

Civil Dialogue Group “Organic Farming”

Meeting of 14 April 2016

1049 Brussels, Rue de la Loi 130, 11th floor – Room B

Draft Minutes

Agenda, relevant documents and presentations given during the meeting are publicly available at:

http://ec.europa.eu/agriculture/civil-dialogue-groups/organic-farming_en.htm

The Commission DG AGRI Unit B.4 ‘Organics’ will be shortened as **COM** in this document.

The Chair is Christopher Stopes, IFOAM EU president

The Vice Chairs are Lone Andersen from COGECA and Richard Lawrey from SACAR.

Due to the strike and the travel difficulties the presence of experts is lower than in previous meetings.

1) Approval of the agenda and of the minutes of 16/12/2015

EOCC withdrew the presentation supposed to be given under point 3.a.

Additionally the Chair proposed to switch the order in item 3 and put the EU’s legislative framework before the **IFOAM EU** presentation. Proposal was accepted.

No AOB was proposed.

Agenda and [minutes](#) of the previous meeting were approved.

2) State of play of the discussions of the review of the organic farming legislation and calendar for implementing and delegated acts promised at this CDG meeting

COM presented the state of play: the first Commission proposal was published on 24 March 2014, the process is taking long time because of discussions with the sector, Parliamentary elections in 2014 and huge amount of technical work needed of a technically complex proposal. The Council adopted a general approach in June 2015, and the Parliament’s Committee of Agriculture adopted its report on 13 October 2015.

Since then 4 trilogues took place, 2 under the Luxembourg Presidency of the Council and 2 under the Dutch Presidency of the Council. The 5th meeting was supposed to take place on 22nd March but was cancelled due to the Brussels terrorist attacks.

Next trilogue will be on 20 April and then there will be at least one meeting in May and one in June.

The Dutch Presidency was very clear indicating their willingness to reach a political deal on the organic regulation by the end of the semester.

On its side, the Parliament prefers substance to speed. For the Commission, while reaching a deal is important, it is even more important that it is a deal that brings an improvement to the legal framework of the sector.

In general, trilogue meetings are complicated, there are both technical work and political decisions.

Content wise there has been so far a broad agreement on the scope, the general principles and objectives (with some brackets still to be decided), general production rules. Also the trade/import chapter is almost completed.

Still to discuss: controls, pesticide residues, specific production rules (overall structure and allocation of requirements between Basic Act, Delegated Acts, Implementing Acts)

Considering the situation and the complexity of the dossier it is premature to provide a calendar for the future Delegated Acts and Implementing Acts.

EEB asked clarifications on the specific requirements for organic rabbits and other species not currently covered by the scope while **Cogeca** and **ERPA** asked about the definition and requirements for slow-growing strains in organic poultry and if the Parliament proposals on this topic will be considered in the future implementing or delegated acts.

IFOAM EU asked how many legal texts there will be at the end of the process including the future implementing and delegated acts.

Copa wondered why the process is taking so long. Perhaps the Commission should move more towards Council and Parliament positions, e.g. on the decertification threshold. The Commission should facilitate the process and not fighting for 1 or 2 topics while the sector is waiting for the new text and uncertainty stays.

COM answered to EEB and Cogeca that rules on rabbits cannot be handled now in the basic act as those rules were never discussed and there is not even an EGTOP¹ opinion on this issue. On the slow strains there is not evolution, Parliament wants a definition but Council does not agree. If this is not taken in the basic act, it is not automatic that the Parliament proposals will be taken in the future delegated and implementing acts.

Delegated and Implementing acts will be discussed and everyone will be able to comment for 8 weeks, according to the Better Regulation guidelines.

COM answered to IFOAM EU that there will probably be a full integration with the horizontal legislation on official controls with a probable compromise for which specific rules for the organic control system will be in the organic regulation. Then there will be implementing acts and delegated acts. Therefore there will be 3 sets of legislation, as today.

COM finally answered to COPA asking why they think COM is not facilitating and even delaying the process.

There are several reasons for delay: strong criticism from the sector (even going as far as requesting withdrawal), Parliamentary elections in 2014, rapporteur took one year to deliver his report and then the interinstitutional process with the official control review process. Additionally the regulation is technically very complicated and Presidencies of the Council are changing every semester, involving loss of momentum.

In particular on the threshold, this topic was not yet discussed during the trilogues. COM is part of the trilogue and it should facilitate the agreement, but should also defend its proposal. COM is not a silent member of the discussion, it has a role: e.g. COM can ask for unanimity in the Council for the final decision.

¹ [Expert Group for Technical Advice on Organic Production](#)

The Chair asked whether COM can say something on the 'action level' as possible alternative to the decertification threshold.

COM answered that they are flexible in finding a way to address the issue and they would welcome alternative options that allows that. But at the moment Parliament's and Council's opinions do not provide a harmonised solution.

IFOAM EU underlined that in the current discussions small room is given to the opportunities and on how to develop further organic, instead focus is given on the threats and risks, thus discussions focus on controls and thresholds.

E.g. one of the few concepts to make the sector develop is related to the measurement of environmental performance for organic processors. This would be a big opportunity to progress.

Consumers would be very happy to see this new requirement in the new organic regulation.

COM answered that they agree with the environmental performance and have actively defended this concept in the trilogue. Member states are however difficult to convince.

Copa asked when the new regulation will enter into force, operators need time to adapt to the new rules. And then will there be a transition period? There is a problem of time consistency with the rural development programmes. The new regulation should enter into force at an appropriate time linked with the end of the rural development programmes, otherwise farmers who are not able to adapt to the new requirements under the new organic farming regulation will have to give back the subsidies they received.

The Chair asked whether the COM can assure that farmers are not penalised by giving back money.

COM indicated that this question was linked to the execution of rural development commitments and they will answer in writing to this question.

IFOAM EU repeated that sound production rules are crucial and the existing EGTOP reports can be used. But there is not a scientific opinion for all species. How will the COM consult and how will the COM exchange with the sector? There will be many implementing and delegated acts and they have to be prepared all together.

COM answered that they proposed a reinforcement of the production rules, that the Council and the Parliament have not taken up. For the future implementing and delegated acts there is an obligation to consult the sector according to the "Better Regulation Package". Every implementing and delegated act will be under consultation for 8 weeks. As for the EGTOP, COM wishes to maintain and develop the EGTOP further.

Food and Drink Europe asked clarifications on the international trade.

COM answered that delegated and implementing acts are not decided yet but a general concept has been agreed in the trilogue. There will be bilateral equivalency agreements in the context of trade agreements with third countries that can guarantee the same level of standards and control systems. For the other countries, recognised control bodies will apply the EU regulation (compliance) with some flexibility for substances that are compatible with organic principles, but not traditionally used in the EU.

3) Residue findings

COM made a presentation making reference to the current legal framework. The current regulation is silent regarding the actions to be taken in case substances are found. There is no legal basis for an action level or a threshold. The latest EFSA report on pesticide residues in food² gives a clear picture: organic products perform much better than conventional food. A very small proportion of organic products exceed the Maximum Residue Level. When residues are present in the organic products they are mostly products and substances permitted in organic farming or persistent environmental pollutants or compounds resulting from sources other than pesticide use.

At National or private level, the actions to be taken following a residue finding are really very different and therefore operators are treated differently in different member states.

IFOAM EU remarked that it is not true that the current regulation is silent. It is explained how to deal with non-compliances, and residue findings should be dealt in this context. Indeed a detailed procedure is missing.

Copa stressed that - as EFSA reports - most of the residue findings come from permitted substances or environmental pollutants. What percentage comes from intended use?

In Germany the intended fraudulent use is really rare.

COM was not able to answer because EFSA report is not so detailed. But copper represents the majority of cases. COM also stressed that they foresaw a compensation approach in their proposal.

ECVC stressed that both organic operators and non-organic operators using substances should be responsabilised.

IFOAM EU gave a presentation proposing an approach which harmonise the procedures without the use of a threshold.

Cogeca said that the majority of cases occur in the post-farming phases. How IFOAM EU suggests to deal with it?

IFOAM EU answered that there should be a case by case approach. There are already systems and procedures e.g. in Switzerland. We should build on knowledge.

COM said that they are glad we do not disagree on all points. There is an overfocus on the pesticide issue. Controls should be more on risk-based approach.

The current requirement of minimum 5% sampling will not be raised, it is not the intention of the COM. But COM does not agree on the case by case approach. Something much more comprehensive is needed, also and in particular for import. Swiss guidelines are not a solution as we had cases of products contaminated with glyphosate coming from Switzerland. It is not sufficient, as there is no legal certainty for the operator. Legally binding solutions are needed.

IFOAM EU stressed that this is a complex issue and transferring it into a legal text is very difficult. If we want to take into consideration all the possible aspects, we need a broad view on the issue. At the end we need to have a case-by-case solution. Control bodies have to take a decision.

COM answered that there are massive import of feed stuff, threatening the EU's organic live s, contaminated bananas. It is not possible to go to Bolivia to check.

IFOAM EU replied that this is another problem and it is connected to the import rules.

² <http://www.efsa.europa.eu/en/efsajournal/pub/4038>

Guidelines already exist for import and they work well, why not to use them also for pesticide findings

COM was clear that guidelines are not a solution for them, they will not do other guidelines in the future.

ECVC said that if we want to check the import, the EU should first be an example. E.g. Belgian legislation is very strict in terms of residues and additionally 50-60% of the inspections are unannounced. In Belgium if the threshold is exceeded, the product cannot be sold as organic.

Copa: There are reports showing that contaminations are increasing but fraud are not. It is not the organic operator the one to be blamed.

4) Update on the EGTOP's activities and its composition

COM gave an update on the EGTOP activities. There is not anymore a backlog, all the applications from member states have been processed.

Two sub-groups are foreseen for 2016: Plant Protection Products in May, and additives and processing aids in the second semester. Perhaps there will be also a subgroup on aquaculture.

Then three have been produced and published in 2016: 1) wine, 2) fertilisers and 3) cleaning and disinfection.

The expert group mandate will end at the end of 2016, there will be a new selection of experts.

IFOAM EU asked why so many members including the chair are stepping down.

Copa asked for clarity as regards the process leading to the end of the mandate of the EGTOP's Chair. It is a very bad news because it is one of the promoter of organic in Germany and a very important person in the EU organic sector.

COM stressed that there was a resignation due to a conflict of interest. For the selection of the new group, the profile should be mainly academic, experts should be independent, and there will be a gender and origin balance.

ECVC: There is a problem with the cod liver oil, that cannot be used anymore. This is a big problem for the organic sector.

COM committed to investigate better this issue.

5) State of play of the implementation of the action plan

COM gave a presentation.

6) New breeding technique interpretation and its impact in the Organic Regulation

The Chair asked for the timetable for consultations.

COM will come back on this. In general, COM would not like having specific rules on GMO in the organic regulation, everything should be regulated in the general GMO legislation.

IFOAM EU reported about its position published in December 2015. According to IFOAM EU all the new breeding techniques are not in line with the organic principles. There are clearly modification at subcellular level. There should be the same risk evaluation for health, as it is for GMO. And also the

same requirements for traceability and labelling. Operators and consumers should have the possibility to choose!

If this does not happen, again the organic sector has to take the burden for identification and separation procedures. This is not fair.

This would be a problem also for all the GMO-free sector.

ECVS said that they discussed the issue a lot. The correct terminology to identify such techniques should be: new genetic breeding techniques. ECVC shares the position of IFOAM EU, it is important for organic and GMO-free sector.

ECVC did a legal analysis: there is no long safety history. The process is a genetic modification process. It should be regulated under GMO.

There are studies saying that they are GM techniques, they are also all patented.

ECVC co-signed a position paper with IFOAM EU and Greenpeace.

We insist that the Organic unit speaks with DG SANTE. The risk is the mistrust of the consumer.

Copa said that they do not have yet a position. But in general the NBT should be evaluated on a case-by-case approach. Innovation is also needed in organic. Anyway these breeding techniques should not be overestimated. The soil is the basis. Innovation can also come from other sides than breeding techniques.

COM answered that there will be an interpretation at COM level, not a change in the legislation.

DG SANTE will arrive to a conclusion, this will apply immediately to organic

The Chair stressed that a link btw DG SANTE and DG AGRI is crucial.

ECVC said that COPA has not yet the audacity to think as organic people. Over the last 40 years organic has proven to be in the right direction. Nature has to be respected. Organic developed without the help of scientific experts.

Cogeca said that they talk from all farmers, we need new techniques and innovation in organic and conventional. A case-by-case approach is needed. Otherwise we will go backwards.

7) State of play of trade agreements with Third Countries

COM gave a presentation.

IFOAM EU asked clarity on the Council negotiating directives and how the equivalency is assessed. Are the Council directives public? Transparency is needed.

COM answered that negotiating directives are directives, very general. There will be more transparency, it will be clear which the rule will be. There will be a website with all standards recognised and with which products are covered by the agreements.

As for the process on negotiation there is full transparency, e.g. with Chile Council and Parliament were constantly informed.

Food and Drink Europe asked about the status of negotiations with China?

COM answered that not much is going on. 13 control bodies recognised by the EU are operating in China. The problem is how to have a better access to their market. Only 2 EU control bodies are allowed to certify according to the Chinese standard.

8) Update on additional official controls for some organic products imported from Ukraine and certain neighbouring countries

COM presented a state of play of the implementation of the new guidelines³.

Despite the new guidelines, in 2016 there have been already 5 cases of irregularities coming also from products already entered in the EU before 2016.

Copa : demand for products coming from pig and poultry is increasing, but production not. The pressure increased on the protein market and trade.

Cogeca : problems come also from the EU, e.g. in Romania. Are there measures in the new legislation to guarantee that the control system works well in all the 28 member states?

COM asked hard facts on this assumption. According to the Commission audits the control system works well in Romania.

ECVC underlined that the sector has to take the responsibility on the transparency about the origin of the ingredients. The current requirement is not enough and the statement EU/non EU does not say anything. Consumers want to know clearly the origin of the raw material, this choice is also linked to climate change.

According to **SACAR** the guidelines are not satisfactory but they acknowledged that there are not alternatives.

COM stressed that the initiative comes from the Member States. The guidelines were not imposed by the COM.

9) Information on the REFIT evaluation of the General Food Law

The Commission **DG SANTE Unit E.1** 'Food information and composition, food waste' gave a presentation on the REFIT evaluation of the General Food Law.

Based on the results of the studies carried out, a revision of that law would at this stage not seem necessary. This is an element of stability. It is not yet possible to foresee the impacts on the organic sector.

10) AOB

Next meeting: 25 November 2016

Disclaimer

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³ http://ec.europa.eu/agriculture/organic/documents/eu-policy/guidelines-additional-controls_en.pdf

