



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach  
The Director

Brussels,  
agri.ddg1.b.4(2019)2740948

## MINUTES

### *Meeting of the EXPERT GROUP ON ORGANIC PRODUCTION*

*1 April 2019*

Chair: Nicolas VERLET

Delegations present: All Member States present except/ BG, CY, and Iceland, EFTA.  
NO and Switzerland present as observer.

#### 1. List of points discussed

##### **1.1. Draft Commission Delegated Regulation (EU) supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council on exceptional production rules in organic production**

The Commission presented main changes to the draft delegated act (supplementing). The Commission also informed about the comments received before the meeting, including comments from the sector. During the discussion, Member States' experts provided additional remarks and requests for clarification based on which the Commission will introduce the final adjustments to the text.

During the discussion, Member States' experts welcomed the draft legal proposal. Nonetheless, few elements still require some further clarifications. Member States' experts discussed the following points:

- Recitals – the Commission explained that Recital 4 was added in order to address Art. 45(3) of the basic act. Also reference to Art. 54(2) was introduced for legal reasons.
- The Commission explained that throughout the whole text the specific situation of compliance regime was addressed.
- The Commission confirmed that the text has to be improved in order to reflect the specificity of some Member States where the catastrophic circumstances are confirmed by the decision of different levels of national administration, not necessarily by the competent authorities for organic production. Articles 1(1), 1(2), 2(1) and 2(2) will be modified accordingly.
- Art. 1 – one expert was concerned how the EU and national rules can be applied under the compliance regime. The commission explained that a control body or a control authority will have to qualify an even as catastrophic circumstances by verifying its effects against the criteria developed in line with EU legislation and

in line with what EU Member States do on the basis of their national legislation. A control body or control authority, when faced with catastrophic circumstance in 3<sup>rd</sup> country, would have to identify how Member States deal with similar situation in the EU or its outermost regions and assess its effects by applying criteria that take into account the criteria applied in the EU. The Commission agreed that for the clarity reasons Art. 1(2) should be improved, to reflect better the above-described procedure.

- Art. 2 – one expert did not support new wording in point 5 together with limitation for marketing of the product as organic foreseen in Art. 3(7). One expert suggested to change word ‘ordinary’ with some other more appropriate word, while the other expert suggested that this point is not reflecting well the concept of normal organic farming that is also covering derogations in case of catastrophic circumstances. Some other experts agreed with deletion of point 6.
- Art. 3 – The Commission explained that points 1, 2, 4, 5, 7 and 8 were redrafted for clarity reasons. One expert requested that in point 3(1) a reference to point 1.7. of Annex II to Regulation (EU) 2018/848 should be more specific. The Commission explained that these provisions should apply only when relevant. One expert pointed out that for translation reasons, the current wording of point 3(2) should be corrected by using another form of the verb. In point 8 by mistake a reference to point 3.1.2.1.(e) of Regulation (EU) 2018/848 was added and should be removed in the next version of the text.
- Art. 4 – The Commission explained that point 3 was slightly modified for clarity reasons. Experts requested that also the monitoring and reporting obligations are laid down for the compliance regime, so that the same obligations apply to competent authorities in the EU and to the CBs/CAs under the compliance regime. Some experts requested that the Commission plays the role of a competent authority for the compliance regime by accepting each catastrophic circumstance that occurred in 3<sup>rd</sup> countries. The Commission explained that these situations require immediate reaction from people in the field, and these derogations for the compliance regime will not work in a timely manner if organic unit of DG AGRI based in Brussels is responsible for assessing every single individual or regional catastrophic circumstances in the whole world. Possibility to engage competent authorities of third countries to confirm catastrophic circumstances in their territory may be re-considered. In any case, the Commission will do an ex-post analysis of annual reports submitted by the control bodies or control authorities recognised under compliance regime.

As a conclusion as regards this draft delegated act (supplementing) Member States’ experts were informed that this is the final stage of the discussions therefore the next step is to start Interservice Consultations with other DGs, especially the Legal Service of the Commission in order to have their opinion on this compromise text possibly at the next meeting of the Group of Experts in June 2019.

## **1.2. Draft Commission Delegated Regulation (EU) amending Regulation (EU) 2018/848 of the European Parliament and of the Council on detailed production rules of organic products**

The Commission presented main changes to the draft delegated act (amending). The Commission also informed about the comments received before the meeting, including comments from the sector. During the discussion, Member States' experts provided additional remarks and requests for clarification based on which the Commission will introduce the final adjustments to the text.

During the discussion, Member States' experts welcomed the draft legal proposal. Nonetheless, few elements still require some further clarifications. Member States' experts discussed the following points:

- The Commission informed that according to the request expressed by many experts at the last meeting, the rules on salt were removed from this draft. As the next step, an inventory of techniques and practices will be prepared and on this basis EGTOP is going to be consulted. The Commission is planning to prepare a separate delegated act for salt in the future. Some experts wanted to know a schedule of works on this file. The Commission will do a presentation on techniques and practices in June 2019 and provide a planned schedule. Member States will be consulted on the draft mandate of EGTOP for salt only once the techniques and practices used for the production of salt are well understood and agreed upon.
- The Commission informed that the rules on insects were removed from this draft. They can be finalised when horizontal legislation for insects is developed. The Commission is planning to prepare a separate delegated act for insects in the future. Some experts wanted to know a schedule of works on this file. The Commission will prepare a presentation in this regard at one of the next meeting. Moreover, the Commission will upload on CIRCA BC the latest draft text on insects summarizing the discussions that took place in this group and the comments received.
- The Commission presented the new version of the text. Recitals were slightly modified for clarity reasons. Article 1, 2, 3, 5 – there were no changes in the text from previous draft. Article 4 – little correction of the text was introduced.
- One expert requested definition of sprouts. The Commission referred to the common definition existing for sprouts and informed that it needs to check whether COM has power to define this term.
- One expert asked for clarifications on the origin of the soil for the pots only organic soil or other soil. The relevant Article was removed from the text already after the discussions which took place in January-February (article on further details and cultivation practices for growing plants for the production of ornamentals and herbs in pots to be sold together with the pot to the final consumer). The Commission stated that further rules on greenhouses may be drafted after 1.1.2021.
- One expert requested to introduce time limitation for feeding of bee colonies as described in Art. 2. The Commission informed that this is already foreseen by the horizontal legislation that also applies to organic production. The relevant

provisions may be found in Council Directive 2001/110/EC of 20 December 2001 relating to honey, especially in part 1 of Annex I.

- The Commission informed that a draft mandate for EGTOP on aquaculture, addressing issues proposed by experts and not incorporated in the text, was uploaded on CIRCA BC. The Commission expects comments to this document as well as studies and documentation to support the proposals therein included by 17 April 2019.

As a conclusion as regards this draft delegated (amending) Member States' experts were informed that this is the final stage of the discussions therefore the next step is to start Interservice Consultations with other DGs, especially the Legal Service of the Commission in order to have their opinion on this compromise text possibly at the next meeting of the Group of Experts.

## **2. Conclusions/recommendations/opinions**

The Commission will introduce the final adjustments to the acts. The next step is to start Interservice Consultations with other DGs, especially the Legal Service of the Commission in order to have their opinion on this compromise texts. The results of these consultations will be presented to the Group of Experts, possibly at the next meeting planned in June 2019.

## **3. Next steps**

Discussions on the delegated acts supplementing and amending Regulation (EU) 2018/848 will resume at the next Expert Group in June 2019.

## **4. Next meeting**

Discussions on the delegated acts supplementing and amending Regulation (EU) 2018/848 will resume at the next Expert Group in June 2019.

e-signed  
Nathalie SAUZE- VANDEVYVER

List of participants– Minutes  
**Meeting of the EXPERT GROUP ON ORGANIC PRODCUTION**  
**1 April 2019**

MEMBER STATE	Ministry Or Organisation	NUMBER OF PERSONS
BE	SPW - DGO3	1
	Vlaamse Overheid Departement Landbouw en Visserij	1
BG		
CZ	Ministry of Agriculture	1
DK	Danish Veterinary and Food Administration	2
DE	Bundesministerium für Ernährung und Landwirtschaft (BMEL)	2
	LANUV	1
	Bundesanstalt für Landwirtschaft und Ernährung	1
EE	Ministry of Rural Affairs	1
IE	The Department of Agriculture Food and the Marine	2
EL	PR	1
ES	Ministry of Agriculture	1
FR	Ministère de l'agriculture et de l'alimentation	1
	INAO	2
	DGCCRF	1
HR	Ministry of Agriculture	2
IT	MIPAAFT	3
CY		
LV	Ministry of Agriculture	1
LT	Ministry of Agriculture	1
LU	Administration des Services Techniques de l'Agriculture	1
HU	Ministry of Agriculture	
MT	Agriculture Directorate	1
NL	Ministry of Agriculture, Nature and Food Quality	1
	Ministry of Economic Affairs and Klimate (RVO.nl)	1
AT	BMASGK	1
	AGES	1
	BMNT	1
PL	Ministry of Agriculture and Rural Development	2
PT	DGADR	1
RO	Ministry of Agriculture	1
SI	MAFF	1
SK	Central control and testing institute in agriculture	1
FI	Ministry of Agriculture and Forestry	1
	Ministry of Agriculture and Forestry	1
SE	Swedish Board of Agriculture	1
	National Food Agency	2
UK	DEFRA	2
NO	Norwegian Food Safety	1
	Norwegian Ministry of Agriculture and Food	1
CH	Federal Office for Agriculture	1
	Mission of Switzerland to the EU	1
<i>TOTAL</i>		49