

EEB recommendations on:
**Proposal for a Council Regulation on organic
production and labelling of organic products**
05.04.2006

Introduction

The EEB fully supports further development of organic farming, because of its contribution to the protection of the environment and nature, benefits for biodiversity, animal welfare, food quality and safety, and for providing other public services. We see organic farming also as playing a very important pioneering role for greening agriculture in general; as experience shows, many organic farming practices and results from organic farming research can be used in conventional farming and thus in turn improve its environmental performance. Therefore the EEB also supports a revision of the EU regulation for organic food and farming as it may contribute to a quicker growth of the organic farming sector within the EU.

However, we have a number of concerns and comments in relation to the current proposal of the regulation, published by the European Commission in December 2005.

We believe that several issues need improving or to be approached differently; some of these issues are also very basic ones. We therefore suggest that the Commission looks carefully at these issues and improves the proposed regulation accordingly, and that it also changes the timeframe and procedure of its finalisation.

Positive features:

We believe that there are a number of features of the proposed new regulation that present a positive development compared to the current Regulation 2092/91. We list only some of them.

First of all, the new regulation is a much better structured document.

The new regulation also covers some areas of production that had existed in organic practice already for many years but had been covered only by some private standards (aquaculture and wine).

The proposals related to imported products will ease the access to the EU market for organic products from outside the EU.

The foreseen flexibility, under the condition that it is adequately placed and regulated, can better support an organic production that will take into account specific local, geographical etc. conditions. This is important to respond to the basic requirements for organic production – to be adapted to the conditions in the area where it is taking place.

Issues of concern:

Timeframe for discussion

First of all, we believe that the time provided for discussing a new regulation for organic farming is not sufficient, especially when taking into account our second concern – the proposed two-step process of its elaboration.

As the proposed regulation is effectively brand new, a more in-depth discussion among stakeholders is necessary. The currently proposed date to conclude the discussion, 1 July 2006, is simply not sufficient to provide for that.

Organic farming has been expanding ever since Regulation 2092/91 has been in place, and its further growth can be expected. It is therefore very important that the new regulation will be able to meet both the numerous already identified problems (such as those mentioned in the EU Action Plan on organic farming) as well as the challenges of its future growth. To achieve this, a thorough consultation process is necessary.

Regulation in two steps

The proposal states that the regulation should not be prepared as a whole-in-one process, but proposes to set a general framework as the first step in 2006, followed by the addition of details at a later date (2009).

We believe that this is neither desirable nor necessary. We propose to prepare the regulation in its full extent, in order to enable stakeholders to comment on the whole picture, and in order to allow the Commission to define – with the help of stakeholder consultations – both general requirements as well as details and issues where flexibility is possible.

GMOs

Currently, the use of GMOs and their derivatives is forbidden in organic farming and processing. Although the proposed regulation maintains this requirement, it also allows an adventitious GMO-contamination of organic products of up to 0.9% which is the current labelling threshold for conventional foodstuffs. We are very concerned about the inclusion of a contamination threshold, since it could make the genetic contamination of organic farming a fait-accompli – badly damaging its promising future in the process.

It is necessary that the new regulation provides support for organic farming to prevent any genetic contamination and remain GMO-free. To achieve this, a different threshold for organic produce is not the right solution. The solution is an effective EU regulation on “coexistence” so as to prevent such contamination for both organic as well as conventional non-GM products. This is the only way to ensure that the production of organic and non-GM crops, seeds and food can thrive in the EU without the threat of any GMO contamination.

In addition, it is vital for the future of this sector to ensure that organic farmers, processors and consumers will in no way have to carry the consequences of eventual GM contamination. To this end, the new EU regulation on coexistence should set up a mandatory insurance scheme for contamination – funded by GMO-operators.

Finally, we are very concerned that the Commission – in the report on the implementation of national measures on the coexistence of genetically modified crops with conventional and organic farming – does not recommend an EU regulation on coexistence, using the excuse of needing “to conclude the process of implementing national coexistence measures”. The report clearly shows that the Commission is failing: on one hand it is pushing Member States to define laws and on the other hand it is itself rejecting MS proposals aimed at preventing any GM contamination of organic and conventional farming. By favouring weak measures, such as a non-mandatory approach, and delaying any concrete decision until 2008 or later, the Commission is opting for a “wait-and-contaminate” approach which could be very damaging for organic farming.

Decision-making

The development of organic farming has always relied strongly on development within the organic sector itself – producers, processors, consumers, trade, and other stakeholders. It is therefore necessary that the new regulation provides for the participation of stakeholders when it comes to taking any decisions related to the organic sector, or which will have any influence on the sector. The proposal does not take into account this necessity; stakeholders’ participation and the description of the participatory process are both missing.

On the contrary, it is proposed that the current "Article 14 Committee" consisting of Member States' representatives is replaced by a Management Committee. This proposal is clearly weakening the role of stakeholders in decision-making.

We strongly suggest that a proper stakeholder involvement in decision-making is included in the new regulation.

Labelling of organic products

In Articles 18 to 20, the proposal is posing restrictions on private label organisations. However, private label programmes have been very important for the development of the organic sector and organic standards. There is no need for the proposed restrictions, and their effect would negatively impact the further initiative of these programmes in the organic sector.

Therefore we are strongly opposed to the parts of the proposal that:

- will force certification bodies to put their private label on products, fulfilling the EU regulation certified by other organisations (Article 24). This will in practice be a confiscation of the value and confidence in the private labels and result in a regulation not only being the base line, but also removing all other initiatives of quality differences, stricter standards and development.
- do not allow certification bodies to make positive claims (Article 20) of their “product”. This is an infringement of many fundamental principles in a democratic society with a market economy.
- will make the use of EU logo or the term “EU-organic” compulsory (Articles 18,19).

Use of synthetic substances

In Article 4 (b), it is stated that “*natural substances shall be used in preference to chemically synthesised substances, which may be used only where natural substances are not commercially available*”.

This article could lead to the impression that organic farmers could use also chemically synthesised substances such as chemical pesticides etc. and would be bad for the image of organic farming. A more appropriate wording should therefore be used.

Conclusion

We have listed above some priority issues of concern, but we believe that there may be further points to raise. It is to be expected that even more will arise when the regulation is developed in detail. However, such concerns can be only dealt with in thorough stakeholder discussions. We expect that the Commission will provide the time and processes to enable this.

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