

Advisory Committee on Organic Standards (ACOS) and the new EU Organic Regulation

The existing EU Regulation (2092/91) underpins the organic standards in the 25 Member States and also sets a benchmark for countries wishing to export to the EU. It has been on the EU statute book since 1991 and has been amended and enhanced on many occasions over the past 15 years; a process that is continuing today with the removal of the time restriction on the use of 'composted household waste'. It is not only the Regulation itself that has been amended and changed over the years – much of the associated legislation has also changed and many new regulations and controls have been introduced. The EU itself has expanded substantially over the same period.

In 2001 the Council (then under Swedish Presidency) invited the Commission to produce a European Action Plan for Organic Food and Farming (EAP). This was in the light of the very significant expansion in the production and marketing of organic food, and the outcomes of conferences on organic food and farming. The EAP was duly produced after extensive consultations among stakeholders and experts, an internet consultation of the wider public and a public hearing in January 2004. The most important conclusions were said to be the need to be more explicit about the principles and objectives of organic farming, the importance of safeguarding the integrity of the inspection system, the need to complete and improve the standards, and the need to make import provisions more efficient. A further conclusion identified "the need to overcome dysfunctions of the internal market caused by national and private logos and standards". The implementation of this last has caused consternation in some quarters as I will explain later.

The EAP was adopted by the Commission in June 2004 and its 21 actions were considered by both Council and Commission. Later that year the Council invited the Commission to develop measures for the implementation of the EAP and to bring forward proposals during 2005. This was in effect the first step in the development of an entirely new Regulation to replace the relatively unwieldy and over-complicated measure that has served us for better or worse over the last 15 years. The process has been accompanied by the commissioning of "Research to support revision of the EU Regulation on organic agriculture", a project with which colleagues in the Institute of Rural Studies, Aberystwyth and elsewhere have been involved. Bizarrely in some ways the Commission have produced detailed drafts of a new regulations even though the Organic Revision Project had not yet finally reported.

Much reference has been made in recent years to the intention to revise the Regulation. At ACOS we had been warned on a number of occasions that procedures for the amending of Annexes, the approval or withdrawal of inputs and other 'routine' activities were likely to be disrupted or slowed by the impending revision. It was also known that the timetable for the production of a draft was the end of 2005 though as nothing had really been seen by September 2005 there was a general expectation that the timetable would slip. It therefore came as something of a shock to be asked for comments and feedback on a number of core issues in late September for a deadline of mid-October. There was a general outcry from a wide range of organisations and stakeholders but the Commission appeared to be adamant that the end of 2005 meant the end of 2005.

There were further consultations with very tight deadlines and more complaints but the Commission appeared to take the view that the consultation period had been going on since the start of the development of the EAP. In a sense this was true but it cannot justify the giving in some cases of less than three weeks to consider, consult, review and respond to very fundamental issues. When considering that such consultations could shape the way the sector develops over the next 15-20 years it was little short of outrageous. The Commission duly achieved its deadline commitments by publishing a "Proposal for a Council Regulation on organic production and labelling of organic products" on 21st December

2005. Defra duly consulted widely with a deadline of 31st January which, when the holiday period was taken into account, gave a little over three weeks to respond – for some of the consultees this would have been their first sight of this proposal. We were told that the consultation timetable was very tight because the Commission intended to complete the process of producing a new Regulation by the end of the Austrian Presidency i.e. 30th June 2006. The current timetable for the implementation of the new Regulation is 1st January 2009.

The overall tone of the draft seemed negative and defensive as typified by the reference to methods that “minimise the negative effects (of the organic production system) on the environment”. There seemed to be considerable confusion over Objectives, Principles and Principles applicable to farming – this might have something to do with translation. There was a statement that “natural substances shall be used in preference to chemically synthesised substances which may be used only where natural substances are not *commercially available* (my italics)”. There were references to economic viability and the addressing of consumer demand among the objectives of the regulation.

The draft makes great play of the fact that the Commission is seeking to establish a consistency of approach across the EU, and yet also proposes that the rules of organic production be adapted to local conditions, stages of development and specific husbandry practices while maintaining the common concept of organic production. The proposed requirement to use either the EU Organic logo or the local language equivalent of ‘EU-Organic’ is evidence of the desire to harmonise and then it spoils it by suggesting that third country imports can also carry the EU logo. There is a fairly obvious attack on those certifying bodies that operate higher standards and make a virtue of them. It is proposed that no reference to standards being higher or better will be allowed.

The new draft states that GMOs should not be used in organic production systems but then concedes the issue by aligning itself with the Labelling Regulation in that an adventitious content of up to 0.9% GMO need not be labelled. There is no reference to the use of legumes in the plant production rules or health plans in the livestock production rules. It is proposed that the 70-95% category on the labelling of organic ingredients is removed. The details relating to inputs have not been set out but it is anticipated that there will be a transference of existing annexes.

It is proposed to move to a risk-based approach to inspection but it is by no means clear precisely how this will work. Much of the control system activity will be subject to Regulation (EC) 882/2004 or the Official Food and Feed Control (OFFC) Regulations. This is a long and complex regulation covering all aspects of all food and feed chains and it is not yet clear how the two regulations will interact. The Standing Committee on Organic Farming will be replaced by the Management Committee on organic production. The key difference here is not just in the title – a Standing Committee votes by qualified majority to approve measures while a Management Committee can only vote to object i.e. a Commission proposal may pass because a qualified majority cannot be mustered. This is effectively a transfer of power to the Commission.

This has been something of a whistle-stop tour of the draft regulation to give a flavour of what has been discussed in ACOS, its satellite committees and in many other forums up and down the land. It has led to some of the more routine business being put on one side for the duration of discussions. There have been two significant changes since the discussions started. The first is that it appears to have been conceded that the Regulation will not be finalised during the Austrian Presidency and, given the nature of the succeeding Presidencies, may take some time to bring to fruition. The Austrian Presidency has also intervened in the debate by producing a number of significant amendments that appear on first glance to addressing at least some of the issues and objections raised by Member States. *Roger Hitchings*