processing of organic food, with the exception of products and substances of the wine sector, for which point 2 of Part V shall apply and of yeast for which point 1.3 of Part VI shall apply:
 - (a) Preparations of micro-organisms and enzymes normally used in food processing; enzymes to be used as food additives have to be authorised for use in organic production in accordance with Article 18;
 - (b) Substances, and products as defined in Article 3(1)(b) and (d) of Regulation (EC) No 1334/2008 of the European Parliament and of the Council¹³ labelled as natural flavouring substances or natural flavouring preparations, in accordance with Articles 15(1)(e) and (16) of that Regulation.

¹³

Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34).

- (c) Colours for stamping meat and eggshells in accordance with, respectively, Article 18 of Regulation (EC) No 1333/2008 of the European Parliament and of the Council¹⁴;
 - (d) Drinking water and salt (with sodium chloride or potassium chloride as basic components) generally used in food processing;
 - (e) Minerals (trace elements included), vitamins, aminoacids, and micronutrients, only authorised as far their use is required in the foodstuffs in which they are incorporated.
- 2.4.2. For the purpose of the calculation referred to in Article 19 the following rules shall apply:
- (a) certain food additives authorised for use in organic production in accordance with Article 18 , shall be calculated as agricultural ingredients;
 - (b) preparations and substances referred to in points (a) to (e) of point 2.4.1. shall not be calculated as agricultural ingredients;
 - (c) yeast and yeast products shall be calculated as agricultural ingredients.
- 2.4.3. The following non-organic agricultural ingredients may be used in the processing of organic food:
- (a) animal products:
 - (i) aquatic organisms, not originating from aquaculture, and permitted in no-organic foodstuffs preparation;
 - (ii) gelatin;
 - (iii) whey powder "herasuola";
 - (iv) casings.
 - (b) unprocessed vegetable products as well as products derived therefrom by processing:
 - (i) edible fruits, nuts and seeds:

– acorns	<i>Quercus</i> spp.;
– cola nuts	<i>Cola acuminata</i> ;
– gooseberries	<i>Ribes uva-crispa</i> ;
– maracujas (passion fruit)	<i>Passiflora edulis</i> ;
– raspberries (dried)	<i>Rubus idaeus</i> ;
– red currants (dried)	<i>Ribes rubrum</i> .
 - (ii) edible spices and herbs:

– pepper (Peruvian)	<i>Schinus molle</i> ;
– horseradish seeds	<i>Armoracia rusticana</i> ;
– lesser galanga	<i>Alpinia officinarum</i> ;
– safflower flowers	<i>Carthamus tinctorius</i> ;

¹⁴ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

- watercress herb *Nasturtium officinale*.
 - (iii) miscellaneous:
 - algae, including seaweed.
 - (c) processed vegetable products:
 - (i) sugars, starches and other products from cereals and tubers:
 - fructose;
 - rice paper;
 - unleavened bread paper;
 - starch from rice and waxy maize, not chemically modified;
 - (ii) miscellaneous:
 - pea protein *Pisum* spp.;
 - rum, only obtained from cane sugar juice;
 - kirsch prepared on the basis of fruits and flavourings as referred to in point 2.4.1. (b)
- 2.4.4. Fats and oils whether or not refined, but not chemically modified, may be used in their non-organic form if they are derived from plants other than:
- cocoa *Theobroma cacao*;
 - coconut *Cocos nucifera*;
 - olive *Olea europaea*;
 - sunflower *Helianthus annuus*;
 - palm *Elaeis guineensis*;
 - rape *Brassica napus, rapa*;
 - safflower *Carthamus tinctorius*;
 - sesame *Sesamum indicum*;
 - soya *Glycine max*.

3. Requirements for the production of processed feed

- 3.1. Production of processed organic feed shall be kept separate in time or space from production of processed non organic feed.
- 3.2. Organic feed materials, or in-conversion feed materials, shall not enter simultaneously with the same feed materials produced by non-organic means into the composition of the organic feed product.
- 3.3. Any feed materials used or processed in organic production shall not have been processed with the aid of chemically synthesised solvents.
- 3.4. Substances and techniques that reconstitute properties that are lost in the processing and storage of organic feed, that correct the results of negligence in the processing or that otherwise may be misleading as to the true nature of those products shall not be used.

Part V: Wine

1. Scope

- 1.1. This Part lays down specific rules for the organic production of the products of the wine sector as referred to in Article 1(2)(l) of Regulation (EU) No 1308/2013. They apply in addition to the production rules laid down in Articles 7, 8, 9 and 14 of this Regulation.
- 1.2. Commission Regulations (EC) No 606/2009¹⁵ and (EC) No 607/2009¹⁶ shall apply, save as explicitly provided otherwise in this Part.

2. Use of certain products and substances

- 2.1. Products of the wine sector shall be produced from organic raw material.
- 2.2. Only products and substances authorised for use in organic production in accordance with Article 18 may be used for the making of products of the wine sector, including during the processes and oenological practices, subject to the conditions and restrictions laid down in Regulation (EU) No 1308/2013 and Regulation (EC) No 606/2009 and in particular in Annex I A to that Regulation.

3. Oenological practices and restrictions

- 3.1. Without prejudice to the Sections 1. and 2. and to specific prohibitions and restrictions provided for in points 3.2 to 3.5, only oenological practices, processes and treatments, including the restrictions provided for in Article 120c and 120d of Regulation (EU) No 1308/2013 and in Articles 3, 5 to 9 and 11 to 14 of Regulation (EC) No 606/2009 and in their Annexes, used before 1 August 2010 are permitted.
- 3.2. The use of the following oenological practices, processes and treatments is prohibited:
 - (a) partial concentration through cooling according to point (c) of Section B.1 of Annex XVa to Regulation (EC) No 1234/2007;
 - (b) elimination of sulphur dioxide by physical processes according to point 8 of Annex I A to Regulation (EC) No 606/2009;
 - (c) electrodialysis treatment to ensure the tartaric stabilisation of the wine according to point 36 of Annex I A to Regulation (EC) No 606/2009;
 - (d) partial dealcoholisation of wine according to point 40 of Annex I A to Regulation (EC) No 606/2009;
 - (e) treatment with cation exchangers to ensure the tartaric stabilisation of the wine according to point 43 of Annex I A to Regulation (EC) No 606/2009.
- 3.3. The use of the following oenological practices, processes and treatments is permitted under the following conditions:
 - (a) for heat treatments according to point 2 of Annex I A to Regulation (EC) No 606/2009, the temperature shall not exceed 70 °C;

¹⁵ Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1).

¹⁶ Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60).

- (b) for centrifuging and filtration with or without an inert filtering agent according to point 3 of Annex I A to Regulation (EC) No 606/2009, the size of the pores shall be not smaller than 0,2 micrometer.
- 3.4. The use of the following oenological practices, processes and treatments shall be re-examined by the Commission before 1 August 2015 with a view to phase out or to further restrict those practices:
 - (a) heat treatments as referred to in point 2 of Annex I A to Regulation (EC) No 606/2009;
 - (b) use of ion exchange resins as referred to in point 20 of Annex I A to Regulation (EC) No 606/2009;
 - (c) reverse osmosis according to point (b) of Section B.1 of Annex XVa to Regulation (EC) No 1234/2007.
- 3.5. Any amendment introduced after 1 August 2010, as regards the oenological practice, processes and treatments provided for in Regulation (EC) No 1234/2007 or Regulation (EC) No 606/2009, may be applicable in the organic production of wine only after the adoption of the measures necessary for the implementation of the production rules provided for in this Section and, if required, an evaluation according to Article 18 of this Regulation.

Part VI: Yeast used as food or feed

In addition to the general production rules laid down in Article 7,9 and 15, the rules set out in this Part shall apply to organic yeast used as food or feed.

1. General requirements

- 1.1. For the production of organic yeast only organically produced substrates shall be used.
- 1.2. Organic yeast shall not be present in organic food or feed together with non-organic yeast.
- 1.3. The following substances may be used in the production, confection and formulation of organic yeast:
 - (a) processing aids authorised for use in organic production in accordance with Article 18 ;
 - (b) products and substances referred to in point 2.4.1. (a) and (d) of Part IV of this Annex.

ANNEX III

COLLECTION, PACKAGING, TRANSPORT AND STORAGE OF PRODUCTS

1. Collection of products and transport to preparation units

Operators may carry out simultaneous collection of organic and non-organic products only where appropriate measures are taken to prevent any possible mixture or exchange with non-organic products and to ensure the identification of the organic products. The operator shall keep the information relating to collection days, hours, circuit and date and time of reception of the products available to the control authority or control body.

2. Packaging and transport of products to other operators or units

2.1. Operators shall ensure that organic products are transported to other operators or units, including wholesalers and retailers, only in appropriate packaging, containers or vehicles closed in such a manner that substitution of the content cannot be achieved without manipulation or damage of the seal and provided with a label stating, without prejudice to any other indications required by Union law:

- (a) the name and address of the operator and, where different, of the owner or seller of the product;
- (b) the name of the product or a description of the compound feedingstuff accompanied by a reference to organic production;
- (c) the name and/or the code number of the control authority or control body to which the operator is subject; and
- (d) where relevant, the lot identification mark according to a marking system either approved at national level or agreed with the control authority or control body and which permits to link the lot with the records referred to in Article 22.

The information referred to in points (a) to (d) may also be presented on an accompanying document, if such a document can be undeniably linked with the packaging, container or vehicular transport of the product. This accompanying document shall include information on the supplier and/or the transporter.

2.2. The closing of packaging, containers or vehicles shall not be required where:

- (a) transportation is direct between an operator and another operator who are both subject to the organic control system; and
- (b) the products are accompanied by a document giving the information required under point 2.1; and
- (c) both the expediting and the receiving operators shall keep documentary records of such transport operations available for the control authority or control body.

3. Special rules for transporting feed to other production/preparation units or storage premises

When transporting feed to other production or preparation units or storage premises, operators shall ensure that the following conditions are met:

- (a) during transport, organically produced feed, in-conversion feedingstuffs, and non-organic feed shall be effectively physically separated;
- (b) vehicles and/or containers which have transported non-organic products may only be used to transport organic products if:

- (i) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before commencing the transport of organic products; operators shall record these operations;
- (ii) all appropriate measures are implemented, depending on the risks evaluated in accordance with control arrangements and, where necessary, operators shall guarantee that non-organic products cannot be placed on the market with an indication referring to organic production;
- (iii) the operator shall keep documentary records of such transport operations available for the control authority or control body;
- (c) the transport of finished organic feed shall be separated physically or in time from the transport of other finished products;
- (d) during transport, the quantity of products at the start and each individual quantity delivered in the course of a delivery round shall be recorded.

4. Transport of live fish

- 4.1. Live fish shall be transported in suitable tanks with clean water which meets their physiological needs in terms of temperature and dissolved oxygen.
- 4.2. Before transport of organic fish and fish products, tanks shall be thoroughly cleaned, disinfected and rinsed.
- 4.3. Precautions shall be taken to reduce stress. During transport, the density shall not reach a level which is detrimental to the species.
- 4.4. Documentary evidence shall be maintained for points 4.1 to 4.3.

5. Reception of products from other operators of units

On receipt of an organic product, the operator shall check the closing of the packaging or container where it is required and the presence of the indications provided for in Section 2.

The operator shall crosscheck the information on the label referred to in Section 2 with the information on the accompanying documents. The result of those verifications shall be explicitly mentioned in the records referred to in Article 22.

6. Special rules for the reception of products from a third country

Where organic products are imported from a third country, they shall be transported in appropriate packaging or containers, closed in a manner preventing substitution of the content and provided with identification of the exporter and with any other marks and numbers serving to identify the lot and with the certificate of control for import from third countries as appropriate.

On receipt of an organic product, imported from a third country, the natural or legal person to whom the imported consignment is delivered and who receives it for further preparation or marketing, shall check the closing of the packaging or container and, in the case of products imported in accordance with Article 26 (1) (b) (ii), shall check that the certificate of inspection referred to in that Article covers the type of product contained in the consignment. The result of this verification shall be explicitly mentioned in the records referred to in Article 22.

7. Storage of products

- 7.1. For the storage of products, areas shall be managed in such a way as to ensure identification of lots and to avoid any mixing with or contamination by products

and/or substances not in compliance with the organic production rules. Organic products shall be clearly identifiable at all times.

- 7.2. In case of organic plant and livestock production units, storage of input products other than those authorised for use in organic production in accordance with Article 18 is prohibited in the production unit.
- 7.3. The storage of allopathic veterinary medicinal products and antibiotics is permitted on holdings provided that they have been prescribed by a veterinarian in connection with treatment as referred to in points 1.5.2.2 of Part II and 3.1.4.2(a) of Part III, that they are stored in a supervised location and that they are entered in the livestock record as referred to in Article 22.
- 7.4. Where operators handle both non-organic products and organic products and the latter are stored in storage facilities in which also other agricultural products or foodstuffs are stored:
 - (a) the organic products shall be kept separate from the other agricultural products and/or foodstuffs;
 - (b) every measure shall be taken to ensure identification of consignments and to avoid mixtures or exchanges with non-organic products;
 - (c) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before the storage of organic products; operators shall record these operations.

ANNEX IV

TERMS REFERRED TO IN ARTICLE 19

BG: биологичен.
ES: ecológico, biológico.
CS: ekologické, biologické.
DA: økologisk.
DE: ökologisch, biologisch.
ET: mahe, ökoloogiline.
EL: βιολογικό.
EN: organic.
FR: biologique.
GA: orgánach.
HR: ekološki.
IT: biologico.
LV: bioloģisks, ekoloģisks.
LT: ekologiškas.
LU: biologesch.
HU: ökológiai.
MT: organiku.
NL: biologisch.
PL: ekologiczne.
PT: biológico.
RO: ecologic.
SK: ekologické, biologické.
SL: ekološki.
FI: luonnonmukainen.
SV: ekologisk.

ANNEX V

ORGANIC PRODUCTION LOGO OF THE EUROPEAN UNION AND CODE NUMBERS

1. Logo

- 1.1. The organic production logo of the European Union shall comply with the model below:

LOGO to be inserted

- 1.2. The reference colour in Pantone is Green Pantone No 376 and Green (50 % Cyan + 100 % Yellow), when a four-colour process is used.
- 1.3. The organic production logo of the European Union may also be used in black and white as shown, only where it is not practicable to apply it in colour:

LOGO to be inserted

- 1.4. If the background colour of the packaging or label is dark, the symbols may be used in negative format, using the background colour of the packaging or label.
- 1.5. If a logo is used in colour on a coloured background, which makes it difficult to see, a delimiting outer line around the logo can be used to improve contrast with the background colours.
- 1.6. In certain specific situations where there are indications in a single colour on the packaging, the organic production logo of the European Union may be used in the same colour.
- 1.7. The organic production logo of the European Union must have a height of at least 9 mm and a width of at least 13,5 mm; the proportion ratio height/width shall always be 1:1,5. Exceptionally the minimum size may be reduced to a height of 6 mm for very small packages.
- 1.8. The organic production logo of the European Union may be associated with graphical or textual elements referring to organic production, under the condition that they do not modify or change the nature of the organic production logo of the European Union, nor any of the indications defined in accordance with Article 21. When associated to national or private logos using a green colour different from the reference colour provided for in point 2, the organic production logo of the European Union may be used in that non-reference colour.

2. Code numbers

The general format of the code numbers shall be as follows:

AB-CDE-999

Where:

- (a) "AB" is the ISO code for the country where the controls take place;
- (b) "CDE" is a term, indicated in three letters to be decided by the Commission or each Member State, like "bio" or "öko" or "org" or "eko" establishing a link with organic production; and
- (c) "999" is the reference number, indicated in maximum three digits, to be attributed by:

- (i) each Member State's competent authority to the control authorities or control bodies to which they have delegated control tasks;
- (ii) the Commission, to:
 - the control authorities and control bodies recognised by the Commission for the purpose of Article 27;
 - the third countries' competent authorities recognised by the Commission for the purpose of Article 29.

- (6) 'polyculture' means the rearing of two or more species usually from different trophic levels in the same culture unit;
- (7) 'production cycle' means the lifespan of an aquaculture animal or seaweed from the earliest life stage to harvesting;
- (8) 'locally grown species' means those species which are neither alien nor locally absent species under Council Regulation (EC) No 708/2007⁸; it includes the species listed in Annex IV to that Regulation;
- (9) 'stocking density' means the live weight of aquaculture animals per cubic metre of water at any time during the grow-out phase and in the case of flatfish and shrimp the weight per square metre of surface.

2. Requirements for seaweed

In addition to the general production rules laid down in Article 7, 8, 9 and 12, the following rules shall apply to the collection and production of seaweed and *mutatis mutandis* to the production of all multi-cellular marine algae or phytoplankton and micro-algae for further use as feed for aquaculture animals.

2.1. Conversion

- 2.1.1. The conversion period for a seaweed harvesting site shall be six months.
- 2.1.2. The conversion period for a seaweed cultivation unit shall be the longer of six months or one full production cycle.
- 2.1.3. During the conversion period, the agricultural holding may be split into clearly separated units which are not all managed under organic production. As regards seaweed production, the same species may be involved, provided that there is adequate separation between the units.

2.2. Production rules for seaweed

- 2.2.1. The collection of wild seaweeds and parts thereof, growing naturally in the sea, is considered as organic production provided that:
 - (a) the growing areas are of high ecological quality as defined by Directive 2000/60/EC and, of a quality equivalent to designated waters under Directive 2006/113/EC of the European Parliament and of the Council⁹, and are not unsuitable from a health point of view. Wild edible seaweeds shall not be collected in areas which would not meet the criteria for Class A or Class B areas as defined in Annex II to Regulation (EC) No 854/2004 of the European Parliament and of the Council¹⁰ [*to be repealed by new official controls regulation*];
 - (b) the collection does not affect the long term stability of the natural habitat or the maintenance of the species in the collection area.

⁸ Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture (OJ L 168, 28.6.2007, p. 1).

⁹ Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters (OJ L 376, 27.12.2006, p. 14).

¹⁰ Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206).

- 2.2.2. The production of seaweeds shall take place in coastal areas with environmental and health characteristics at least equivalent to those outlined in point 2.2.1 in order to be considered organic. In addition the following production rules shall apply:
- (a) sustainable practices shall be used in all stages of production, from collection of juvenile seaweed to harvesting;
 - (b) to ensure that a wide gene-pool is maintained, the collection of juvenile seaweed in the wild shall take place on a regular basis to supplement indoor culture stock;
 - (c) fertilisers shall not be used except in indoor facilities and only if they have been authorised for use in organic production for this purpose.
- 2.3. Suitability of aquatic medium and sustainable management plan in seaweed production
- 2.3.1. Operations shall be situated in locations that are not subject to contamination by products or substances not authorised for use in organic production, or pollutants that would compromise the organic nature of the products.
- 2.3.2. Organic and non-organic production units shall be separated adequately and in accordance with the minimum separation distances set by Member States, where such minimum separation distances have been set. Such separation measures shall be based on the natural situation, separate water distribution systems, distances, the tidal flow, the upstream and the downstream location of the organic production unit. Seaweed production shall not be considered as organic when practiced at locations or in areas designated by Member State authorities as locations or areas which are unsuitable for organic aquaculture or seaweed harvesting.
- 2.3.3. An environmental assessment proportionate to the production unit shall be required for all new operations applying for organic production and producing more than 20 tonnes of aquaculture products per year to ascertain the conditions of the production unit and its immediate environment and likely effects of its operation. The operator shall provide the environmental assessment to the control authority or control body. The content of the environmental assessment shall be based on Annex IV to Directive 2011/92/EU of the European Parliament and of the Council¹¹. If the unit has already been subject to an equivalent assessment, then its use shall be permitted for this purpose.
- 2.3.4. The operator shall provide a sustainable management plan proportionate to the production unit for aquaculture and seaweed harvesting.
- 2.3.5. The plan shall be updated annually and shall detail the environmental effects of the operation, the environmental monitoring to be undertaken, and list measures to be taken to minimise negative impacts on the surrounding aquatic and terrestrial environments, including, where applicable, nutrient discharge into the environment per production cycle or per annum. The plan shall record the surveillance and repair of technical equipment.
- 2.3.6. Aquaculture and seaweed business operators shall draw up as part of the sustainable management plan a waste reduction schedule to be put in place at the commencement of operations. Where possible, the use of residual heat shall be limited to energy

¹¹ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

from renewable sources. For seaweed harvesting a once-off biomass estimate shall be undertaken at the outset.

2.4. Seaweed cultivation

2.4.1. Seaweed culture at sea shall only utilise nutrients naturally occurring in the environment, or from organic aquaculture animal production, preferably located nearby as part of a polyculture system.

2.4.2. In facilities on land where external nutrient sources are used the nutrient levels in the effluent water shall be verifiably the same, or lower, than the inflowing water. Only nutrients of plant or mineral origin authorised for use in organic production in accordance with Article 18 may be used.

2.4.3. Culture density or operational intensity shall be recorded and shall maintain the integrity of the aquatic environment by ensuring that the maximum quantity of seaweed which can be supported without negative effects on the environment is not exceeded.

2.4.4. Ropes and other equipment used for growing seaweed shall be re-used or recycled where possible.

2.5. Sustainable harvesting of wild seaweed

2.5.1. Documentary accounts shall be maintained in the unit or premises and shall enable the operator to identify and the control authority or control body to verify that the harvesters have supplied only wild seaweed produced in accordance with this Regulation.

2.5.2. Harvesting shall be carried out in such a way that the amounts harvested do not cause a significant impact on the state of the aquatic environment. Measures shall be taken to ensure that seaweed can regenerate, such as harvest technique, minimum sizes, ages, reproductive cycles or size of remaining seaweed.

2.5.3. If seaweed is harvested from a shared or common harvest area, documentary evidence shall be available that the total harvest complies with this Regulation.

3. Requirements for aquaculture animals

In addition to the general production rules laid down in Article 7, 8, 9 and 12, the rules set out in this Section shall apply to species of fish, crustaceans, echinoderms and molluscs, as referred to in point 3.1.5.6., and they apply *mutatis mutandis* to zooplankton, micro-crustaceans, rotifers, worms and other aquatic feed animals.

3.1. General rules

3.1.1. Conversion

3.1.1.1. The following conversion periods for aquaculture production units shall apply for the following types of aquaculture facilities including the existing aquaculture animals:

- (a) for facilities that cannot be drained, cleaned and disinfected, a conversion period of 24 months;
- (b) for facilities that have been drained, or fallowed, a conversion period of 12 months;
- (c) for facilities that have been drained, cleaned and disinfected a conversion period of six months;

- (d) for open water facilities including those producing bivalve molluscs, a conversion period of three months.
- 3.1.1.2. During the conversion period, the agricultural holding may be split into clearly separated units which are not all managed under organic production. As regards the production of aquaculture animals, the same species may be involved provided that there is adequate separation between the units.
- 3.1.1.3. The competent authority may decide to recognise retroactively as being part of the conversion period any previously documented period in which the facilities were not treated or exposed to products not authorised for organic production.
- 3.1.2. Origin of aquaculture animals
- 3.1.2.1. The following rules shall apply with regard to the origin of the aquaculture animals:
- (a) organic aquaculture shall be based on the rearing of young stock originating from organic broodstock and organic holdings;
 - (b) locally grown species shall be used and breeding shall aim to give strains which are more adapted to production conditions, good health and good utilisation of feed resources. Documentary evidence of their origin and treatment shall be provided for the control authority or control body;
 - (c) species shall be chosen which can be produced without causing significant damage to wild stocks;
 - (d) wild caught or non-organic aquaculture animals may be brought into a holding with a view to improving genetic stock. Such animals shall be kept under organic management for at least three months before they may be used for breeding.
- 3.1.2.2. The following rules shall apply with regard to breeding:
- (a) the use of hormones and hormone derivatives is prohibited;
 - (b) artificial induction of polyploidy, artificial hybridisation, cloning and production of monosex strains, except by hand sorting, shall not be used;
 - (c) the appropriate strains shall be chosen;
 - (d) species-specific conditions for broodstock management, breeding and juvenile production shall be established.
- 3.1.3. Nutrition
- 3.1.3.1. The following rules shall apply with regard to feed for fish and crustaceans:
- (a) animals shall be fed with feed that meets the animal's nutritional requirements at the various stages of its development;
 - (b) the plant fraction of feed shall originate from organic production and the feed fraction derived from aquatic animals shall originate from sustainable exploitation of fisheries;
 - (c) in the case of non-organic feed materials from plant origin, feed materials from animal and mineral origin, feed additives, certain products used in animal nutrition and processing aids shall be used only if they have been authorised for use in organic production under this Regulation;
 - (d) growth promoters and synthetic amino-acids shall not be used;

3.1.3.2. The following rules shall apply with regard to bivalve molluscs and other species which are not fed by man but feed on natural plankton:

- (a) such filter-feeding animals shall receive all their nutritional requirements from nature except in the case of juveniles reared in hatcheries and nurseries;
- (b) they shall be grown in waters which meet the criteria for Class A or Class B areas as defined in Annex II to Regulation (EC) No 854/2004;
- (c) the growing areas shall be of high ecological quality as defined by Directive 2000/60/EC and of a quality equivalent to designated waters under Directive 2006/113/EC.

3.1.3.3. The following rules shall apply with regard to feed for fish, crustaceans and echinoderms:

- (a) feeding regimes shall be designed with the following priorities:
 - (i) animal health;
 - (ii) high product quality, including the nutritional composition which shall ensure high quality of the final edible product;
 - (iii) low environmental impact;
- (b) only the feed materials of mineral origin authorised for use in organic production in accordance with Article 18 may be used in organic aquaculture.
- (c) only the feed additives, certain products used in animal nutrition and processing aids as referred to in point 1.4.4. of Part II may be used in organic aquaculture.

3.1.4. Health care

3.1.4.1. Disease prevention

The following rules shall apply with regard to disease prevention:

- (a) disease prevention shall be based on keeping the animals in optimal conditions by appropriate siting, optimal design of the holdings, the application of good husbandry and management practices, including regular cleaning and disinfection of premises, high quality feed, appropriate stocking density, and breed and strain selection;
- (b) the use of immunological veterinary medicines is allowed;
- (c) an animal health management plan shall detail biosecurity and disease prevention practices including a written agreement for health counselling, proportionate to the production unit, with qualified aquaculture animal health services who shall visit the farm at a frequency of not less than once per year and not less than once every two years in the case of bivalve shellfish;
- (d) holding systems, equipment and utensils shall be properly cleaned and disinfected;
- (e) bio-fouling organisms shall be removed only by physical means or by hand and where appropriate returned to the sea at a distance from the farm;
- (f) only substances for cleaning and disinfection of equipment and facilities authorised for use in organic production in accordance with Article 18 may be used.

- (g) With regard to fallowing the following rules shall apply:
 - (i) the competent authority shall determine whether fallowing is necessary and the appropriate duration which shall be applied and documented after each production cycle in open water containment systems at sea.
 - (ii) it shall not be mandatory for bivalve mollusc cultivation;
 - (iii) during fallowing the cage or other structure used for aquaculture animal production is emptied, disinfected and left empty before being used again;
- (h) where appropriate, uneaten fish-feed, faeces and dead animals shall be removed promptly to avoid any risk of significant environmental damage as regards water status quality, minimise disease risks, and to avoid attracting insects or rodents;
- (i) ultraviolet light and ozone may be used only in hatcheries and nurseries;
- (j) for biological control of ectoparasites preference shall be given to the use of cleaner fish.

3.1.4.2. Veterinary treatments

The following rules shall apply with regard to veterinary treatments:

- (a) Disease shall be treated immediately to avoid suffering to the animal; chemically synthesised allopathic veterinary medicinal products including antibiotics may be used where necessary and under strict conditions, when the use of phytotherapeutic, homeopathic and other products is inappropriate. In particular restrictions with respect to courses of treatment and withdrawal periods shall be defined;
- (b) Treatments related to the protection of human and animal health imposed on the basis of Union legislation shall be allowed.
- (c) When despite preventive measures to ensure animal health, according to point 3.1.4.1., a health problem arises, veterinary treatments may be used in the following order of preference:
 - (i) substances from plants, animals or minerals in a homoeopathic dilution;
 - (ii) plants and their extracts not having anaesthetic effects; and
 - (iii) substances such as trace elements, metals, natural immunostimulants or authorised probiotics;
- (d) the use of allopathic treatments is limited to two courses of treatment per year, with the exception of vaccinations and compulsory eradication schemes. However, in the cases of a production cycle of less than a year a limit of one allopathic treatment applies. If the mentioned limits for allopathic treatments are exceeded the concerned aquaculture animals cannot be sold as organic products;
- (e) the use of parasite treatments, not including compulsory control schemes operated by Member States, shall be limited to twice per year or once per year where the production cycle is less than 18 months;
- (f) the withdrawal period for allopathic veterinary treatments and parasite treatments in accordance with point (c), including treatments under compulsory

control and eradication schemes, shall be twice the legal withdrawal period as referred to in Article 11 of Directive 2001/82/EC or in a case in which this period is not specified 48 hours;

- (g) whenever veterinary medicinal products are used, such use is to be declared to the control authority or the control body before the animals are marketed as organic. Treated stock shall be clearly identifiable.

3.1.5. Housing conditions and husbandry practices

3.1.5.1. The husbandry environment of the aquaculture animals shall be designed in such a way that, in accordance with their species specific needs, the aquaculture animals shall:

- (a) have sufficient space for their wellbeing;
- (b) be kept in water of good quality with sufficient oxygen levels;
- (c) be kept in temperature and light conditions in accordance with the requirements of the species and having regard to the geographic location;

In the case of freshwater fish the bottom type shall be as close as possible to natural conditions.

In the case of carp the bottom shall be natural earth.

3.1.5.2. The design and construction of aquatic containment systems shall provide flow rates and physiochemical parameters that safeguard the animals' health and welfare and provide for their behavioural needs.

3.1.5.3. Containment systems shall be designed, located and operated to minimise the risk of escape incidents.

3.1.5.4. If fish or crustaceans escape, appropriate action shall be taken to reduce the impact on the local ecosystem, including recapture, where appropriate. Documentary evidence shall be maintained

3.1.5.5. For aquaculture animal production in fishponds, tanks or raceways, farms shall be equipped with either natural-filter beds, settlement ponds, biological filters or mechanical filters to collect waste nutrients or use seaweeds and/or animals (bivalves and algae) which contribute to improving the quality of the effluent. Effluent monitoring shall be carried out at regular intervals where appropriate.

3.1.5.6. The stocking density shall be as set out in points (a) to (j) by species or group of species. In considering the effects of the stocking density on the welfare of produced fish, the condition of the fish (such as fin damage, other injuries, growth rate, behaviour expressed and overall health) and the water quality shall be monitored.

- (a) Organic production of salmonids in fresh water:

brown trout (*Salmo trutta*) – rainbow trout (*Oncorhynchus mykiss*) – American brook trout (*Salvelinus fontinalis*) – salmon (*Salmo salar*) – charr (*Salvelinus alpinus*) – grayling (*Thymallus thymallus*) – American lake trout (or grey trout) (*Salvelinus namaycush*) – huchen (*Huchohucho*)

Production system	Ongrowing farm systems must be fed from open systems. The flow rate must ensure a minimum of 60 % oxygen saturation for stock and must ensure their comfort and the
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		elimination of production effluent.
Maximum density	stocking	Salmonid species not listed below 15 kg/m ³ Salmon 20 kg/m ³ Brown trout and Rainbow trout 25 kg/m ³ Arctic charr 20 kg/m ³

(b) Organic production of salmonids in sea water:

salmon (*Salmo salar*), brown trout (*Salmo trutta*) - rainbow trout (*Oncorhynchus mykiss*)

Maximum density	stocking	10 kg/m ³ in net pens
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(c) Organic production of cod (*Gadus morhua*) and other Gadidae, sea bass (*Dicentrarchus labrax*), sea bream (*Sparus aurata*), meagre (*Argyrosomus regius*), turbot (*Psetta maxima* [= *Scophthalmus maximus*]), red porgy (*Pagrus pagrus* [= *Sparus pagrus*]), red drum (*Sciaenops ocellatus*) and other Sparidae, and spinefeet (*Siganus spp.*)

Production system	In open water containment systems (net pens/cages) with minimum sea current speed to provide optimum fish welfare or in open systems on land.
Maximum density	stocking For fish other than turbot: 15 kg/m ³ For turbot: 25 kg/m ²

(d) Organic production of sea bass, sea bream, meagre, mullets (*Liza, Mugil*) and eel (*Anguilla spp.*) in earth ponds of tidal areas and costal lagoons

Containment system	Traditional salt pans transformed into aquaculture production units and similar earth ponds in tidal areas
Production system	There shall be adequate renewal of water to ensure the welfare of the species, At least 50 % of the dikes must have plant cover Wetland based depuration ponds required
Maximum density	stocking 4 kg/m ³

(e) Organic production of sturgeon in fresh water:

species concerned: Sturgeon family (Acipenseridae)

Production system	Water flow in each rearing unit shall be sufficient to ensure animal welfare Effluent water to be of equivalent quality to incoming water
Maximum density	stocking 30 kg/m ³

(f) Organic production of fish in inland waters:

species concerned: carp family (Cyprinidae) and other associated species in the context of polyculture, including perch, pike, catfish, coregonids, sturgeon.

Production system	In fishponds which shall periodically be fully drained and in lakes. Lakes must be devoted exclusively to organic production, including the growing of crops on dry areas. The fishery capture area must be equipped with a clean water inlet and of a size to provide optimal comfort for the fish. The fish must be stored in clean water after harvest. Organic and mineral fertilisation of the ponds and lakes shall be carried out with only fertilisers and soil conditioners authorised for use in organic production in accordance with Article 18 with a maximum application of 20 kg nitrogen/ha. Treatments involving synthetic chemicals for the control of hydrophytes and plant coverage present in production waters are prohibited. Areas of natural vegetation shall be maintained around inland water units as a buffer zone for external land areas not involved in the production operation in accordance with the rules of organic aquaculture. For grow-out "polyculture" shall be used on condition that the criteria laid down in the present specifications for the other species of lakes fish are duly adhered to.
Production yield	The total production of species is limited to 1500 kg of fish per hectare per year.

(g) Organic production of penaeid shrimps and freshwater prawns (*Macrobrachium* spp.):

Establishment of production unit/s	Location to be in sterile clay areas to minimise environmental impact of pond construction. Ponds to be built with the natural pre-existing clay. Mangrove destruction is not permitted.
Conversion time	Six months per pond, corresponding to the normal lifespan of a produced shrimp.
Broodstock origin	A minimum of half the broodstock shall be domesticated after three years operating. The remainder is to be pathogen free wild broodstock originating from sustainable fisheries. A compulsory screening to be implemented on the first and second generation prior to introducing to the farm.
Eyestalk ablation	Is prohibited.
Maximum on farm stocking densities and	Seeding: maximum 22 post larvae/m ²

production limits	Maximum instantaneous biomass: 240 g/m ²
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(h) Molluscs and echinoderms:

Production systems	Long-lines, rafts, bottom culture, net bags, cages, trays, lantern nets, bouchot poles and other containment systems. For mussel cultivation on rafts the number of drop-ropes shall not exceed one per square meter of surface area. The maximum drop-rope length shall not exceed 20 m. Thinning-out of drop-ropes shall not take place during the production cycle, however sub-division of drop ropes shall be permitted without increasing stocking density at the outset.
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(i) Tropical fresh water fish: milkfish (*Chanos chanos*), tilapia (*Oreochromis* spp.), siamese catfish (*Pangasius* spp.):

Production systems	Ponds and net cages
Maximum stocking density	Pangasius: 10 kg/m ³ Oreochromis: 20 kg/m ³

(j) Other aquaculture animal species: none

3.1.6. Animal welfare

3.1.6.1. Handling of aquaculture animals shall be minimised, undertaken with the greatest care and proper equipment and protocols used to avoid stress and physical damage associated with handling procedures. Broodstock shall be handled in a manner to minimise physical damage and stress and under anaesthesia where appropriate. Grading operations shall be kept to a minimum and as required to ensure fish welfare.

3.1.6.2. The following restrictions shall apply to the use of artificial light:

- (a) for prolonging natural day-length it shall not exceed a maximum that respects the ethological needs, geographical conditions and general health of produced animals, this maximum shall not exceed 16 hours per day, except for reproductive purposes;
- (b) abrupt changes in light intensity shall be avoided at the changeover time by the use of dimmable lights or background lighting.

3.1.6.3. Aeration is permitted to ensure animal welfare and health, under the condition that mechanical aerators are preferably powered by renewable energy sources.

3.1.6.4. The use of oxygen is only permitted for uses linked to animal health requirements and critical periods of production or transport, in the following cases:

- (a) exceptional cases of temperature rise or drop in atmospheric pressure or accidental pollution;
- (b) occasional stock management procedures such as sampling and sorting;
- (c) in order to assure the survival of the farm stock.

3.1.6.5. Slaughter techniques shall render fish immediately unconscious and insensible to pain. Differences in harvesting sizes, species, and production sites must be taken into account when considering optimal slaughtering methods.

3.2. Specific rules

3.2.1. Nutrition

3.2.1.1. Specific rules on feedingstuffs for carnivorous aquaculture animals

Feedingstuffs for carnivorous aquaculture animals shall be sourced with the following priorities:

- (a) organic feedingstuffs of aquaculture origin;
- (b) fish meal and fish oil from organic aquaculture trimmings;
- (c) fish meal and fish oil and ingredients of fish origin derived from trimmings of fish already caught for human consumption in sustainable fisheries;
- (d) organic feed materials of plant or animal origin.

3.2.1.2. Specific rules on feedingstuffs for certain aquaculture animals

- (a) Aquaculture animals as referred to in point 3.1.5.6. (f), (g) and (i) shall be fed with feedingstuffs naturally available in ponds and lakes;
- (b) Where natural feedingstuffs are not available in sufficient quantities as referred to in point (a), organic feedingstuffs of plant origin, preferably grown on the farm itself or seaweed may be used. Operators shall keep documentary evidence of the need to use additional feedingstuffs;
- (c) Where natural feedingstuff is supplemented according to point (b) the feed ration of species as referred to in point 3.1.5.6. (g) and of siamese catfish (*Pangasius* spp.) as referred to in point 3.1.5.6 (i) may comprise a maximum of 10 % fishmeal or fish oil derived from sustainable fisheries.

3.2.2. Housing conditions

3.2.2.1. Closed recirculation aquaculture animal production facilities are prohibited, with the exception of hatcheries and nurseries or for the production of species used for organic feed organisms.

3.2.2.2. Rearing units on land shall meet the following conditions:

- (a) for flow-through systems it shall be possible to monitor and control the flow rate and water quality of both in-flowing and out-flowing water;
- (b) at least five percent of the perimeter ("land-water interface") area shall have natural vegetation.

3.2.2.3. Containment systems at sea shall:

- (a) be located where water flow, depth and water-body exchange rates are adequate to minimise the impact on the seabed and the surrounding water body;
- (b) have suitable cage design, construction and maintenance with regard to their exposure to the operating environment.

3.2.2.4. Artificial heating or cooling of water shall only be permitted in hatcheries and nurseries. Natural borehole water may be used to heat or cool water at all stages of production.

3.2.3. Specific rules for molluscs

3.2.3.1. Origin of seed

The following rules shall apply with regard to the origin of seed:

- (a) provided that there is no significant damage to the environment and if permitted by local legislation, wild seed from outside the boundaries of the production unit may be used in the case of bivalve shellfish provided it comes from:
 - (i) settlement beds which are unlikely to survive winter weather or are surplus to requirements; or
 - (ii) natural settlement of shellfish seed on collectors;

Records shall be kept of how, where and when wild seed was collected to allow traceability back to the collection area;

- (b) for the cupped oyster, *Crassostrea gigas*, preference shall be given to stock which is selectively bred to reduce spawning in the wild.

3.2.3.2. Housing conditions and husbandry practices

The following rules shall apply with regard to the housing conditions and husbandry practices:

- (a) production may be carried out in the same area of water as organic finfish and seaweed production in a polyculture system to be documented in the sustainable management plan. Bivalve molluscs may also be grown together with gastropod molluscs, such as periwinkles, in polyculture;
- (b) organic bivalve mollusc production shall take place within areas delimited by posts, floats or other clear markers and shall, as appropriate, be restrained by net bags, cages or other man made means;
- (c) organic shellfish farms shall minimise risks to species of conservation interest. If predator nets are used their design shall not permit diving birds to be harmed.

3.2.3.3. Cultivation

The following rules shall apply with regard to cultivation:

- (a) cultivation on mussel ropes and other methods listed in point 3.1.5.6 (h) may be eligible for organic production;
- (b) bottom cultivation of molluscs is only permitted where no significant environmental impact is caused at the collection and growing sites. The evidence of minimal environmental impact shall be supported by a survey and report on the exploited area to be provided by the operator to the control authority or control body. The report shall be added as a separate chapter to the sustainable management plan.

3.2.3.4. Management

- (a) production shall use a stocking density not in excess of that used for non-organic molluscs in the locality. Sorting, thinning and stocking density adjustments shall be made according to the biomass and to ensure animal welfare and high product quality;
- (b) biofouling organisms shall be removed by physical means or by hand and where appropriate returned to the sea away from mollusc farms. Molluscs may be treated once during the production cycle with a lime solution to control competing fouling organisms.

3.2.3.5. Specific cultivation rules for oysters

Cultivation in bags on trestles is permitted. These or other structures in which the oysters are contained shall be set out so as to avoid the formation of a total barrier along the shoreline. Stock shall be positioned carefully on the beds in relation to tidal flow to optimise production. Production shall meet the requirements set out in point 3.1.5.6. (h).

Part IV: Processed food and processed feed production rules

In addition to the general production rules laid down in Articles 7, 9 and 13, the rules set out in this Part shall apply to processed food and processed feed.

1. General requirements for the production of processed food and feed

- 1.1. Food and feed additives, processing aids and other substances and ingredients used for processing food or feed and any processing practice applied, such as smoking, shall respect the principles of good manufacturing practice¹².
- 1.2. Operators producing processed food or feed shall establish and update appropriate procedures based on a systematic identification of critical processing steps.
- 1.3. The application of the procedures referred to in point 1.2. shall guarantee at all times that the produced processed products comply with the organic production rules.
- 1.4. Operators shall comply with and implement the procedures referred to in point 1.2. In particular, operators shall:
 - (a) take preventive measures to avoid the risk of contamination by unauthorised substances or products;
 - (b) implement suitable cleaning measures, monitor their effectiveness and record these operations;
 - (c) guarantee that non-organic products are not placed on the market with an indication referring to organic production.
- 1.5. When non-organic products are also prepared or stored in the preparation unit concerned, the operator shall:
 - (a) carry out the operations continuously until the complete run has been dealt with, separated by place or time from similar operations performed on non-organic products;
 - (b) store organic products, before and after the operations, separate by place or time from non-organic products;

¹² Good manufacturing practices (GMPs) as defined in the guidelines of the ICH (International Conference on Harmonization)

- (c) inform the control authority or control body thereof and keep available an updated register of all operations and quantities processed;
- (d) take the necessary measures to ensure identification of lots and to avoid mixtures or exchanges with non-organic products;
- (e) carry out operations on organic products only after suitable cleaning of the production equipment.

2. Requirements for the production of processed food

- 2.1. The preparation of processed organic food shall be kept separate in time or space from non-organic food.
- 2.2. The following conditions shall apply to the composition of organic processed food:
 - (a) the product shall be produced mainly from agricultural ingredients; in order to determine whether a product is produced mainly from agricultural ingredients, added water and salt shall not be taken into account;
 - (b) only food additives, processing aids, flavourings, water, salt, preparations of micro-organisms and enzymes, minerals, trace elements, vitamins, as well as amino acids and other micronutrients in foodstuffs for particular nutritional uses authorised for use in organic production in accordance with Article 18 may be used;
 - (c) an organic ingredient shall not be present together with an ingredient in conversion;
 - (d) food produced from in-conversion crops shall contain only one crop ingredient of agricultural origin.
- 2.3. Products, substances and techniques that reconstitute properties that are lost in the processing and storage of organic food, that correct the results of negligence in the processing of those products or that otherwise may be misleading as to the true nature of these products shall not be used.
- 2.4. Use of certain products and substances in processing of food
 - 2.4.1. Only the products and substances authorised for use in organic production in accordance with Article 18 as well as the products and substances mentioned under points (a) to (e) hereunder, may be used in the processing of organic food, with the exception of products and substances of the wine sector, for which point 2 of Part V shall apply and of yeast for which point 1.3 of Part VI shall apply:
 - (a) Preparations of micro-organisms and enzymes normally used in food processing; enzymes to be used as food additives have to be authorised for use in organic production in accordance with Article 18;
 - (b) Substances, and products as defined in Article 3(1)(b) and (d) of Regulation (EC) No 1334/2008 of the European Parliament and of the Council¹³ labelled as natural flavouring substances or natural flavouring preparations, in accordance with Articles 15(1)(e) and (16) of that Regulation.

¹³

Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34).

- (c) Colours for stamping meat and eggshells in accordance with, respectively, Article 18 of Regulation (EC) No 1333/2008 of the European Parliament and of the Council¹⁴;
 - (d) Drinking water and salt (with sodium chloride or potassium chloride as basic components) generally used in food processing;
 - (e) Minerals (trace elements included), vitamins, aminoacids, and micronutrients, only authorised as far their use is required in the foodstuffs in which they are incorporated.
- 2.4.2. For the purpose of the calculation referred to in Article 19 the following rules shall apply:
- (a) certain food additives authorised for use in organic production in accordance with Article 18, shall be calculated as agricultural ingredients;
 - (b) preparations and substances referred to in points (a) to (e) of point 2.4.1. shall not be calculated as agricultural ingredients;
 - (c) yeast and yeast products shall be calculated as agricultural ingredients.
- 2.4.3. The following non-organic agricultural ingredients may be used in the processing of organic food:
- (a) animal products:
 - (i) aquatic organisms, not originating from aquaculture, and permitted in non-organic foodstuffs preparation;
 - (ii) gelatin;
 - (iii) whey powder "herasuola";
 - (iv) casings.
 - (b) unprocessed vegetable products as well as products derived therefrom by processing:
 - (i) edible fruits, nuts and seeds:

– acorns	<i>Quercus</i> spp.;
– cola nuts	<i>Cola acuminata</i> ;
– gooseberries	<i>Ribes uva-crispa</i> ;
– maracujas (passion fruit)	<i>Passiflora edulis</i> ;
– raspberries (dried)	<i>Rubus idaeus</i> ;
– red currants (dried)	<i>Ribes rubrum</i> .
 - (ii) edible spices and herbs:

– pepper (Peruvian)	<i>Schinus molle</i> ;
– horseradish seeds	<i>Armoracia rusticana</i> ;
– lesser galanga	<i>Alpinia officinarum</i> ;
– safflower flowers	<i>Carthamus tinctorius</i> ;

¹⁴

Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

- watercress herb *Nasturtium officinale*.
 - (iii) miscellaneous:
 - algae, including seaweed.
 - (c) processed vegetable products:
 - (i) sugars, starches and other products from cereals and tubers:
 - fructose;
 - rice paper;
 - unleavened bread paper;
 - starch from rice and waxy maize, not chemically modified;
 - (ii) miscellaneous:
 - pea protein *Pisum* spp.;
 - rum, only obtained from cane sugar juice;
 - kirsch prepared on the basis of fruits and flavourings as referred to in point 2.4.1. (b)
- 2.4.4. Fats and oils whether or not refined, but not chemically modified, may be used in their non-organic form if they are derived from plants other than:
- cocoa *Theobroma cacao*;
 - coconut *Cocos nucifera*;
 - olive *Olea europaea*;
 - sunflower *Helianthus annuus*;
 - palm *Elaeis guineensis*;
 - rape *Brassica napus, rapa*;
 - safflower *Carthamus tinctorius*;
 - sesame *Sesamum indicum*;
 - soya *Glycine max*.

3. Requirements for the production of processed feed

- 3.1. Production of processed organic feed shall be kept separate in time or space from production of processed non organic feed.
- 3.2. Organic feed materials, or in-conversion feed materials, shall not enter simultaneously with the same feed materials produced by non-organic means into the composition of the organic feed product.
- 3.3. Any feed materials used or processed in organic production shall not have been processed with the aid of chemically synthesised solvents.
- 3.4. Substances and techniques that reconstitute properties that are lost in the processing and storage of organic feed, that correct the results of negligence in the processing or that otherwise may be misleading as to the true nature of those products shall not be used.

Part V: Wine

1. Scope

- 1.1. This Part lays down specific rules for the organic production of the products of the wine sector as referred to in Article 1(2)(l) of Regulation (EU) No 1308/2013. They apply in addition to the production rules laid down in Articles 7, 8, 9 and 14 of this Regulation.
- 1.2. Commission Regulations (EC) No 606/2009¹⁵ and (EC) No 607/2009¹⁶ shall apply, save as explicitly provided otherwise in this Part.

2. Use of certain products and substances

- 2.1. Products of the wine sector shall be produced from organic raw material.
- 2.2. Only products and substances authorised for use in organic production in accordance with Article 18 may be used for the making of products of the wine sector, including during the processes and oenological practices, subject to the conditions and restrictions laid down in Regulation (EU) No 1308/2013 and Regulation (EC) No 606/2009 and in particular in Annex I A to that Regulation.

3. Oenological practices and restrictions

- 3.1. Without prejudice to the Sections 1. and 2. and to specific prohibitions and restrictions provided for in points 3.2 to 3.5, only oenological practices, processes and treatments, including the restrictions provided for in Article 120c and 120d of Regulation (EU) No 1308/2013 and in Articles 3, 5 to 9 and 11 to 14 of Regulation (EC) No 606/2009 and in their Annexes, used before 1 August 2010 are permitted.
- 3.2. The use of the following oenological practices, processes and treatments is prohibited:
 - (a) partial concentration through cooling according to point (c) of Section B.1 of Annex XVa to Regulation (EC) No 1234/2007;
 - (b) elimination of sulphur dioxide by physical processes according to point 8 of Annex I A to Regulation (EC) No 606/2009;
 - (c) electrodialysis treatment to ensure the tartaric stabilisation of the wine according to point 36 of Annex I A to Regulation (EC) No 606/2009;
 - (d) partial dealcoholisation of wine according to point 40 of Annex I A to Regulation (EC) No 606/2009;
 - (e) treatment with cation exchangers to ensure the tartaric stabilisation of the wine according to point 43 of Annex I A to Regulation (EC) No 606/2009.
- 3.3. The use of the following oenological practices, processes and treatments is permitted under the following conditions:
 - (a) for heat treatments according to point 2 of Annex I A to Regulation (EC) No 606/2009, the temperature shall not exceed 70 °C;

¹⁵ Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1).

¹⁶ Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60).

- (b) for centrifuging and filtration with or without an inert filtering agent according to point 3 of Annex I A to Regulation (EC) No 606/2009, the size of the pores shall be not smaller than 0,2 micrometer.
- 3.4. The use of the following oenological practices, processes and treatments shall be re-examined by the Commission before 1 August 2015 with a view to phase out or to further restrict those practices:
 - (a) heat treatments as referred to in point 2 of Annex I A to Regulation (EC) No 606/2009;
 - (b) use of ion exchange resins as referred to in point 20 of Annex I A to Regulation (EC) No 606/2009;
 - (c) reverse osmosis according to point (b) of Section B.1 of Annex XVa to Regulation (EC) No 1234/2007.
- 3.5. Any amendment introduced after 1 August 2010, as regards the oenological practice, processes and treatments provided for in Regulation (EC) No 1234/2007 or Regulation (EC) No 606/2009, may be applicable in the organic production of wine only after the adoption of the measures necessary for the implementation of the production rules provided for in this Section and, if required, an evaluation according to Article 18 of this Regulation.

Part VI: Yeast used as food or feed

In addition to the general production rules laid down in Article 7,9 and 15, the rules set out in this Part shall apply to organic yeast used as food or feed.

1. General requirements

- 1.1. For the production of organic yeast only organically produced substrates shall be used.
- 1.2. Organic yeast shall not be present in organic food or feed together with non-organic yeast.
- 1.3. The following substances may be used in the production, confection and formulation of organic yeast:
 - (a) processing aids authorised for use in organic production in accordance with Article 18 ;
 - (b) products and substances referred to in point 2.4.1. (a) and (d) of Part IV of this Annex.

ANNEX III

COLLECTION, PACKAGING, TRANSPORT AND STORAGE OF PRODUCTS

1. Collection of products and transport to preparation units

Operators may carry out simultaneous collection of organic and non-organic products only where appropriate measures are taken to prevent any possible mixture or exchange with non-organic products and to ensure the identification of the organic products. The operator shall keep the information relating to collection days, hours, circuit and date and time of reception of the products available to the control authority or control body.

2. Packaging and transport of products to other operators or units

2.1. Operators shall ensure that organic products are transported to other operators or units, including wholesalers and retailers, only in appropriate packaging, containers or vehicles closed in such a manner that substitution of the content cannot be achieved without manipulation or damage of the seal and provided with a label stating, without prejudice to any other indications required by Union law:

- (a) the name and address of the operator and, where different, of the owner or seller of the product;
- (b) the name of the product or a description of the compound feedingstuff accompanied by a reference to organic production;
- (c) the name and/or the code number of the control authority or control body to which the operator is subject; and
- (d) where relevant, the lot identification mark according to a marking system either approved at national level or agreed with the control authority or control body and which permits to link the lot with the records referred to in Article 22.

The information referred to in points (a) to (d) may also be presented on an accompanying document, if such a document can be undeniably linked with the packaging, container or vehicular transport of the product. This accompanying document shall include information on the supplier and/or the transporter.

2.2. The closing of packaging, containers or vehicles shall not be required where:

- (a) transportation is direct between an operator and another operator who are both subject to the organic control system; and
- (b) the products are accompanied by a document giving the information required under point 2.1; and
- (c) both the expediting and the receiving operators shall keep documentary records of such transport operations available for the control authority or control body.

3. Special rules for transporting feed to other production/preparation units or storage premises

When transporting feed to other production or preparation units or storage premises, operators shall ensure that the following conditions are met:

- (a) during transport, organically produced feed, in-conversion feedingstuffs, and non-organic feed shall be effectively physically separated;
- (b) vehicles and/or containers which have transported non-organic products may only be used to transport organic products if:

- (i) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before commencing the transport of organic products; operators shall record these operations;
- (ii) all appropriate measures are implemented, depending on the risks evaluated in accordance with control arrangements and, where necessary, operators shall guarantee that non-organic products cannot be placed on the market with an indication referring to organic production;
- (iii) the operator shall keep documentary records of such transport operations available for the control authority or control body;
- (c) the transport of finished organic feed shall be separated physically or in time from the transport of other finished products;
- (d) during transport, the quantity of products at the start and each individual quantity delivered in the course of a delivery round shall be recorded.

4. Transport of live fish

- 4.1. Live fish shall be transported in suitable tanks with clean water which meets their physiological needs in terms of temperature and dissolved oxygen.
- 4.2. Before transport of organic fish and fish products, tanks shall be thoroughly cleaned, disinfected and rinsed.
- 4.3. Precautions shall be taken to reduce stress. During transport, the density shall not reach a level which is detrimental to the species.
- 4.4. Documentary evidence shall be maintained for points 4.1 to 4.3.

5. Reception of products from other operators of units

On receipt of an organic product, the operator shall check the closing of the packaging or container where it is required and the presence of the indications provided for in Section 2.

The operator shall crosscheck the information on the label referred to in Section 2 with the information on the accompanying documents. The result of those verifications shall be explicitly mentioned in the records referred to in Article 22.

6. Special rules for the reception of products from a third country

Where organic products are imported from a third country, they shall be transported in appropriate packaging or containers, closed in a manner preventing substitution of the content and provided with identification of the exporter and with any other marks and numbers serving to identify the lot and with the certificate of control for import from third countries as appropriate.

On receipt of an organic product, imported from a third country, the natural or legal person to whom the imported consignment is delivered and who receives it for further preparation or marketing, shall check the closing of the packaging or container and, in the case of products imported in accordance with Article 26 (1) (b) (ii), shall check that the certificate of inspection referred to in that Article covers the type of product contained in the consignment. The result of this verification shall be explicitly mentioned in the records referred to in Article 22.

7. Storage of products

- 7.1. For the storage of products, areas shall be managed in such a way as to ensure identification of lots and to avoid any mixing with or contamination by products

and/or substances not in compliance with the organic production rules. Organic products shall be clearly identifiable at all times.

- 7.2. In case of organic plant and livestock production units, storage of input products other than those authorised for use in organic production in accordance with Article 18 is prohibited in the production unit.
- 7.3. The storage of allopathic veterinary medicinal products and antibiotics is permitted on holdings provided that they have been prescribed by a veterinarian in connection with treatment as referred to in points 1.5.2.2 of Part II and 3.1.4.2(a) of Part III, that they are stored in a supervised location and that they are entered in the livestock record as referred to in Article 22.
- 7.4. Where operators handle both non-organic products and organic products and the latter are stored in storage facilities in which also other agricultural products or foodstuffs are stored:
 - (a) the organic products shall be kept separate from the other agricultural products and/or foodstuffs;
 - (b) every measure shall be taken to ensure identification of consignments and to avoid mixtures or exchanges with non-organic products;
 - (c) suitable cleaning measures, the effectiveness of which has been checked, have been carried out before the storage of organic products; operators shall record these operations.

ANNEX IV

TERMS REFERRED TO IN ARTICLE 19

BG: биологичен.
ES: ecológico, biológico.
CS: ekologické, biologické.
DA: økologisk.
DE: ökologisch, biologisch.
ET: mahe, ökoloogiline.
EL: βιολογικό.
EN: organic.
FR: biologique.
GA: orgánach.
HR: ekološki.
IT: biologico.
LV: bioloģisks, ekoloģisks.
LT: ekologiškas.
LU: biologesch.
HU: ökológiai.
MT: organiku.
NL: biologisch.
PL: ekologiczne.
PT: biológico.
RO: ecologic.
SK: ekologické, biologické.
SL: ekološki.
FI: luonnonmukainen.
SV: ekologisk.

ANNEX V
ORGANIC PRODUCTION LOGO OF THE EUROPEAN UNION AND CODE
NUMBERS

1. Logo

- 1.1. The organic production logo of the European Union shall comply with the model below:

LOGO to be inserted

- 1.2. The reference colour in Pantone is Green Pantone No 376 and Green (50 % Cyan + 100 % Yellow), when a four-colour process is used.
- 1.3. The organic production logo of the European Union may also be used in black and white as shown, only where it is not practicable to apply it in colour:

LOGO to be inserted

- 1.4. If the background colour of the packaging or label is dark, the symbols may be used in negative format, using the background colour of the packaging or label.
- 1.5. If a logo is used in colour on a coloured background, which makes it difficult to see, a delimiting outer line around the logo can be used to improve contrast with the background colours.
- 1.6. In certain specific situations where there are indications in a single colour on the packaging, the organic production logo of the European Union may be used in the same colour.
- 1.7. The organic production logo of the European Union must have a height of at least 9 mm and a width of at least 13,5 mm; the proportion ratio height/width shall always be 1:1,5. Exceptionally the minimum size may be reduced to a height of 6 mm for very small packages.
- 1.8. The organic production logo of the European Union may be associated with graphical or textual elements referring to organic production, under the condition that they do not modify or change the nature of the organic production logo of the European Union, nor any of the indications defined in accordance with Article 21. When associated to national or private logos using a green colour different from the reference colour provided for in point 2, the organic production logo of the European Union may be used in that non-reference colour.

2. Code numbers

The general format of the code numbers shall be as follows:

AB-CDE-999

Where:

- (a) "AB" is the ISO code for the country where the controls take place;
- (b) "CDE" is a term, indicated in three letters to be decided by the Commission or each Member State, like "bio" or "öko" or "org" or "eko" establishing a link with organic production; and
- (c) "999" is the reference number, indicated in maximum three digits, to be attributed by:

- (i) each Member State's competent authority to the control authorities or control bodies to which they have delegated control tasks;
- (ii) the Commission, to:
 - the control authorities and control bodies recognised by the Commission for the purpose of Article 27;
 - the third countries' competent authorities recognised by the Commission for the purpose of Article 29.