

## New EU Regulation (EC) No 834/2007

On June 28, 2007, the EU adopted the new Council Regulation (EC) No 834/2007 on organic production and labelling of organic products which will completely replace the current regulation 2092/91. It will come into force in January 2009.

The existing EU Organic Regulation (EU 2092/91) will be replaced with a new regulation consisting of the three following parts:

- Council Regulation (EC) No 834/2007 - principles of organic farming and the legal framework for the implementing rules
- Commission Regulation (EC) No 889/2008 - implementing rules
- Commission Regulation (EC) No 1235/2008 - importing rules

Regulation 834/2007 is a general framework regulation that sets out common principles and objectives with regard to plant, livestock, and aquaculture production, the collection of wild plants and seaweeds, rules on conversion, and processed food production incl. wine, feed and organic yeast. Measures for the implementation of Regulation (EC) No 834/2007 were published in September 2008 as Commission Regulation (EC) No 889/2008. However, the harmonisation of wine processing rules and aquaculture will require more time, so that specific implementing rules will be established at a later date.

The basic technical standards for organic farming and processing will remain the same, but there are various changes in the new legislation. This newsletter and the attached power point presentation informs and updates you about the key changes that have so far been agreed and published by the European Commission.

We will keep you updated on any further changes or amendments related to the European Council Regulations. Please notify that there will be an IMO Newsletter in January about the new EU import rules. Please contact Katharina Yanez Exner (ky@imo.ch) or visit our website [www.imo.ch](http://www.imo.ch) if you have any enquiries regarding the new EU Organic Regulation (EC) No 834/2007.

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### 1 General Changes

- A description of the objectives and principles of organic production has been included in the new legislation for the first time.
- The scope of organic production has been extended to cover aquaculture, wine, seaweed and yeast.
- There is now a set of criteria for the approval of new inputs (the current list of approved pesticides remains, but it will be reviewed against the new criteria).
- Included for the first time are principles for food and feed processing, which will result in reviewing how organic food and feed can or cannot be processed.

## 2 Labelling Requirements

### 2.1 EU Logo

The introduction of a new EU organic logo was initially planned for January 2009 but has been delayed until 01.07.2010, after German retailer Aldi raised concerns about its similarity with its own green logo. The design was put out to tender again in July 2008 (see also EU regulation (EC) No 967/ 2008 for more details).

Under the new regulation, the use of the EU organic logo becomes mandatory for pre-packaged organic food produced in the EU from July 2010 on (Art. 97 of EU regulation (EC) No 889/2008). For any organic products (pre-packaged and non pre-packaged) imported from third countries, the use of the EU logo is optional (Art. 24 of EU regulation (EC) No 834/2007). However, when the EU logo is used, the following compulsory indications on organic food labels must be easily visible, clearly legible and indelible:

a) The **code number of the control authority or control body**. The new certification body codes will be required to be used on all produce packed, or packed and labelled, in the EU from July 2010. However as a transitional arrangement, packaging and labels complying with the current EU Regulation may be used until 01.01.2012. All organic products sold within the EU must carry the code of the relevant certification body e.g. IMO or IMO SCESp 004.

b) An **indication of the place** where the agricultural raw ingredients of the product have been farmed:

1. „**EU Agriculture**“ where the agricultural raw material has been farmed within the EU
2. „**Non-EU Agriculture**“ where the raw material has been farmed in third countries. The indication “Non-EU” may be replaced or supplemented by the country’s name if all agricultural raw ingredients of which the product is composed have been farmed in that country.
3. „**EU/ Non-EU Agriculture**“ where only a part of the raw ingredients have been farmed within the EU and the other part has been farmed in a third country.

For the „EU“ or „non-EU“ indication, small quantities by weight of ingredients may be disregarded provided that the total quantity of the disregarded ingredients does not exceed two per cent of the total quantity by weight of raw materials of agricultural origin.

Conditions for the use of the code number and the indication of the place of origin are set out in Article 58 of EU Regulation (EC) No 889/2008.

The Community logo shall not be used in case of in-conversion products and food (Art. 25 of EU Regulation (EC) No 834/ 2007)

### 2.2 EU Labelling Requirements:

The following requirements were due to come into force on 1st January 2009, however the new EU logo, the release of the product origin requirements and the new certification body codes have been delayed.

a) The **70 % labelling** provision not apply anymore and has been removed from the new regulation.

b) Processed food products can be **labelled as organic** only:

1. if at least 95% by weight of its ingredients of agricultural origin are organic
2. in the list of ingredients on products less than 95% organic to indicate individual organic ingredients
3. In case of products of fishing or hunting: if the list of ingredients appears in the same visual field as the sales description and the food complies with the rules on the production of processed food.

All other food products produced according to the rules may carry references to organic ingredients in the list of ingredients only. Special labelling provisions apply to processed foods which include ingredients that cannot be obtained organically such as products of hunting and fishing.

Stocks of products produced, packaged and labelled before 1 January 2009 in accordance with Regulation (EEC) No 2092/ 91 may continue to be brought on the market bearing terms referring to organic production until stocks are exhausted (Art. 95 (9) of EU Regulation (EC) No 889/2008).

Packaging material in accordance with EU Regulation (EEC) No 2092/91 may continue to be used for products brought to the market bearing terms referring to organic production until 1 January 2012, where the product otherwise complies with the requirements of Regulation (EC) No 834/2007 (Art. 95 (10) of EU Regulation (EC) No 889/2008).

## 3 Processing

### 3.1 Production of processed food

The product shall be produced mainly from ingredients of agricultural origin (> 50 %) in order to determine whether a product is produced mainly from ingredients of agricultural origin. Added water and cooking salt shall not be taken into account (Art. 19 of EU Regulation (EC) No 889/2008).

Until now operators are only permitted to refer to organic production in their list of ingredients, if all ingredients are in accordance with EU Regulation (ECC) No 2092/91. From 1.1.2009 on it will be possible to also refer to organic production in the ingredients list, if only a smaller proportion (less than 95%) of the ingredients are of organic origin. Organic labelling in the list of ingredients is not possible if less than 50% of the ingredients are of agricultural origin, or if individual agricultural ingredients are at the same time of organic and conventional origin, or if additives, processing aids, flavours and salts (all additives according to Art 19 (2) b) of EU Regulation (EC) No 889/2008, which are not permitted for organic production), are included.

### 3.2 New calculation of % for processed organic products

For the purpose of the calculation of the maximum 5% of allowed conventional ingredients, also the food additives marked with an asterisk in Annex VIII Part A of EU Regulation (EC) No 889/2008, have to be included in the calculation as ingredients of agricultural origin (e.g. Lecithins, Arabic gum, Pectin etc.).

### 3.3 Storage of products

If operators handle both non-organic and organic products and the latter are stored in storage facilities in which also other agricultural products or foodstuffs are stored: **suitable cleaning measures**, the effectiveness of which has been checked, have been carried out before storage of organic products; **operators shall record these measures** (Art. 35 (c) of EU Regulation (EC) No 889/2008).

### 3.4 Control system

This has been linked to the EU Regulation on control systems for food (EC) No 882/2007 but will maintain an annual physical verification of each operator. A standardised EU-wide format for certificates will be introduced.

### 3.5 Prohibition of the use of GMO

The new EU Regulation retains a prohibition of the use of genetically modified organisms. Although the regulation bans the use of genetically modified organisms (GMOs) in organic food, it allows for products containing up to 0.9% of "adventitious or technically unavoidable" GMO content to be labelled and sold as organic.

## 4 Plant Production

### 4.1 Conversion rules

For plants and plant products to be considered organic, the production rules have been harmonised. Reductions of the conversion period can only be granted where either a parcel of land was part of a land management agreement that ex-

cludes non-permitted inputs (agri-environment measures) or where the competent authority rather than the certification body is satisfied that there is sufficient proof that non-permitted inputs have not been applied for at least three years (Art. 36 of EU Regulation (EC) No 889/2008).

### 4.2 Use of seed or vegetative propagating material

Seed and vegetative propagating material from a production unit which is **in-conversion** to organic farming may be used (Art. 45 of EU Regulation (EC) No 889/2008).

### 4.3 Hydroponic production

Hydroponic production is **prohibited** (Art. 4 of EU Regulation (EC) No 889/2008). Organic plant production is based on nourishing the plants primarily through the soil ecosystem. Therefore hydroponic cultivation (method where plants grow with their roots in a mineral nutrient solution or in an inert medium feed, such as perlite, gravel or mineral wool, added with soluble minerals and nutrients) is not allowed (Art. 2 of EU Regulation (EC) No 889/2008).

### 4.4 Plant production records

Plant production records shall be compiled in the form of a register and kept available to the control authorities or bodies at all times at the premises of the holding. Such records shall provide at least the following information with **regard to the use of plant protection products**: **reason** and date of treatment, type of product, method of treatment (Art. 72 of EU Regulation (EC) No 889/2008). Operators shall keep documentary **evidence of the need to use the product** (Art. 5 of EU Regulation (EC) No 834/2007).

## 5 Livestock

### 5.1 Conversion of livestock:

Livestock to be sold as organic must be born into an organic system. However, where organic animals are not available, non-organic animals may be brought in as breeding stock subject to the following: Livestock to be managed as organic for at least 12 months for equidae and bovines and six months for small ruminants and pigs.

Animals existing on the holding at the beginning of the conversion period can be deemed organic provided the operator undertakes a simultaneous conversion of the complete production unit for a minimum of 24 months (this includes livestock, pasture and any land used for animal feed).

### 5.2 Existing and replacement livestock

If wishing to buy in replacement breeding livestock, organic animals must be sought in the first instance. Where organic livestock is not available, non-organic, nulliparous, animals may be brought

in (to a maximum of 10% bovines, 20% pigs and sheep, of the adult breeding stock).

### 5.3 Use of non-organic animals

Non-organically reared pullets for egg production of not more than 18 weeks of age may be brought into an organic livestock unit until 31 December 2011, when organically reared pullets are not available and provided that the relevant provisions laid down in Sections 3 and 4 of Chapter 2 are complied with (Art. 42 of EU Regulation (EC) No 889/ 2008).

### 5.4 Feed

The use of a limited proportion of nonorganic feed of plant and animal origin is allowed where farmers are unable to obtain feed exclusively from organic production (Art. 42 of EU Regulation (EC) No 889/ 2008 . The maximum percentage of non-organic feed authorised per period of 12 months for species other than herbivores shall be:

- (a) 10 % during the period from 1 January 2009 to 31 December 2009;
- (b) 5 % during the period from 1 January 2010 to 31 December 2011

The operator shall keep documentary evidence of the need for the use of this provision

### 5.5 Specific housing conditions and husbandry practices for poultry

Water fowl shall have access to a stream, pond, lake or **pool** whenever the weather and hygienic conditions permit in order to respect their species-specific needs and animal welfare requirements (Art. 12 (2) of EU Regulation (EC) No 889/2008).

### 5.6 Prohibition of landless livestock production

Landless livestock production, by which the operator of the livestock does not manage agricultural land and/or has not established a written cooperation agreement with another operator, is prohibited (Art. 16 of EU Regulation (EC) No 889/ 2008).

### 5.7 Tethering of animals

Cattle in small holdings may be tethered if it is not possible to keep it in groups appropriate to their behaviour requirements, provided they have access to pastures during the grazing period according to Article 14(2), and at least twice a week access to open air areas at times outside the grazing period (Art. 39 of EU Regulation (EC) No 889/2008).

## 6 Aquaculture

For the first time the new EU Regulation (EC) No 834/ 2007 includes aquaculture products. Every

operator that is already certified acc. to private label organic standards (e.g. Naturland, Bio Suisse, Soil Association, Debio, etc.) has to request an additional obligatory inspection and certification acc. to the new EU Regulation.

### 6.1 Labelling

From 1st January 2009 all aquaculture products that shall be sold as "Organic" have to fulfil the requirements that are set by the new EU Regulation (EC) No 834/ 2007. All aquaculture products have to be labelled acc. to the new EU regulation from 1st of January 2009 (incl. the registration code of the inspection body, the indication "Organic" and address of the product's supplier). The additional use of the new EU logo has to be implemented until 01.07.2010.

Until now only EU Regulation (EC) No 834/ 2007 that defines the scope of the EU Regulation is ready to be issued the 1st of January 2009. Due to the fact that EU regulation N° 889/ 2008 (that defines the requirements) is not issued yet in regard to organic aquaculture, the requirements as set by equivalent private label organisations (e.g. Naturland) can be applied until EU Regulation (EC) No 889/ 2008 is going to be issued in June 2009.

To fulfil the EU requirements of an additional obligatory inspection and certification acc. to EU Regulation (EC) No 834/ 2007 the assignment of a new inspection and certification contract is necessary that should be signed until 1st of January 2009. Please contact the IMO Group office Switzerland to receive the necessary form.

### 6.2 Inspection and certification if the operation is located in a European country

An additional change is that the inspection body that is responsible for the inspection and certification acc. to EU regulation has to be located in the same country as the operation to be certified (only EU countries). Thus –in specific cases- an additional inspection and certification contract has to be signed (between the operator that requests the inspection and certification acc. to EU Regulation (EC) No 834/ 2007 and the local IMO office that is situated in the relevant country).

### 6.3 Imports to the EU

If an operator wants to import aquaculture products that are certified acc. to EU Regulation (EC) No 834/ 2007 from a non-EU country into the EU, this operator has to request an Import License (=Marketing authorisation) by the local authority. For every batch that will be imported a Certificate of inspection has to be requested that has to accompany the products` import.