



European Commission
Directorate-General for Agriculture

Organic farming

Guide to Community rules

A great deal of additional information on the European Union is available on the Internet.
It can be accessed through the Europa server (<http://europa.eu.int>)

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Authors: Gwénaëlle Le Guillou and Alberik Scharpé

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Organic farming at the turn of the 21st century

The Austrian Government and the Commission held a conference on "Organic farming in the European Union - The prospects for the 21st century" in Baden (Austria) on 27 and 28 May 1999. During the Conference it was pointed out that the area devoted to organic farming or in the process of conversion to organic farming had increased from around 900 000 hectares in 1993 to approximately 2.9 million hectares in 1998. It was recognised that there was further potential for growth in the sector, from the current 2% of the European agricultural area to an average of between 5% and 10% by 2005. In addition to the effects of (...) legislation and the Community's financial support for environmentally friendly farming practices, the reason for the growth appears to be an upsurge of interest among both consumers and farmers in farming practices that respect the environment.

(Extract from The Agricultural situation in the European Union - 1999 Report (COM (2000) 485 final of 26 July 2000)

Introduction

In June 1991 the Council adopted Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs. The Regulation has been added to on several occasions, in particular in 1999, when the Council extended its scope to cover organic livestock production.

The rules were introduced as part of the reform of the common agricultural policy, which by the late 1980s had broadly achieved its original aim of generating agricultural productivity gains so as to make the European Community largely self-sufficient for its food supply.

The policy therefore shifted towards other aims, such as the promotion of quality products and the integration of environmental conservation into agriculture. Both these objectives involved major development potential for the organic farming sector, which had previously always been marginal.

Since the rules came into force in 1992, tens of thousands of farms have been converted to this type of farming, and the trend seems likely to continue in coming years. At the same time, there has been a considerable increase in interest in organic produce on the part of consumers and traders.

In adopting Regulation (EEC) No 2092/91, the Council created a Community framework defining in detail the requirements for agricultural products or foodstuffs bearing a reference to organic production methods. These rules are quite complex; not only do they define a method of agricultural production for crops and livestock, they also regulate the labelling, processing, inspection and marketing of organic products within the Community, and the import of organic products from non-member countries.

This brochure is intended for anyone who requires basic information, whether for professional or personal reasons, on the development of organic farming in the European Union and the standards applied by means of the relevant rules¹.

¹ This brochure does not cover the Community measures to provide financial support to farming which are available to organic farmers under certain conditions.

Origin, development and definition of organic farming

Origin and development of organic farming, and the development of standards

The emergence of a new kind of farming: different approaches

Organic farming is the outcome of theory and practice since the early years of the 20th century, involving a variety of alternative methods of agricultural production, mainly in northern Europe.

There have been three important movements:

- **Biodynamic** agriculture, which appeared in Germany under the inspiration of Rudolf Steiner;
- **Organic farming**, which originated in England on the basis of the theories developed by Albert Howard in his *Agricultural Testament* (1940);
- **Biological** agriculture, which was developed in Switzerland by Hans-Peter Rusch and Hans Müller.

Despite some differences of emphasis, the common feature of all these movements, which are the source of some of the terms protected by Community rules, is to stress the essential link between farming and nature, and to promote respect for natural equilibria. They distance themselves from the interventionist approach to farming, which maximises yields through the use of various kinds of synthetic products.

Despite the vitality of these movements, organic farming remained undeveloped in Europe for many years.

Development of organic farming

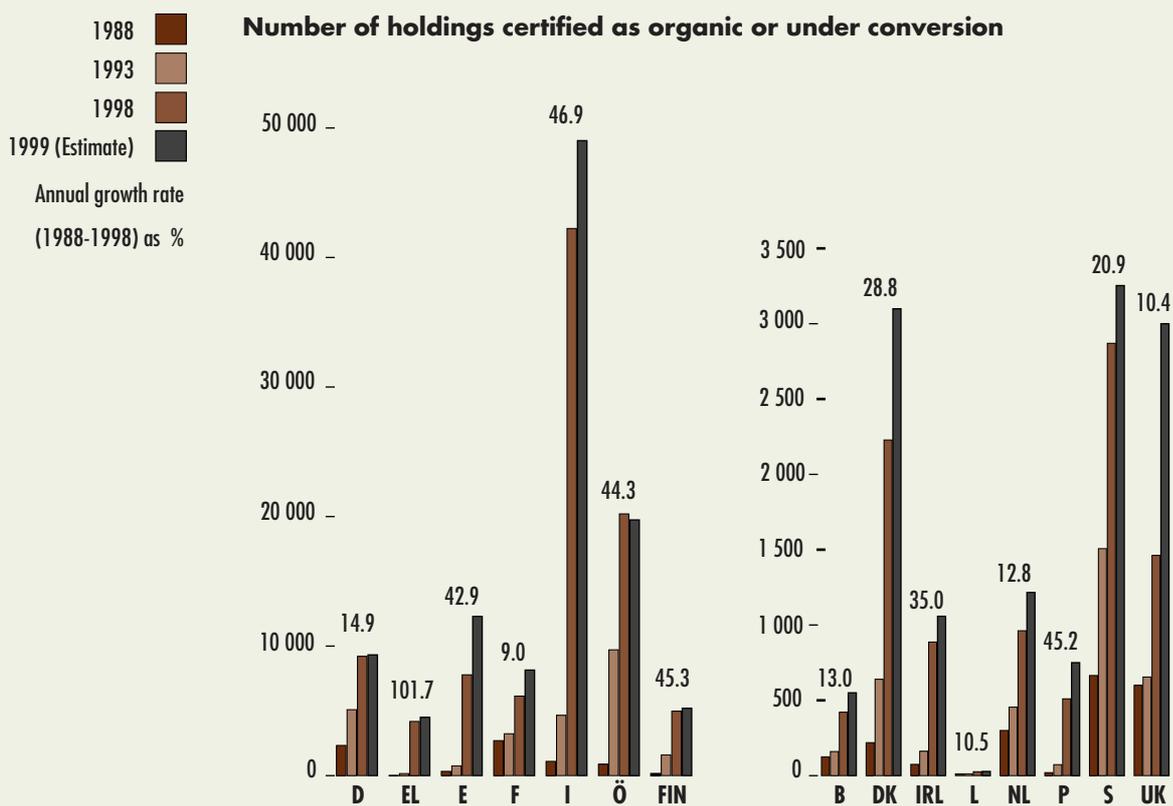
Throughout the 1950s, the main aim of farming was to achieve a major improvement in productivity so as to satisfy immediate needs for food and raise the European Community's rate of self-sufficiency. In the circumstances, organic farming was obviously unlikely to be viewed very favourably.

By the end of the 1960s, however, and especially in the 1970s, organic farming came to the forefront in response to the emerging awareness of environmental conservation issues. New associations grew up, involving producers, consumers and others interested in ecology and a lifestyle more in tune with nature. These organisations draw up their own specifications, with rules governing production methods.

It was in the 1980s, however, that organic farming really took off, when the new production method continued to develop, along with consumer interest in its products, not only in most European countries, but also in the United States, Canada, Australia and Japan. There was a major increase in the number of producers, and new initiatives got under way for processing and marketing organic products.

This situation conducive to the development of organic farming was very largely due to consumers' strong concern to be supplied with wholesome, environment-friendly products. At the same time, the public authorities were gradually recognising organic farming, including it among their research topics and adopting specific legislation (e.g. in Austria, France and Denmark). Some Member States also grant national or regional subsidies to organic farmers.

However, despite all these efforts, organic farming was still hampered by lack of clarity: consumers were not always sure about what was really covered by organic farming, and the restrictions it implied. The reasons for the confusion lay, among other things, in the existence of a number of different “schools” or “philosophies”, the lack of harmonised terminology, the non-standard presentation of products and the tendency to blur the distinctions between concepts such as organic, natural, wholesome and so on. The situation was not helped by cases of fraudulent use of labelling referring to organic methods.



Source: Nicolas Lampkin, Welsh Institute of Rural Studies, University of Wales

Official recognition and regulation of organic farming in the European Union

In the circumstances, adopting formal rules was the best way to give organic farming credibility in the quality products niche market. The European Community adopted a legal framework (Regulation (EEC) No 2092/91) in the early 1990s. The movement towards official recognition of organic farming later spread to several other countries, and was followed by international initiatives. Regulation (EEC) No 2078/92² provided further opportunities for financial support for which organic farming, because of its specific features, is eligible.

International recognition of organic farming

In November 1998, the IFOAM (International Federation of Organic Agriculture Movements) adopted basic standards for organic farming and processing. The Federation, which was set up in 1972, brings together organisations from all over the world which are involved in organic production, the certification of products, research, education and the promotion of organic farming. Although its specifications and standards are not binding, they do constitute very valuable guidelines, summarising state-of-the-art methods of production and processing of organic products.

The IFOAM has also set up a European Union regional group for on-going dialogue with the European Commission on the development of the organic farming sector.

In June 1999, the Codex Alimentarius Commission³ adopted Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods. These guidelines set out the principles of organic production from the farming stage through the preparation, storage, transport, labelling and marketing of crop products. They are intended to enable member countries to draw up their own rules, on the basis of the principles, while taking account of specific national features. Guidelines are shortly to be adopted for the organic production of animal products.

In 1999, the FAO⁴ also embarked on an organic farming work programme, mainly concerned with promoting organic farming in the developing countries.

2 Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside (OJ L 215, 30.7.1992, page 85). Repealed by Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations (OJ L 160, 26.6.1999, page 80). See also note 1.

3 The purpose of the Codex Alimentarius Commission is to promote the application throughout the world of the Codex Alimentarius (or food code), which includes standards, codes of practice, guidelines and recommendations drawn up under the joint FAO/WHO food standards programme to ensure food safety and fair practices in the food trade.

4 FAO, United Nations Food and Agriculture Organisation.

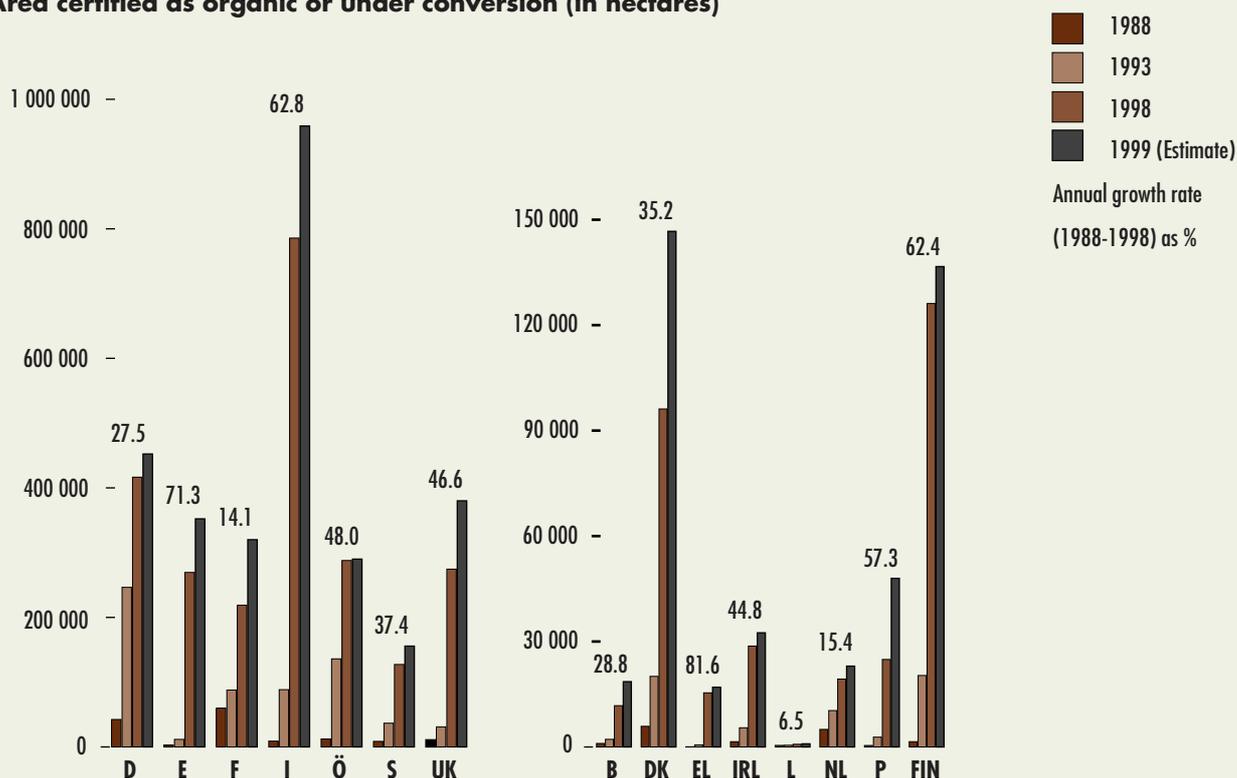
Rules and regulations in countries outside the European Union

In the framework of the European Economic Area, Iceland, Norway and Liechtenstein have adopted legislation in line with Community rules, and take part, as observers, in management work organised by the European Commission.

In view of the need to assimilate the *acquis communautaire* (the body of existing Community legislation) after accession, the prospective new member countries (central and eastern European countries, Cyprus, Malta and Turkey) have already embarked on the process of adopting specific rules on organic farming, aligned on the Community rules.

Other countries, such as Argentina, Australia, Canada, the United States, Israel, Japan and Switzerland have also adopted, or are shortly to adopt, their own specific organic farming legislation.

Area certified as organic or under conversion (in hectares)



Source: Nicolas Lampkin, Welsh Institute of Rural Studies, University of Wales

Definition of organic farming

To define the concept of organic farming, we may refer to the definition developed by the Codex Alimentarius, on the basis of contributions from experts from all over the world. According to the Codex, organic farming involves holistic production management systems (for crops and livestock) emphasising the use of management practices in preference to the use of off-farm inputs. This is accomplished by using, where possible, cultural, biological and mechanical methods in preference to synthetic materials.

The Codex guidelines specify⁵ that an organic production system is designed to:

- “enhance biological diversity within the whole system;
- increase soil biological activity;
- maintain long-term soil fertility;
- recycle wastes of plant and animal origin in order to return nutrients to the land, thus minimising the use of non-renewable resources;
- rely on renewable resources in locally organised agricultural systems;
- promote the healthy use of soil, water and air as well as minimise all forms of pollution thereto that may result from agricultural practices;
- handle agricultural products with emphasis on careful processing methods in order to maintain the organic integrity and vital qualities of the product at all stages;
- become established on any existing farm through a period of conversion, the appropriate length of which is determined by site-specific factors such as the history of the land, and type of crops and livestock to be produced”.

⁵ *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods, Codex Alimentarius Commission, CAC/GL 32.1999, Point 7.*

Organic livestock farming is based on the principle of a close link between the animals and the soil. The need for a link with the soil requires animals to have free access to outside areas for exercise, and also implies that their feed should be not only organic, but preferably produced on the farm. This sector of organic farming is, moreover, very strictly regulated by provisions on animal welfare and veterinary care.

The objectives of organic farming are identical whether we consider crop products or animal products: they comprise the application of production methods that do not damage the environment, more respectful use of the countryside, concern for animal welfare and the achievement of high-quality agricultural products.

As these objectives are not easily quantifiable, the best way of pursuing them in practice so as to draw a clear distinction between organic and conventional farming was to codify acceptable procedures. This was done first through private specifications, then through official rules or guidelines at national or international level.

Community rules

Regulation (EEC) No 2092/91

Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs was adopted on 24 June 1991. It marks the culmination of the process of official recognition of organic farming in certain Member States, and its intention is to clarify the concept of organic farming in the mind of the consumer, in particular by combating fraud, which was previously rife.

The effect of the Regulation was to lay down rules applicable to all Community output of organic crop products. The Council adopted further rules in 1992, and again in 1995, providing the possibility of developing a specific logo for the organic sector and governing technical aspects of such matters as labelling and importing. The Commission has since adopted various regulations updating or supplementing the technical annexes to Regulation (EEC) No 2092/91.

In 1999, the Council adopted Regulation (EC) No 1804/1999 of 19 July 1999, which lays down Community rules for the production of organic livestock products; this completes the framework of Community legislation, which now covers both crop and animal products.

The Council Regulation provides that the Commission must adopt implementing arrangements, and in particular amend the technical annexes if necessary. This enables the provisions of the Regulation to be kept up to date with technical and scientific developments, and with the situation on the market in organic products.

The creation of a Community logo for organic products in March 2000 both reinforced protection against fraud, and enhanced the image of organic products of both plant and animal origin.

Organic farming as an aspect of quality policy

The legal framework set up by the European Community for organic production of plant and animal products is part of the wider context of quality policy for agricultural products.

This policy emerged in the early 1990s in response to steadily growing demand from European consumers, faced with the increasing standardisation of conventional output, for products with individual characteristics.

Thus, when their products meet the conditions laid down by European rules, producers now have an opportunity to adopt a quality approach that will enhance the value of their output. Products can be marketed under a protected designation of origin, or a protected geographical indication, depending on the strength of the link with the geographical name used. They may also be given a certificate of specific character (and described as “traditional speciality guaranteed”), indicating that the products have been produced in accordance with a traditional method. These protection schemes open an economically viable opportunity for holdings that are often affected by major structural handicaps, while providing consumers with a supply of genuinely individual products⁶.

Organic farming is also covered by the new policy, although it still has a place apart since its prime concern is conservation of the environment.

Scope of the Regulation

Council Regulation (EEC) No 2092/91 applies to non-processed crop and animal products, to processed agricultural products intended for human consumption, and to animal feed⁷, where the labelling, advertising material or commercial documents include the indication in use in each Member State suggesting to the purchaser that the product was obtained in accordance with the organic production method defined in the Regulation.

Thus the rules laid down by this Regulation (e.g. on inspection: see “Inspection” below) apply only to products which the producer intends to market as organic.

The Council began by defining, in each language, the term considered the most characteristic to describe the production method defined in the Regulation, and specially protected by it. The terms are as follows, in the different languages:

Spanish: ecológico

Danish: Økologisk

German: ökologisch, biologisch

Greek: βιολογικό

English: organic

French: biologique

Italian: biologico

Dutch: biologisch

Portuguese: biológico

Finnish: luonnonmukainen

Swedish: ekologisk

Moreover, Regulation (EC) No 1804/1999 extended the protection to the usual derivatives of the above terms, such as “bio”, “eco”, etc., and to diminutives, alone or combined⁸.

Applicability of rules governing conventional products

The rules laid down in Regulation (EEC) No 2092/91 do not preclude the application of the general rules applying to all products. The requirements imposed under Regulation (EEC) No 2092/91 can therefore be stricter than general Community legislation on conventional agriculture and products intended for human consumption, but they cannot be less strict. All provisions governing the production, preparation, marketing, labelling and inspection of agricultural products and conventional foodstuffs continue to apply⁹. This is true in particular of all the rules relating to the safety of such products, where human health is concerned.

⁶ Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 208, 24.7.1992, page 1).

Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs (OJ L 208, 24.7.1992 page 9).

⁷ Article 1 of 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 (OJ L 198, 22.7.1991, page 1).

⁸ Article 2 of Council Regulation (EEC) No 2092/91.

⁹ Article 3 of Council Regulation (EEC) No 2092/91.

Rules governing organic production on farms

Plant production

Basic rules on the organic production method for crops are set out in part A of Annex I to the Regulation.

The fertility and the biological activity of the soil must be maintained or increased by the cultivation of legumes, green manure or deep-rooting plants in a multiannual rotation programme¹⁰. By-products from organic livestock farming may also be used within the limits set out in part B of Annex I (170 kg of nitrogen per year and per hectare), as may organic material, composted or not, from holdings producing according to organic methods.

Where this is insufficient to ensure adequate crop nutrition or soil conditioning, further means are required. However, no organic or mineral fertilisers may be used other than those listed in part A of Annex II to the Regulation, which mainly concerns natural, relatively insoluble minerals obtained by means other than chemical synthesis.

Micro-organism preparations (not genetically modified) may be used to improve the general state of the soil or the availability of nutrients in the soil or the crop, where such a need has been recognised by the Member State concerned.

Crop protection against pests and disease, and weed control, must be achieved as far as possible without the use of plant health products. Crop protection is primarily achieved through the choice of naturally resistant species and varieties, an appropriate rotation programme, mechanical cultivation procedures, flame weeding and the protection of natural enemies of pests (e.g. care of hedges, nests, etc.)¹¹.

In cases of immediate threat to the crop, the plant health products listed in part B of Annex II to the Regulation may be used under certain conditions. The list comprises four categories of product: certain products of animal or plant origin, products based on micro-organisms, certain substances that must be used in traps or distributors, and certain substances traditionally used in organic farming prior to the adoption of Regulation (EEC) No 2092/91.

¹⁰ Point 2 of part A of Annex I to Council Regulation (EEC) No 2092/91.

¹¹ Point 3 of part A of Annex I to Council Regulation (EEC) No 2092/91.

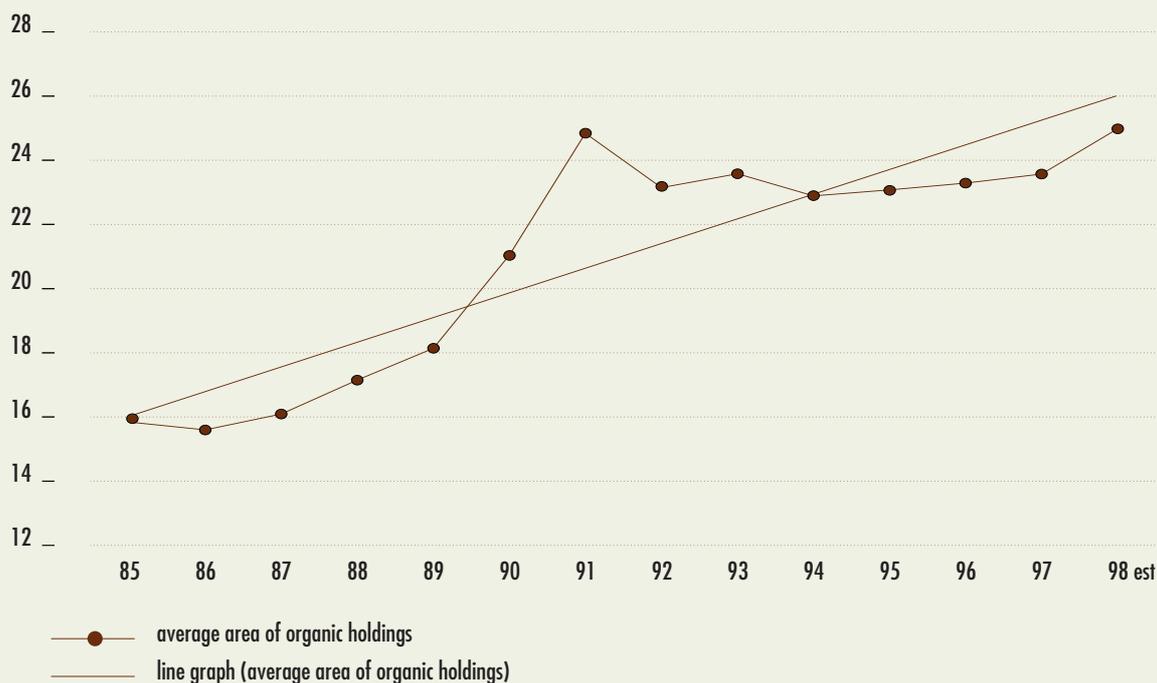
¹² Point 1 of part A of Annex I to Council Regulation (EEC) No 2092/91.

¹³ Point 4 of part A of Annex I to Council Regulation (EEC) No 2092/91.

The minimum conversion period for the change from conventional to organic farming is two years (before sowing) for annual crops, and three years (before the first harvest) for perennial crops other than grassland. In certain cases the conversion period may be extended or reduced, having regard to previous parcel use. The Member States establish the conditions for increasing or reducing the conversion period¹².

Finally, Annex I to the Regulation provides that the collection of edible plants growing naturally in natural areas, forests and agricultural areas is considered an organic production method provided that those areas have not been treated in the previous three years with prohibited products, and that the collection does not affect the stability of the natural habitat or the maintenance of the species in the collection area¹³.

Average area of organic holdings compared to all holdings



Source: Lampkin, 1999; Eurostat

Livestock production

Part B of Annex I to Regulation (EEC) No 2092/91, as amended on 19 July 1999 by Regulation (EC) No 1804/1999, lays down minimum rules for organic livestock production. The Member States may adopt stricter rules, under Article 12 of Regulation (EEC) No 2092/91, concerning the animals and animal products produced on their territory.

The general principles applicable to organic livestock production¹⁴ require recognition of the interdependence between animals and the soil; consequently, landless production is not an option¹⁵. As organic stockfarming is a land-related activity, livestock must have access to a free-range area and the number of animals per unit of area must be limited¹⁶.

The principle of separation requires all livestock on one and the same production unit to be reared in accordance with the rules governing organic production¹⁷. Exceptions to this requirement cannot be authorised unless proper measures are taken to ensure that there can be no confusion between organic and conventional production.

Part B of Annex I to Regulation (EEC) No 2092/91 also lays down rules on the conversion period and the origin of the animals¹⁸. There are two aspects to conversion: the conversion of the land associated with livestock production, and the conversion of the livestock.

When herds are constituted, the breed of animal must be carefully chosen so that the animals are adapted to their environment and resistant to certain diseases. Livestock must come from holdings that comply with the rules governing organic farming, and must be reared in accordance with those rules throughout their lives.

Part B also lays down rules on feed¹⁹. Livestock must be fed on organic feedingstuffs, preferably produced on the holding. Feed should be primarily natural, which means that the feeding of young mammals must be based on natural milk for a minimum period laid down in Annex I. Precise rules are laid down on the composition of the daily diet and the raw materials and other substances used for animal feed.

Disease prevention and veterinary treatment²⁰ must concentrate mainly on prevention. As well as choosing appropriate breeds of animals, the measures to be applied concern animal husbandry practices to encourage resistance to disease, the use of high-quality feed, and ensuring an appropriate density of livestock.

If disease occurs despite all these preventive measures, priority should be given to natural treatments (e.g. phytotherapeutic and homeopathic) rather than to antibiotics and allopathic veterinary medicines, which may leave residues. However, allopathic veterinary medicinal products or antibiotics may be used under certain conditions if they are essential to the animal's recovery. The use of substances such as hormones to stimulate growth or to control reproduction is categorically prohibited.

14 Point 1 of part B of Annex I to Council Regulation (EC) No 1804/1999.

15 Point 1.2 of part B of Annex I to Council Regulation (EC) No 1804/1999.

16 Point 1.4 of part B of Annex I to Council Regulation (EC) No 1804/1999.

17 Point 1.5 of part B of Annex I to Council Regulation (EC) No 1804/1999.

18 Points 2 and 3 of part B of Annex I to Council Regulation (EC) No 1804/1999.

19 Point 4 of part B of Annex I to Council Regulation (EC) No 1804/1999.

20 Point 5 of part B of Annex I to Council Regulation (EC) No 1804/1999.

Animal welfare provisions²¹ subject certain practices, such as tail-docking, cutting of teeth, trimming of beaks and dehorning, to authorisation, which is granted only where necessary to ensure the safety, hygiene, health or welfare of the animals. It is forbidden as a rule to keep livestock tethered, and general housing conditions must meet the animals' physiological and behavioural needs. Very strict standards are laid down for buildings. Transport of livestock must be carried out with due consideration for the animals' welfare, and in such a way as to limit stress²².

Beekeeping: a special case

Regulation (EEC) No 2092/91 also applies to beekeeping, which is a very special branch of production. Consequently, specific rules are laid down for this activity, in part C of Annex I.

Two main principles should be stressed:

- For beekeeping, the conversion period is only one year²³;
- The siting of apiaries is strictly controlled. Nectar and pollen sources available over a three-kilometre radius around the apiary sites must consist essentially of organically produced crops or crops treated with low-environmental-impact methods. Apiaries must also be far enough away from any non-agricultural production source that could lead to contamination (e.g. urban centres, waste dumps, waste incinerators, etc.)²⁴. Member States have the option of prohibiting the production of organic honey in certain regions or areas that do not meet these conditions.

Rules on processing organic agricultural products into foodstuffs

Rules on processing are laid down in Article 5 and in Annex VI to the Regulation.

Community rules strike a balance between consumer demand for products that are as natural as possible, the need for a sufficiently wide choice of food presented under the "organic" label and the technological constraints of processing.

Consequently, while Regulation (EEC) No 2092/91 does not totally exclude ingredients of non-agricultural origin (food additives, flavourings, water and salt, micro-organism preparations and minerals), it strictly limits their use²⁵; the same applies to processing aids²⁶ essential to the preparation of foodstuffs from agricultural products of organic origin. Parts A and B of Annex VI to Regulation (EEC) No 2092/91 contain lists of the substances authorised in the processing of organic products.

In addition to these restrictions, Article 5 prohibits the use of genetically modified organisms and treatments involving the use of ionising radiation. Moreover, in order to prevent fraud, an ingredient obtained according to organic methods may not be present together with the same ingredient obtained according to conventional methods²⁷.

21 Point 6.1 of part B of Annex I to Council Regulation (EC) No 1804/1999.

22 Point 6.2 of part B of Annex I to Council Regulation (EC) No 1804/1999.

23 Point 2 of part C of Annex I to Council Regulation (EC) No 1804/1999.

24 Point 4 of part C of Annex I to Council Regulation (EC) No 1804/1999.

25 Part A of Annex VI to Council Regulation (EEC) No 2092/91.

26 Part B of Annex VI to Council Regulation (EEC) No 2092/91.

27 Article 5(10) of Council Regulation (EEC) No 2092/91.

The use of ingredients of agricultural origin produced by conventional methods is limited to certain percentages, and is conditional on the organic ingredient not being available. The ingredients concerned are, in principle, listed in part C of Annex VI, but the Member States may also issue national authorisations²⁸.

Labelling and the Community organic farming logo

Labelling

Labelling and advertising may refer to organic production methods only where they make it clear that the information relates to a method of agricultural production. The product concerned must comply with the provisions of Regulation (EEC) No 2092/91. Moreover, the operator must be subject to the inspection measures laid down in the Regulation, and the name and/or code number of the inspection authority must be indicated²⁹.

The rules on indications referring to organic production methods stipulate the minimum percentage of agricultural ingredients that must be of organic origin.

Labelling and advertising of a food product³⁰ may bear indications referring to organic production methods in the sales description only where at least 95% of the ingredients of agricultural origin are organic. Food products may thus contain up to 5% of ingredients produced by conventional methods as long as those ingredients are not available (e.g. exotic fruit) or in very short supply on the Community organic market. Part C of Annex VI to Regulation (EEC) No 2092/91 lists the ingredients concerned.

Products with an organic content of 70% to 95% may bear indications referring to organic production methods only in the list of ingredients, but not in the sales description³¹. Indications referring to organic production methods in the list of ingredients may not be more prominent than other indications in the list of ingredients. The percentage of ingredients of organic origin must be specified.

Where the ingredients of organic origin represent less than 70% of the content of a product, the labelling and advertising may not bear any reference to organic production methods.

Community rules do, however, provide a possibility for referring to the conversion period³². Indications referring to conversion to organic production methods may be used: crop products that comply with the provisions of Regulation (EEC) No 2092/91, and for which the operator is subject to inspection measures, may bear the words “product under conversion to organic farming”, on condition that a conversion period of at least twelve months has been complied with before the harvest. The indications should not be such as to mislead the consumer. This faculty of referring to the conversion period is intended to help producers changing over to organic production in a period when the investment cost is usually heavy, by enabling them to enhance the product image after the first year.

28 Article 3 of Commission Regulation (EC) No 207/93 of 29 January 1993 defining the content of Annex VI to Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs and laying down detailed rules for implementing the provisions of Article 5(4) thereto (OJ L 25, 2.2.1993, pages 5-10).

29 Article 5(1), (3) and (5a) of Council Regulation (EEC) No 2092/91.

30 Article 5(3)(a) and (b) of Council Regulation (EEC) No 2092/91.

31 Article 5(5a)(a) of Council Regulation (EEC) No 2092/91.

32 Article 5(5) of Council Regulation (EEC) No 2092/91.

Logo and reference to inspection scheme

Regulation (EEC) No 2092/91, as amended by the Council in 1995³³, opened the way for the Commission to establish a special logo for organic production and to prescribe wording explicitly indicating that products are covered by the inspection scheme.

In March 2000, Commission Regulation (EC) No 331/2000 established the logo, whose purpose is enhancement of the credibility of organic products in the eyes of consumers and better identification of such products on the market.

The logo is not compulsory. Producers use it on a voluntary basis, when their products fulfil the required conditions.

The logo and indication of inspection may be used only for certain products covered by Regulation (EEC) No 2092/91, which meet all the following conditions³⁴:

- at least 95% of the ingredients have been produced by organic methods;
- the products have been subject to the inspection arrangements laid down in the Regulation throughout the production and preparation process; this means that the operators involved in the agricultural production, processing, packaging and labelling of the product must all be subject to the inspection scheme;
- the products are sold directly by the producer or preparer in sealed packaging, or placed on the market as pre-packaged foodstuffs;
- the products show on the labelling the name and/or business name of the producer, preparer or vendor, together with the name or code number of the inspection authority or body.

Regulation (EC) No 331/2000 also lays down conditions for the presentation and use of the Community logo. The logo must match the models in the annex to the Regulation.

Moreover, the Community logo and the wording thereupon must be used in accordance with the technical reproduction rules in the graphic manual.



³³ Council Regulation (EC) No 1935/95 of 22 June 1995 amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 186, 5.8.1995, pages 1-7).

³⁴ Article 10 of Council Regulation (EEC) No 2092/91 and Commission Regulation (EC) No 331/2000 of 17 December 1999 amending Annex V to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 48, 19.2.2000, page 1).

Advertising

Regulation (EEC) No 2092/91 also provides for certain conditions to govern advertising of organic products³⁵. The purpose of these rules is to guarantee that advertising will not compromise the effects of the rules intended to ensure transparent labelling.

Council Directive 84/450/EEC³⁶ on misleading advertising is also relevant in this context. It prohibits any advertising likely to deceive consumers or injure competitors, and requires Member States to ensure that adequate and effective means exist for the control of misleading advertising.

Free movement within the European Community

Pursuant to the principle of the single market laid down in the Treaty of Rome, all products that comply with Community provisions on organic farming, whether produced within the Union or imported from a third country, may move freely throughout the European Union. Consequently, Member States may not, on grounds relating to the method of production or to the presentation of that method on labelling or advertising, prohibit or restrict the marketing of products that comply with the requirements laid down in the rules³⁷.

Inspection

In view of the importance of maintaining the credibility of the organic farming sector, the Regulation introduces a number of rules on the inspection of operators.

Prior notification of activity to the competent national authority (Article 8)

Any operator who produces, prepares or imports from a third country goods produced in accordance with organic methods must notify this activity to the competent authority of the Member State in which the activity is carried out³⁸. The notification must, among other things, enable the parcels cultivated by organic methods to be identified, involve an explicit commitment by the operator to comply with the provisions of the Regulation, and include the name of the body responsible for supervising the holding.

Special inspection scheme

The Regulation requires each Member State to set up an inspection system operated by one or more designated inspection authorities and/or by approved private bodies³⁹. For the application of a system operated by private bodies, Member States must also designate an authority responsible for the approval and supervision of such bodies. That authority is required, among other things, to supervise the inspection bodies, to ensure that they are able to carry out the required inspections, guaranteeing that they are effective and objective. Each Member State must ensure, either through the authority or through the arrangements for accreditation, that the private bodies meet the requirements of standard EN 45011 (or ISO 65). This standard, drawn up by the European Committee for Standardisation (CEN), sets out the requirements to be met by certification bodies to ensure sound and credible certification.

Inspection measures

All operators who, as part of a business activity, produce, prepare or import agricultural products or foodstuffs obtained by organic production methods are subject to a special inspection scheme established by the Member States. These schemes are governed by detailed minimum requirements set out in particular in Annex III to Regulation (EEC) No 2092/91.

- Inspection measures applicable to farmers⁴⁰

The inspection scheme requires the producer and the inspection body to draw up a full description of the unit. In particular, this description must make it possible to identify production and storage premises, harvesting areas, planned manure spreading and processing and/or packaging premises (if any). The measures to be taken to ensure compliance with Community regulations must also be described. Once this report has been drawn up, the producer must notify the inspection body each year of its schedule of production of crop products, giving a breakdown by parcel.

Detailed accounts must be kept to ensure optimum traceability. Producers of organic products of animal origin must also keep records providing a full description of the herd or flock management system, with details of livestock, by species, entering and leaving the holding, of any animals lost, of feed, and of veterinary treatment.

If organic and conventional production take place on the same holding, the producer must ensure that organic parcels and storage premises are kept clearly separate from conventional areas. Where crops or animals are raised organically, plants of the same variety, or animals of the same breed, may not also be raised conventionally on the same holding. The body inspects the entire holding, including the premises and parcels used for conventional production.

35 Article 5(1), (3), (5) and (5a) and Article 10(2) of Council Regulation (EEC) No 2092/91.

36 Directive 97/55/EC of European Parliament and of the Council of 6 October 1997 amending Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising (OJ L 250, 19.9.1984, pages 17-20).

37 Article 12 of Council Regulation (EEC) No 2092/91.

38 Article 8 of Council Regulation (EEC) No 2092/91.

39 Article 9 of Council Regulation (EEC) No 2092/91.

40 Part A of Annex III to Council Regulation (EEC) No 2092/91.

The inspection body must inspect each holding at least once a year, and may also visit farms without prior warning. Inspectors must check on compliance with the rules, and may take samples so as to test for the presence of unauthorised products.

- Preparation of foodstuffs from organic products⁴¹

The same principles of identification, monitoring and record-keeping apply to processing and packaging units. The principle of separate premises for processing, storage and packaging also applies to operators dealing with both organic and conventional ingredients.

- Importers of organic products⁴²

The rules for inspection of importers are also intended to supervise the movements of each individual consignment of products imported from third countries, in particular by requiring full identification of products (quantity, type, origin). The inspection body must be provided with information on the transport and consignees of products.

- Sanctions for failure to comply with Community rules⁴³

When an inspection body finds an irregularity, the indications are removed from the lots concerned, which means that the products may not be described for sale as “organic”. Stricter penalties may be imposed where a manifest infringement or an infringement with prolonged effects is found; in that case, the operator may be prohibited from producing or marketing organic products for a period to be determined by the inspection body. Operators subject to the inspection scheme accept the possibility of such sanctions when signing the contract with the inspection body. The competent authority in each Member State must keep itself informed of all irregularities and infringements reported by private inspection bodies⁴⁴.

- Rules governing transport⁴⁵

Agricultural products being sold as organic may be transported only in packaging or containers closed in a manner which would prevent substitution of the content.

Other measures necessary to prevent fraudulent use of indications referring to organic production methods

Regulation (EEC) No 2092/91 provides that Member States must take whatever measures and action are required to prevent fraudulent use of the indications referring to organic production methods⁴⁶. This provision means that, where necessary, the authorities in each Member State must take action in addition to the inspections carried out under the special scheme.

Imports

Organic products from third countries may be marketed as such only after a procedure to ascertain the equivalence of the rules on organic agriculture applied in the third country⁴⁷. Thus the rules applied in the third country must provide guarantees equivalent to those provided by Community rules. The purpose of this requirement is to guarantee the credibility of the organic products market, and ensure fair competition between Community and third country producers. Equivalence is ascertained only where the products concerned are described for marketing as “organic”.

In order to ascertain equivalence, the Commission makes a thorough investigation into the arrangements in the country concerned, examining not only the requirements imposed on production but also the measures applied to ensure effective control. Where rules are found to be equivalent, the third country is entered on the list of authorised countries, which means that organic products from that country can be imported and move freely within the European Union. The list at present comprises Argentina, Australia, the Czech Republic, Hungary, Israel and Switzerland⁴⁸.

Imported consignments must be covered by an inspection certificate issued by the competent authority or body in the third country, attesting that the consignment has been produced in accordance with the production and inspection rules recognised as equivalent⁴⁹.

A parallel scheme has been introduced, valid until 2005, to enable Member States to issue import authorisations for consignments from third countries not included in the Community list drawn up by the Commission⁵⁰. It is up to the importer to prove that the imported products were obtained according to production rules equivalent to those laid down in Community legislation and were

41 Part B of Annex III to Council Regulation (EEC) No 2092/91.

42 Part C of Annex III to Council Regulation (EEC) No 2092/91.

43 Article 9(9) of Council Regulation (EEC) No 2092/91.

44 Article 9(5)(c) of Council Regulation (EEC) No 2092/91.

45 Annex III, Part A.1, point 8; Part B, point 6; Part C, point 8.

46 Article 10a(2) of Council Regulation (EEC) No 2092/91.

47 Article 11(1) of Council Regulation (EEC) No 2092/91.

48 Commission Regulation (EEC) No 94/92 of 14 January 1992 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 11, 17.1.1992, pages 14-15).

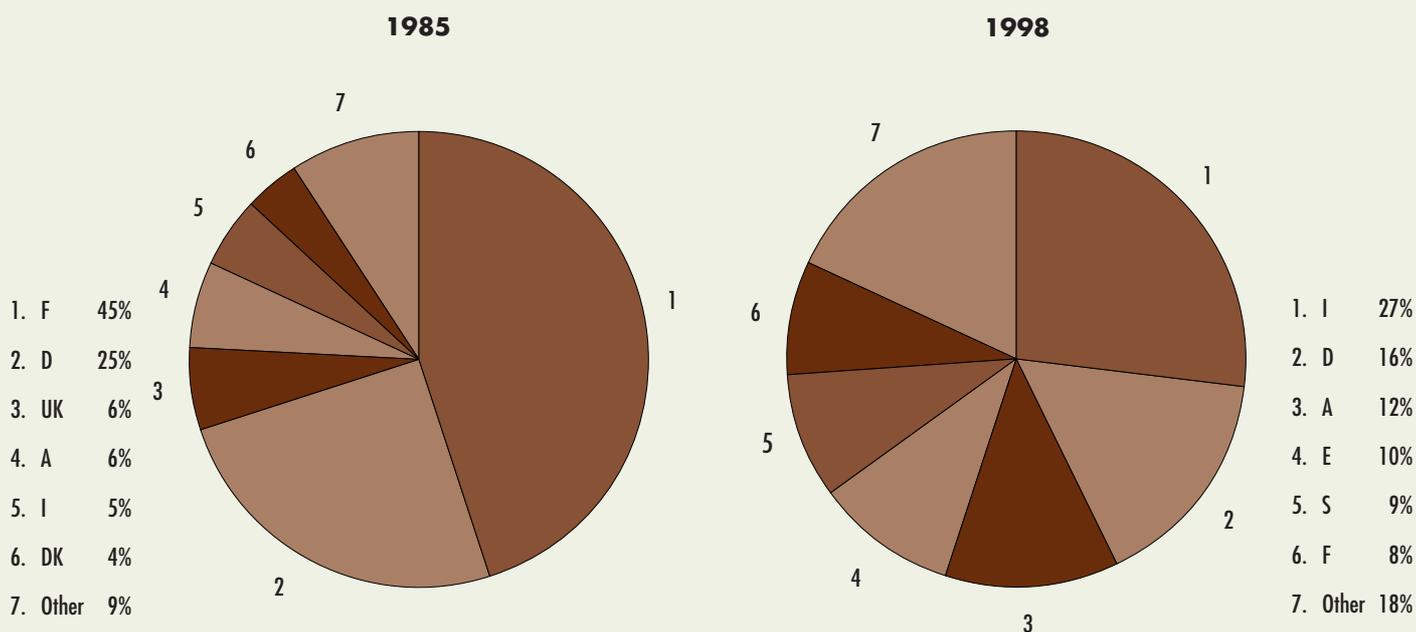
49 Article 11(1)(b) of Council Regulation (EEC) No 2092/91.

50 Article 11(6) of Council Regulation (EEC) No 2092/91.

subject to inspection measures of equivalent effectiveness to the inspection measures imposed on Community products. The Member State notifies the Commission and the other Member States of the third countries and products for which it has issued an authorisation.

This scheme is particularly important for specific categories of goods inspected at local or regional level, from countries where organic production is not covered by national legislation or rules covering all organic products (e.g. coffee or tea plantations in a particular country).

Distribution of "organic farmland" between the Member States



Source: Lampkin, 1999

Collaboration between the Commission and the Member States in applying the Regulation

To ensure uniform application of the Regulation, close collaboration has been organised between the Member States, and with the Commission.

The Standing Committee

Collaboration is mainly ensured by the Standing Committee set up under Article 14 of the Regulation. This Committee is made up of representatives of the Member States, with a Commission representative in the Chair. It gives opinions on drafts of the implementing legislation or updates for which the Commission is responsible⁵¹. Only if the Committee is in favour can the Commission adopt the measures contemplated. The Standing Committee or the working groups it has set up also regularly discuss matters arising in the context of applying the Regulation.

Compulsory information passed between the Member States and the Commission, and regular reports

To ensure the best possible collaboration between the Member States and the Commission, the Regulation provides for systematic and regular exchanges of certain information.

In particular, where a Member State finds irregularities relating to the use of indications referring to the organic production method or of the logo on a product from another Member State, it must inform the Member State which designated the inspection body, and the Commission⁵².

Member States must send the Commission each year a description of the measures taken to implement the Regulation. In particular, Member States that have opted for a scheme of inspection by private bodies submit a list of approved inspection bodies each year, and a report on the supervision of the inspection bodies.

⁵¹ See point 1 above.

⁵² Article 10a(1) of Council Regulation (EEC) No 2092/91.

Some thoughts on future developments

Regulation (EEC) No 2092/91 provided the organic farming sector with a means of asserting its special character; it gave it the credibility it needed to take its place on the market for foodstuffs. Since then, there have been major developments, both in organic farming and in the common agricultural policy. Because of these developments, and indeed because of certain temporary provisions (such as Article 11(6)), consideration will shortly need to be given to the possibility of revising some of the basic provisions of the Regulation.

Since 1991, organic farming has developed from a marginal sector, restricted to the local market, into a sector of national, Community and international trade, with mass distribution outlets. Consequently, the notification and inspection measures and the categories of operators subject to them should be reconsidered against the new background.

For several years, moreover, conventional agriculture has been increasingly subject to strict environmental and animal welfare rules. This has meant the development of new approaches and methodologies, such as integrated agriculture⁵³. The organic farming sector now needs to see where it stands in relation to these new developments, and to consider the production rules it applies with a view to maintaining a specific identity clearly distinguished from conventional agriculture.

⁵³ The International Organisation for Biological and Integrated Control (IOBC) has developed a definition and technical guidelines for integrated production. Briefly, integrated production is defined as an agricultural system for the production of food and other high-quality products using natural resources and regulation mechanisms to replace treatments that harm the environment, ensuring viable agriculture over the long term.

Organic farming: higher labour input⁵⁴

Analysis shows that as a rule, organic farming requires a greater volume of labour input. According to Padel and Lampkin⁵⁵, the labour input measured in terms either of hours of work or of full-time jobs is usually greater on organic than on equivalent conventional farms, at least in northern Europe.

In the table below Padel and Lampkin compare labour requirements at constant prices on the basis of OECD farming statistics. In general, employment expressed in full-time equivalents or FTE (1 FTE = 2 200 hours) is higher on organic holdings. Income from labour measured in FTE is greater on this type of holding, except in Switzerland, where it is 6% lower, despite being very large in absolute volume (11% greater than in Germany, 55% greater than in Denmark).

Other studies show that the main reason why organic farming requires more labour is to carry out manual and mechanical tasks essential to growing. The preparation of products for sale on the farm or on the market also involves more labour on organic holdings.

⁵⁴ Source: Patrick Hau and Alain Joaris: *Organic farming* (Eurostat).

⁵⁵ Padel S., Lampkin, N., 1994, *Farm-level performance of Organic Farming Systems*, in Lampkin, N., Padel, S. (eds.): *The economics of organic farming: an international perspective*, CAB International, Wallingford.

| Variables | Denmark (1988) | | | Germany (1992–1993) | | | Switzerland (1989–1991) | | |
|------------------------------|----------------|--------------|---------------------------------|---------------------|--------------|---------------------------------|-------------------------|--------------|---------------------------------|
| | organic | conventional | organic/ conventional as (%) | organic | conventional | organic/ conventional as (%) | organic | conventional | organic/ conventional as (%) |
| Number of holdings | 36 | - | | 101 | 444 | | 34 | 34 | |
| UAA (ha) | 28 | 29 | 97 | 35 | 35 | 100 | 15 | 15 | 100 |
| Employment in FTE | 1.75 | 0.99 | 175 | 1.75 | 1.56 | 112 | 2.45 | 2.03 | 121 |
| Income from labour (ECU/FTE) | 8 527 | 6 903 | 124 | 11 909 | 11 258 | 106 | 13 191 | 14 046 | 94 |

Annexes

Annex A **Technical annexes to Regulation (EEC) No 2092/91**

Annex I – Principles of organic production at farm level

- A. Plants and plant products
- B. Livestock and livestock products from the following species: bovine (including bubalus and bison species), porcine, ovine, caprine, equidae, poultry
- C. Beekeeping and beekeeping products

Annex II – Products authorised for use in organic farming

- A. Fertilisers and soil conditioners
- B. Pesticides
- C. Feed materials
- D. Feed additives, certain substances used in animal nutrition (Directive 82/471/EEC) and processing aids used in feedingstuffs
- E. Products authorised for cleaning and disinfection of livestock buildings and installations (e.g. equipment and utensils)
- F. Other products

Annex III – Minimum inspection requirements and precautionary measures under the inspection scheme referred to in Articles 8 and 9

- A. Farms
- B. Units for preparation of plant and livestock products and foodstuffs composed of plant and livestock products
- C. Importers of plant products, livestock products and foodstuffs composed of plant and/or livestock products from third countries

Annex IV – Information to be notified to the competent authority

Annex V

- A. Indication that products are covered by the inspection scheme
- B. Community logo and graphic manual

Annex VI – Processing of agricultural products from organic production and preparation of foodstuffs

- A. Ingredients of non-agricultural origin
- B. Processing aids and other products which may be used for processing of ingredients of agricultural origin from organic production
- C. Ingredients of agricultural origin which have not been produced organically

Annex VII

Organic livestock production. Table showing the number of animals per hectare equivalent to 170 kg of nitrogen per hectare per year

Annex VIII

Minimum surface area indoors and outdoors and other characteristics of housing in the different species and types of production

Annex B

List of third countries whose organic agricultural products are imported into the European Union

Article 11(1) Procedure

Argentina
Australia
Czech Republic
Hungary
Israel
Switzerland

Article 11(6) Procedure

Belize
Bolivia
Bosnia Herzegovina
Brazil
Bulgaria
Burkina Faso
Burma
Cameroon
Canada
Cape Verde
Chile
China
Colombia
Comoros
Costa Rica
Côte d'Ivoire
Croatia
Cuba
Cyprus
Czech Republic
Dominican Republic
Egypt
El Salvador
Ecuador
Ethiopia
Gabon
Ghana
Guatemala
Guinea
Guyana
Honduras
India
Indonesia
Jamaica
Japan
Kenya
Madagascar
Malawi
Mauritius
Mayotte
Mexico
Morocco
Namibia
Nepal
New Zealand
Nicaragua
Pakistan
Papua-New Guinea
Paraguay
Peru
Philippines
Poland
Romania
Russia
Saudi Arabia
Serbia
Seychelles
Slovakia
South Africa
Sri Lanka
Thailand
The Gambia
Togo
Tonga
Tunisia
Turkey
Uganda
Ukraine
United States
Uruguay
Vanuatu
Vietnam
Yugoslavia
Zambia
Zimbabwe

Annex C
The different versions of the Community logo



European Commission

Organic farming

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