















# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2014/0100(COD) Provisional agreement between Parliament and Council on final act
Organic production and labelling of organic products Repealing Regulation (EC) No 834/2007 Amending <a href="#">2013/0140(COD)</a>	<a href="#">2005/0278(CNS)</a>
Subject 3.10.03 Marketing and trade of agricultural products and livestock 3.10.09.04 Organic farming 3.70.17 European ecolabel and ecolabelling, ecodesign	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Agriculture and Rural Development	 <a href="#">HÄUSLING Martin</a>	03/09/2014
		Shadow rapporteur	
		 <a href="#">LINS Norbert</a>	
		 <a href="#">ANDRIEU Eric</a>	
		 <a href="#">GIRLING Julie</a>	
		 <a href="#">JAKOVČIĆ Ivan</a>	
		 <a href="#">SENRA RODRÍGUEZ</a> <a href="#">Maria Lidia</a>	
		 <a href="#">ZULLO Marco</a>	
	Former committee responsible		
 Agriculture and Rural Development			
Committee for opinion	Rapporteur for opinion	Appointed	
 Environment, Public Health and Food Safety	 <a href="#">PIETIKÄINEN Sirpa</a>	05/09/2014	
Former committee for opinion			
 Environment, Public Health and Food Safety			
Committee for opinion on the legal basis	Rapporteur for opinion	Appointed	
 <a href="#">Legal Affairs</a>	 <a href="#">VOSS Axel</a>	01/02/2018	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3547</a>	12/06/2017
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3509</a>	13/12/2016
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3479</a>	27/06/2016
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3386</a>	11/05/2015

## Key events

24/03/2014	Debate in Council	<a href="#">3307</a>	
24/03/2014	Legislative proposal published	COM(2014)0180	Summary
02/04/2014	Committee referral announced in Parliament, 1st reading/single reading		
20/10/2014	Committee referral announced in Parliament, 1st reading/single reading		
16/03/2015	Debate in Parliament		
11/05/2015	Debate in Council	<a href="#">3386</a>	Summary
13/10/2015	Vote in committee, 1st reading/single reading		
13/10/2015	Committee decision to open interinstitutional negotiations with report adopted in committee		
05/11/2015	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0311/2015</a>	Summary
27/06/2016	Debate in Council	<a href="#">3479</a>	
13/12/2016	Debate in Council	<a href="#">3509</a>	
12/06/2017	Debate in Council	<a href="#">3547</a>	
22/11/2017	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE613.578</a> <a href="#">GEDA/A/(2017)010672</a>	
18/04/2018	Debate in Parliament		
19/04/2018	Decision by Parliament, 1st reading/single reading	<a href="#">T8-0180/2018</a>	

## Technical information

Procedure reference	2014/0100(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 834/2007 <a href="#">2005/0278(CNS)</a> Amending <a href="#">2013/0140(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2; Treaty on the Functioning of the EU TFEU 042-p1-a1
Modified legal basis	Rules of Procedure EP 150

Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Provisional agreement between Parliament and Council on final act
Committee dossier	AGRI/8/00399

### Documentation gateway

Legislative proposal		COM(2014)0180	24/03/2014	EC	Summary
Document attached to the procedure		SWD(2014)0065	24/03/2014	EC	
Document attached to the procedure		SWD(2014)0066	24/03/2014	EC	
Reasoned opinion	AT_BUNDESRAT	<a href="#">PE536.045</a>	26/06/2014	NP	
Economic and Social Committee: opinion, report		<a href="#">CES2977/2014</a>	15/10/2014	ESC	
Committee draft report		<a href="#">PE557.122</a>	07/05/2015	EP	
Committee opinion	ENVI	<a href="#">PE549.119</a>	11/05/2015	EP	
Amendments tabled in committee		<a href="#">PE557.347</a>	24/06/2015	EP	
Amendments tabled in committee		<a href="#">PE557.348</a>	25/06/2015	EP	
Amendments tabled in committee		<a href="#">PE557.350</a>	25/06/2015	EP	
Amendments tabled in committee		<a href="#">PE560.821</a>	26/06/2015	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0311/2015</a>	05/11/2015	EP	Summary
Coreper letter confirming interinstitutional agreement		<a href="#">GEDA/A/(2017)010672</a>	20/11/2017	CSL	
Opinion on the legal basis	JURI	<a href="#">PE618.294</a>	27/02/2018	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0180/2018</a>	19/04/2018	EP	

### Additional information

Research document	<a href="#">Briefing</a>
Research document	<a href="#">Briefing</a>
European Commission	<a href="#">EUR-Lex</a>

## 2014/0100(COD) - 24/03/2014 Legislative proposal

**PURPOSE:** to ensure fair competition and a proper functioning of the internal market in organic products, and maintaining and justifying consumer confidence in products labelled as organic.

**PROPOSED ACT:** Regulation of the European Parliament and the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the overall objective of the legislative framework, which is the sustainable development of organic production, is currently not fully met. It leads to lost opportunities for farmers and operators in the Union (the organic land area in the Union has only doubled in the last 10 years, while the market has increased fourfold), a risk of limitation to the organic market expansion and a risk of limitation to the environmental benefits associated with organic production.

The main drivers are:

- regulatory and non-regulatory obstacles to the development of organic production in the Union;
- a risk of erosion of consumer confidence, notably because of the many exceptions that are watering down organic production rules and because of the fraud cases that have developed in connection with shortcomings in the control system and in the import regime;
- complicated labelling rules;
- unfair competition among operators in the Union and in Third Countries.

When adopting Council Regulation (EC) No 834/2007 on organic production and labelling of organic products, the Council earmarked a series of issues on which the Commission was required to submit a report to the European Parliament and the Council, after having reviewed the experience gained from the application of Regulation (EC) No 834/2007.

The Council adopted conclusions on the Commission's report at its Agriculture and Fisheries meeting of 13-14 May 2013 and called on the Member States and on the Commission to develop the organic production sector at an ambitious level by reviewing the current legal framework, with a view to improving its usability while providing for a period of stability and certainty, aiming at further clarification and simplification.

**IMPACT ASSESSMENT:** the preferred option was the principle-driven option which aims at re-focusing organic production on its principles, which would be better reflected in the production rules. Exceptional rules would be ended.

**CONTENT:** the Commission proposes to replace Regulation (EC) No 834/2007 with a new Regulation in order to: (i) remove the obstacles to the development of organic production in the Union, (ii) guarantee fair competition for farmers and operators and to improve the functioning of the internal market; (iii) maintain or improve consumer confidence in organic products.

**Respecting principles:** organic production must continue to adhere to a set of principles that reflect closely the expectations of consumers. These principles include:

- respect for nature's systems and cycles and sustainment and enhancement of the state of soil, water, air and biodiversity, of the health of plants and animals and of the balance between them;
- responsible use of energy and natural resources;
- respect of high animal welfare standards and, in particular, fulfilment of animals species-specific behavioural needs;
- appropriate design and management of biological processes based on ecological systems using natural resources which are internal to the system by methods that: (i) use living organisms and mechanical production methods; (ii) practice land-related crop cultivation and livestock production or practice aquaculture which complies with the principle of sustainable exploitation of fisheries; (iii) exclude the use of GMOs.

**Strengthening and harmonising production rules:** it is proposed to strengthen and harmonise production rules by removing exceptions, except where temporary measures are necessary in order to allow organic production to continue or recommence in the case of catastrophic circumstances.

Organic agricultural holdings have to be entirely managed in compliance with the requirements applicable to organic production and retroactive acknowledgement of the conversion period is in principle not possible any more.

The agricultural ingredients used in the composition of organic processed products have to be exclusively organic.

With the exceptions of micro-enterprises, organic operators other than farmers or operators producing seaweed or aquaculture animals are required to develop a system for improving their environmental performance.

**Improving control systems:** the control system is improved by integrating all control-related provisions into a single legislative text under the [Commission proposal for a Regulation on official controls](#) and other official activities in food and feed.

Controllability is enhanced by clarification, simplification and harmonisation of the production rules and the removal of a series of possible exceptions to such rules. The proposal seeks to do away with the possibility to exempt certain types of retailers provided for in Regulation (EC) No 834/2007, which has led to different interpretations and practices across Member States and has made management, supervision and control more difficult. The risk-based approach to official controls is reinforced by removing the requirement for mandatory annual verification of compliance of all operators provided for in Regulation (EC) No 834/2007.

**Fees collected for controls:** the proposal introduces specific provisions in order to increase transparency with regard to fees that may be collected for the controls, and the provisions related to publication of operators together with information on their certification status are reinforced.

**Reduction of administrative burdens:** a system of group certification is introduced for small-scale farmers in the Union with a view to reducing inspection and certification costs and the associated administrative burden, strengthening local networks, contributing to better market outlets, and ensuring a level playing field with operators in third countries.

**Enhanced traceability and fraud prevention:** it is proposed that operators may not be controlled by different control authorities or bodies for the same groups of products across different stages of the organic chain.

**Detection of non-authorised products or substances:** specific provisions are also introduced to harmonise action to be taken when non-authorised products or substances are detected. In this context, there may be instances where farmers are prevented from marketing their products as organic due to the unintentional presence of non-authorised products or substances. Member States may be authorised by the Commission to grant national payments to compensate for the losses incurred in such instances.

**Adaptation of the trade regime:** the trade regime is adapted to improve the level playing for the organic operators of the European Union and in Third Countries and to better ensure consumer confidence. The possibility of equivalence agreements with Third Countries remains while the system of unilateral equivalency is phased out.

The recognition of control bodies is proposed to be progressively shifted to a compliance regime.

**BUDGETARY IMPLICATIONS:** the proposal allocates a budget for technical assistance measures. Estimated costs for expenditure (including administrative costs) amount to EUR 2.184 million for the period 2015-2020.

**DELEGATED ACTS:** this proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

## 2014/0100(COD) - 11/05/2015 Debate in Council

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The Council discussed the proposal for a regulation on organic farming with a view to reaching a general approach. It made significant progress on a number of articles but some Member States requested more time to reflect further on some sensitive issues such as controls and the presence of non-authorised products or substances in organic products.

- Non-authorised products or substances in organic agricultural products: delegations expressed diverging views on how to achieve a harmonised EU approach. Some countries would support imposing legally binding threshold limits as initially proposed by the Commission, while others would prefer to rely instead on the existing system of control in the production process.
- Control systems: delegations were divided on the mechanism governing the frequency of the controls. Many EU countries would like to keep mandatory annual or regular physical inspections. However, others were in favour of setting a risk-based control system.

The Presidency expects to reach a general approach on this issue at the Council meeting in June before launching negotiations with the European Parliament.

## 2014/0100(COD) - 05/11/2015 Committee report tabled for plenary, 1st reading/single reading

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The Committee on Agriculture and Rural Development adopted the report by Martin HÄUSLING (Greens/EFA, DE) on the 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.

The committee recommended that the European Parliaments position, adopted at first reading under the ordinary legislative procedure, should amend the Commission proposal as follows:

**Scope, definitions and principles:** Members considered that the principles and methods for organic production have to be applied through the whole process of organic farming/organic production. As well as principles concerning organic production, the Regulation shall establish the principles of organic production and the control and certification thereof, and lay down the rules concerning organic production, processing, distribution, controls.

It shall provide the basis for the sustainable development of organic production and its positive effects on the environment and public health, while ensuring the effective functioning of the internal market and fair competition, thereby helping farmers to achieve a fair income, ensuring consumer confidence and protecting consumer interests.

The amendments concern the definitions needed to clarify provisions and positive lists for authorised substances foreseen in the annexes. They list a series of products originating from agriculture, including aquaculture and beekeeping, where such products are, or are intended to be, produced, prepared, labelled, distributed, placed on the Union market, or imported into or exported from the Union as organic. Caterer and restaurants should be under the roof of this Regulation.

**Objectives and principles:** the Regulation should not only deal with the principles, but also the objectives of organic farming, processing and distribution. The general objectives shall be pursued:

- respecting nature's systems and cycles and sustaining and enhancing the health of soil, water, plants and animals and the balance between them;
- establishing appropriate management of biological processes based on ecological systems using natural resources which are internal to the system, by methods that: (i) maintain the long-term fertility of soils; (ii) contribute to a high level of biological diversity; (iii) make a substantial contribution to a non-toxic environment; (iv) make responsible use of, and contribute to the saving of, energy and water, and preserve natural resources such as water, soil, organic matter and air; (v) respect high animal welfare standards.

Organic production shall in particular be based on the following specific principles: (i) sustaining the health of plants and animals; (ii) exclusion of food containing or consisting of artificially engineered nanomaterials; (iii) maintenance of biodiversity in natural aquatic ecosystems; (iv) production of organic livestock products derived from animals that have been raised on organic holdings since their birth or hatching and throughout their life.

**General production rules:** operators shall comply with the following general production rules:

- the use of animal cloning and the rearing of artificially induced polyploid animals is prohibited;
- preventive measures shall be taken as appropriate at all stages of production, preparation and distribution;
- organic operators other than microenterprises, farmers, beekeepers, retailers, and operators producing algae or aquaculture animals, shall improve their environmental performance so as to protect biodiversity and to contribute to climate change mitigation by means such as carbon sequestration, establishing performance targets.

**Mixed farms:** by way of derogation from the general rules, a holding may be separated into clearly distinct production units which are either in compliance with this Regulation or dedicated to non-organic production, provided that, inter alia, appropriate measures have been taken to ensure the permanent separation of products obtained from each unit concerned. Moreover, Members supported the idea that small farmers should be allowed to participate in group certification in order to, in particular, reduce inspection and certification costs and the associated administrative burden.

**Prohibiting the use of GMOs:** the use of GMOs is prohibited in organic production therefore operators should be able to prove that they haven't

used non organic products which were produced from or by GMOs.

Precautionary measures to be taken to prevent non-compliance with this Regulation: the amended text provides that the operator shall take all necessary precautionary measures in order to avoid the presence of non-authorised processes, products or substances in organic production.

In the event that a control authority or a control body detects the presence of a non-authorised process, product or substance in organic production, the control authority or control body concerned shall prohibit the placing of the product on the market with an indication referring to the organic production method until it is satisfied that the suspicion or non-compliance has been eliminated.

Moreover, Member States shall take precautionary measures:

- in order to avoid adventitious contamination with non-authorised products or substances as a result of non-organic farming practices or other non-organic practices;
- where control authorities, control bodies and competent authorities have identified specific risks of non-compliance with this Regulation.

Products potentially contaminated with plant protection products may be considered as marketable after examination by competent authorities.

Database: Members suggested that the Commission shall establish a database on cases of non-compliance with this Regulation, based on national databases established by Member States. Those databases shall be used to facilitate the formulation of best practices to avoid contamination. The Member States must provide the Commission with the results of their investigations every year.

Control systems: Member States shall set up a system of controls and shall designate one or more competent authorities to be responsible for monitoring compliance with the obligations laid down by this Regulation.

The nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence and the seriousness of non-compliance with the requirements laid down in this Regulation. All operators and groups of operators shall be subject at least to an annual physical on-site control of their compliance with the applicable rules.

A summary report of the control activities carried out during the previous year shall be provided.

Competent authorities shall ensure, in the event of non-compliance affecting the status of organic products throughout any of the stages of production, preparation and distribution and export, in particular arising from the use of prohibited or non-authorised substances and techniques or commingling with non-organic products, that no reference is made to organic production in the labelling and advertising of the entire lot or production run concerned. In the event of repetitive, continued or fraudulent non-compliance, the competent authorities may suspend or withdraw the organic certificate as appropriate.

Trade with third countries: Members stated that there should be no difference between standards applied in the EU Regulation and standards applied for products which are exported to third countries.

For the regime of imports from third countries, the product, upon being imported, shall be accompanied by a certificate of inspection confirming that all operators and their products are in compliance with this Regulation.

However, to avoid sudden disruptions of supply on the EU market, the committee says the Commission should be able, for a maximum of two years, to adjust import requirements for some products which do not fully comply with EU standards, because of climate conditions, for example.

Members stressed the need for the provisions relating to Commission supervision in third countries to be strengthened. It is also important to strengthen supervision and controls in equivalence agreements with third countries.

Implementation of this Regulation: by 1 January 2020, the Commission shall establish the necessary administrative structures within competent Union authorities so as to fulfil its responsibilities with regard to improved harmonisation and implementation of this Regulation in Member States, specifically concerning controls within the Union and imports from third countries, and improved communication between Member States and with the Union's Institutions.