

Progress made by the final compromise

- **Extension of the scope of the Regulation:** many products that are currently produced organically but are not yet covered by the current regulation will be able to benefit from the organic label in the future. These include farm animals such as rabbits and deers, but also traditional herbal preparation, all essential oils, beeswax, cork, mate, wool, cotton, salt, etc.

- **Consecration of the principle of soil-bound production for plants:** the current regulation expressly excludes hydroponics, but not soil-free plant production, in greenhouses, e.g. on substrates. This is now the case. In principle, soil-free production is therefore excluded. A minor exception, however, has been negotiated for Nordic states (FI, SE, DK), so that investments already made in these countries can be recouped over a maximum period of 10 years.

- **Application of European standards to imported products:** Around 50% of organic products sold in the EU are currently imported from third countries. Up to 60 different standards are used to control and certify these imported products. The compromise provides that European standards will now be applicable to all these products, with a transition period of 5 years and possible derogations for specific crops and climates. This is a measure of simplification, but also of fairness for European producers, now placed on equal terms with foreign producers.

- **Better access to seeds and plant reproductive material adapted to organic farming:** the new regulation introduces two new categories of "varieties" available for organic agriculture: "organic heterogeneous material", which essentially corresponds to traditional varieties currently prohibited for sale, and "organic varieties suitable for organic production", derived from organic breeding programs specifically adapted to the needs and constraints of organic farming. "Organic heterogeneous material" will be allowed for marketing through a simple notification to the competent authority, in the form of a dossier presenting the characteristics of the material. The competent authority will have 3 months to comment on the completeness of the dossier. Beyond this deadline, the dossier will be deemed acknowledged and the material will be allowed to be put on the market. "Organic varieties suitable for organic production" will be authorised on the market under the derogatory conditions that will be defined by the Commission in the framework of a « temporary experiment » of 7 years, which will intend to evaluate the characteristics of these new varieties and to subsequently adapt the horizontal legislation on the marketing of seeds. These new categories will not replace the F1 hybrid varieties currently available; they only add to the current seed offer. However, they should be "preferred" by organic producers when making a choice. These provisions, after 22 years of widespread use of non-organic seeds (the first obligation was introduced in 1995, but has remained largely ignored), will help better meet the principles of organic farming (high level of biodiversity) and the obligations contained in the organic farming standards (organic quality seeds), but will also provide organic farmers with much better adapted varieties to their agronomic needs. The compromise also expressly allows organic farmers to produce and use their own seeds.

- **Creation of a database to inform operators and authorities of the effective availability of organic seeds and animals, in order to avoid the systematic use of their conventional equivalents:** The goal of this database, which will now be directly available, free of charge, to

producers of organic seeds and animals, is to make public and easily verifiable a constantly updated offer for these materials in organic quality. Only the proven lack of these materials on this database will now be able to justify the granting of a derogation for the use of conventional seeds or animals.

- **Smarter controls, to reduce the risk of fraud and irregularities:** controls should now be based on a systematic risk-based analysis, while remaining adapted to the organic sector, as requested by all stakeholders; for example, in the case of repeated irregularities, controls should be intensified; the principle of annual control is maintained, as well as that of unannounced inspections; and if, on the other hand, no irregularity is found during a continuous period of 3 years, the physical control on-the-spot may then be spaced by 24 months, at the request of the virtuous producer who wishes to save the corresponding costs.

- **Precautionary measures to avoid contamination of organic products with pesticides:** if precautionary measures to prevent contamination by unauthorized substances are already part of the current regulation, they are now greatly clarified and detailed by the final compromise. These measures¹ substituted the concept of a "decertification threshold", initially proposed by the Commission, but absolutely rejected by a part of the organic sector, especially in Germany and in France. Other Member States, wishing to maintain the application of a threshold or to introduce one, keep the possibility of doing so. The Commission is also charged with investigating the precise reasons for these contaminations, within a maximum period of four years, and with proposing new legislative solutions, as well as compensatory measures, following this investigation. In the meantime, this is a good transitional compromise.

- **Creation of "groups of producers" to improve cooperation between producers and help them reduce certification costs:** currently, "groups of producers", which pool infrastructure and equipment, as well as production, marketing and certification costs are only allowed in third countries, which is unfair and disadvantages European producers. The current compromise proposes to also allow these groupings for small EU producers, for whom the cost of certification is very heavy.

- **Exceptions for the marketing of unpacked organic products:** Small stores or on-farm producers should now be allowed to sell unprocessed and unpacked organic products up to a certain level, without certification specifically required for the store. However, authorities will have to be informed of this sale activity, by a simple prior notification.

¹ The mechanism provided for is as follows:

1. Operators must take all necessary precautionary measures

2. This implies effective separation between organic and non organic products

3. Operators must take a series of measures when they *suspect* the presence of pesticides and when this suspicion is *substantiated* or *cannot be eliminated* (separate the product, not place it on the market, immediately inform the competent authority, collaborate in the investigation...)

4. When the competent authority receives substantiated information or is informed by an operator or detects the presence of pesticides in an organic or an in-conversion product:

- it shall carry out immediately and investigation;

- it provisionally prohibits the placing on the market of the product concerned.

4a. When the competent authority has not established, within a reasonable period of time, that the operator has either intentionally used a pesticide (fraud) or has failed to implement the necessary precautionary measures, the product may be placed on the market as organic.

5. When the competent authority has established that the operator has either intentionally used a pesticide (fraud) or has failed to implement the necessary precautionary measures, or has not taken measures pursuant to relevant previous requests from the competent authorities, the product may not be placed on the market with the organic label.

6. On the basis of the results of the investigation, which should enable to identify the causes of the presence of pesticides, corrective measures shall be taken in order to avoid future contaminations.