



EUROPEAN COMMISSION

*Brussels, 20.04.2015
C(2015) 2265 final*

Dear President,

The Commission would like to thank the Camera dei Deputati for its Opinion on the Communication from the Commission "Action Plan for the future of Organic Production in the European Union" {COM(2014) 179 final} and on the Commission 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}.

As a preliminary comment, the Commission wishes to recall that the concerned proposal is listed among the proposed withdrawals or modifications in the Commission Work Programme for 2015 {COM(2014) 910 final - Annex 2}. The Commission's intention is to withdraw the proposal and to replace it with a new initiative, if no agreement is reached in six months.

The proposal on organic production and labelling of organic products comes in a context where the challenges for the sustainable development of the organic sector are increasing. In the last decade the market for organic products in the EU has quadrupled. However the internal EU production only doubled. This shows that the increase of the market is based mostly on imports. More needs to be done in order to increase the EU organic production capacity.

Increasing production at a high pace risks putting pressure on the standards of organic production and consequently on the credibility of the system. Moreover, an extended public consultation with over 45 000 replies, which is one of the elements that supported the proposal, has clearly shown that citizens have high expectations as regards the standards and the integrity of organic production. Currently there are many possibilities for derogations from the rules, which are applied differently across Member States and also for imported products. The resulting absence of a level playing field and of transparency spills over into the control system, which as the European Court of

*Ms Laura BOLDRINI
President of the
Camera dei Deputati
Piazza Montecitorio
IT – 00100 ROMA*

Auditors underlined in its 2012 report¹, needs serious improvement. In addition to simplification and clarification of the legal framework, these were the grounds at the basis of the Commission's proposal for the organic sector.

The Commission has taken note of the variety of observations and questions from the Camera dei Deputati in its Opinion, including on the use of delegated acts. On the more general questions the Commission would like to make the following remarks.

The Camera dei Deputati requests that seeds should be clearly specified as being included in the concept of 'plant reproductive material', in particular this should be clarified in Article 9, which governs the prohibition of the use of GMOs. Moreover, it should be clarified that products containing GMOs cannot be marketed as organic in Italy. The Commission confirms that the concept of 'plant reproductive material' includes seeds and will consider the recommendation for clarification of the definition made by the Camera dei Deputati. The Commission would also like to recall that, as far as the prohibition of the use of GMOs is concerned, the principle remains unchanged with regards to Regulation (EC) No 834/2007: GMOs and products produced from or by GMOs shall not be used in organic production as food, feed, processing aids, plant protection products, fertilisers soil conditioners, seeds, vegetative propagating material, micro-organisms or animals.

With regard to certification of operators, the Camera dei Deputati considers that each operator should be certified by one single control body. The Commission's proposal does not go as far, but nevertheless limits the certification of one operator to only one control body for the same product category, in order to enhance controllability while at the same time minimising the burden on organic operators. The possibility to allow certification by control bodies for product categories has been foreseen in the proposal because many control bodies are specialised for inspection and certification of certain product categories and would not have the expertise for an across the board certification.

The Camera dei Deputati considers useful maintaining the annual frequency of controls. The Commission would like to underline that the purpose of the risk-based controls is to concentrate resources and efforts where the risks are the highest thus resulting in more effective and focussed controls. All the operators of the organic chain, without exception, would be submitted to the control system. In addition, the introduction into the general horizontal legislation on food and feed controls of the provisions on organic controls would enable the economic operators, the national administrations and the bodies in charge of controls to deal with a complete set of rules, bringing together, in a single legal act, all the control provisions to be respected. The Commission considers that this would simplify procedures, improve controls and help operators to better respect the requirements of the legislation. The risk-based approach to controls would replace the obligation of a yearly physical control of all organic operators which has become in many cases an unnecessary burden for operators and control authorities. The proposed

¹ Special Report No 9 from 2012 of the European Court of Auditors on Audit of the Control System Governing the Production, Processing, Distribution and Imports of Organic Products.

approach would entail that operators presenting a lower risk and with a proven record of compliance will be physically inspected on a lesser frequency. On the other hand, operators with higher risks, because of the nature of their activities or because of already identified non-compliances will be physically inspected more frequently.

Article 23 of the proposal on official controls, as amended by the proposal on organic production and labelling of organic products, empowers the Commission to adopt delegated acts to lay down 'the frequency of official controls on operators'. Should it be established that an annual inspection of all organic operators should take place, taking into account the risk and the likelihood of non-compliance of those operators, the Commission would be empowered to lay down provisions prescribing it or prescribing a higher level of frequency. This frequency will be established on the basis of the risk and the likelihood of non-compliance existing on a European level. In addition, the empowerment to adopt delegated acts will play an important role also for detecting intentional violations of the organic rules.

As to the inclusion in the official controls system of the rules on controls in the organic sector, the Commission underlines that this legal architecture already exists, as organic controls have been part of the official controls system since 2006. The draft proposal on organics provides for specific provisions to be included in the official controls regulation that ensure that the particular needs of organic production are addressed. The proposal also foresees that all the future implementing provisions for controls will be discussed by agricultural experts and voted in the organic production committee, as is the case today.

The Commission hopes that these clarifications address the concerns raised by the Camera dei Deputati and looks forward to continuing our political dialogue in the future.

Yours sincerely,

*Frans TIMMERMANS
First Vice-President*

*Phil HOGAN
Member of the Commission*