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Committee on the Environment, Public Health and Food Safety

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OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Agriculture and Rural Development

on the proposal for a Council regulation on organic production and labelling of organic products

(COM(2005)0671 – C6-0032/2006 – 2005/0278(CNS))

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PA_Leg

SHORT JUSTIFICATION

The EC proposal includes two draft regulations. The first one considers offering a new framework of activity for organic agriculture, updating objectives and principles so as to increase the importance of this sector in the internal market. The second one proposes a temporary adaptation and derogation to end by 1 January 2009, as the scheduled implementation tasks of the first are very narrow, in order not to distort the market and to ensure fair trade conditions for those third country operators or producers providing organic products to EU consumers.

The Commission proposal is welcome and will be helpful to the development of harmonised standards within organic agriculture: in this sector consumers' demand has increased over the last years, mainly in providing organic products to institutional canteens according to very strict terms of tendering as set up by both public and private authorities. For this reason, the proposal has to be completed by extending its scope to these areas.

However, organic producers are not only market oriented in providing competitive and well-appreciated products both in the food sector and in the non-food sector, such as textiles or cosmetics: their main aim is to safeguard soil assigned to agriculture for sustainable development, away from the risk of erosion, floods and other natural disasters. Thus thanks to their capacities and their know-how related to the best choices regarding how to improve soil fertility and animal welfare, they are able to offer competitive products while guaranteeing social rural development within the EU.

Consumers' demand for these products thus requires meeting completely different quality standards from those applying to other conventional products available in agriculture. The total absence of pesticides and GMOs is an essential requirement: no accidental contamination should be tolerated. Eco-labelling of organic products must be consistent with these objectives. No applicable threshold related to the presence of GMOs should be laid down: GMOs have to be avoided at all costs due to possible coexistence with other agricultural areas where they could be partially tolerated or used. Finally, quality control and assessment of new or innovative methods to ensure organic certification should apply more to the established best practices involving participation and regular consultation of producers and to ISO 65/EN 45011 than to Regulation (EC) No 882/2004, in which conventional controls are provided for, even if in the very near future the Commission were to propose updated derogations to be used specifically for organic production.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Agriculture and Rural Development, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1
Recital 1

(1) Organic production is an overall system of farm management and food production that combines best environmental practices, a high level of biodiversity, preservation of natural resources, application of high animal welfare standards **and** production in line with the preference of certain consumers for products produced using natural substances and processes. The organic production method thus plays **a dual societal role, where it on the one hand provides** for a specific market responding to a consumer demand for organic products, **and on the other hand delivers public goods contributing** to the protection of the environment and animal welfare, as well as to rural development.

(1) Organic production is an overall system of farm management and food production that combines best environmental practices, a high level of biodiversity, preservation of natural resources **and** application of high animal welfare standards, **and aims to improve soil fertility by natural means and to ensure** production in line with the preference of certain consumers for products produced using natural substances and processes. The organic production method thus plays **several positive roles: not only does it provide** for a specific market responding to a consumer demand for organic products, **while delivering public goods not only limited to the food sector, but also and above all it contributes** to the protection of the environment and animal welfare, as well as to **social** rural development.

Justification

Organic producers aim first and foremost to conserve natural soil fertility, employing the best possible practice in social and environmental terms; techniques along these lines enable them to deliver competitive products and hence satisfy a growing consumer demand.

Amendment 2
Recital 2

(2) The contribution of the organic agricultural sector is on the increase in most Member States. Growth in consumer demand in recent years is particularly notable. Recent reforms of the common agricultural policy, with its emphasis on *market-orientation* and the supply of quality products to meet consumer demands, are likely to further stimulate the market in

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¹ Not yet published in OJ.

organic produce. Against this background the legislation on organic production plays an increasingly important role in the agricultural policy framework and is closely related to the developments on the agricultural markets.

organic produce. Against this background the legislation on organic production plays an increasingly important role in the agricultural policy framework and is closely related to the developments on the agricultural markets ***and linked to the protection and safeguarding of soils assigned to agricultural activities.***

Justification

Protection of farmland and purposeful development of areas to be given over to organic production are closely linked to improvements in agricultural market policies.

Amendment 3
Recital 2 a (new)

(2a) Each piece of legislation and policy which the European Union adopts in this area should contribute to the development of organic farming and organic production as defined in this Regulation. Organic farming plays an important role in the implementation of the Union's sustainable development policy.

Justification

Organic farming is closely related to the sustainable development policy; other policies and pieces of legislation should follow the example of this policy by taking account of this type of production and helping to achieve the objectives which have been set.

Amendment 4
Recital 3

(3) The Community legal framework governing the sector of organic production should pursue the objective of ensuring fair competition and a proper functioning of the internal market in organic products, and of maintaining and justifying consumer confidence in products labelled as organic. It should further aim at providing conditions

(3) The Community legal framework governing the sector of organic production should pursue the objective of ensuring fair competition and a proper functioning of the internal market in organic products, and of maintaining and justifying consumer confidence in products labelled as organic. It should further aim at providing conditions

under which this sector can progress in line with production and market developments.

under which this sector can progress in line with production and market developments ***as well as sustainable environmental development.***

Justification

Organic production can be promoted by means of innovative legislative measures consistent not only with market policies, but also with sustainable development.

Amendment 5
Recital 7

(7) A general Community framework of organic production rules should be established with regard to plant and livestock production, including rules on conversion, as well as on production of processed food and of feed. Competence to determine the details of those general rules ***and to adopt Community production rules for aquaculture*** should be conferred on the Commission.

(7) A general Community framework of organic production rules should be established with regard to plant and livestock production, including rules on conversion, as well as on production of processed food and of feed. Competence to determine the details of those general rules should be conferred on the Commission.

Justification

Due to specific environmental problems connected to aquaculture and its high impact on the environment, production rules for aquaculture should not be adopted through comitology (as is now proposed in article 10), but should rather be subject to full parliamentary scrutiny.

Amendment 6
Recital 8

(8) The development of organic production should further be facilitated in particular by fostering the use of new techniques and substances better suited to organic production.

(8) The development of organic production should further be facilitated, ***on the basis of established best practices***, in particular by fostering the use of new techniques and substances better suited to organic production.

Justification

The numerous organic farming experiments of recent years should be taken into account so as

to consolidate best practice and offer lasting growth prospects, not least to new organic farmers.

Amendment 7

Recital 9

(9) Genetically modified organisms (GMOs) and products produced from or **by** GMOs are incompatible with ***the concept of*** organic production and consumers' perception of organic products. They should therefore not be deliberately used in organic farming or in the processing of organic products.

(9) Genetically modified organisms (GMOs) and products produced from or **with** GMOs are incompatible with organic production and ***not consistent with*** consumers' perception of organic products. They should therefore not be used in organic farming or in the processing of organic products: ***accidental contamination due to coexistence with GMO production areas should be avoided.***

Justification

Whether in seeds or in products, the use of GMOs must be banned from organic production. Contamination might result accidentally from coexistence with conventional crops if GMOs were permitted, even to a limited extent. That possibility must be completely averted in order to safeguard organic production and ensure that the high quality that it denotes continues to be perceived accurately by consumers.

Amendment 8

Recital 9 a (new)

(9a) The use of synthetic plant protection products is incompatible with organic production.

Justification

Self-explanatory amendment consistent with recitals 10 to 13, which relate to the exclusive use of renewable resources, multi-annual crop rotation and the compatibility of additional fertilisers with organic production.

Amendment 9
Recital 16

(16) Organic stock farming should respect high animal welfare standards and meet animals' species-specific behavioural needs and animal-health management should be based on disease prevention. In this respect, particular attention should be paid to housing conditions, husbandry practices and stocking densities. Moreover, the choice of breeds should favour slow growing strains and take account of their capacity to adapt to local conditions. The implementing rules for livestock production **and aquaculture production** shall ensure compliance with at least the provisions of the European Convention to the Protection of Animals kept for Farming purposes (T-AP) and its subsequent recommendations.

(16) Organic stock farming should respect high animal welfare standards and meet animals' species-specific behavioural needs and animal-health management should be based on disease prevention. In this respect, particular attention should be paid to housing conditions, husbandry practices and stocking densities. Moreover, the choice of breeds should favour slow growing strains and take account of their capacity to adapt to local conditions. The implementing rules for livestock production shall ensure compliance with at least the provisions of the European Convention to the Protection of Animals kept for Farming purposes (T-AP) and its subsequent recommendations.

Justification

See justification of the amendment on recital 7.

Amendment 10
Recital 18

(18) Pending the adoption of Community production rules for aquaculture, Member States should have the possibility to provide for the application of national standards, or in the absence thereof private standards accepted or recognised by the Member States. However, to prevent disturbances on the internal market, Member States should be required to recognise each other's production standards in this field.

deleted

Justification

See justification of the amendment on recital 7.

Amendment 11

Recital 19

(19) Organic processed products should be produced by the use of processing methods which guarantee that the organic integrity and vital qualities of the product are maintained through all stages of the production chain.

(19) Organic processed products should be produced by the use of processing methods which guarantee that the organic integrity and vital qualities of the product are maintained through all stages of the production chain. ***The increased commercial availability of ingredients from organic agriculture over the past years will help to achieve this aim.***

Justification

The high quality and ‘organic integrity’ of products at every production stage will be helped by the fact that organically produced ingredients are increasingly becoming available on the market.

Amendment 12

Recital 25

(25) In order to create clarity throughout the Community market, a simple standardised reference should be made obligatory for all organic products produced within the Community, at least where such products do not bear the Community organic production logo. The possibility *to use* this reference should also apply to organic products imported from third countries, ***but without any obligation to do so.***

(25) In order to create clarity throughout the Community market, a simple standardised reference should be made obligatory for all organic products produced within the Community, at least where such products do not bear the Community organic production logo. The possibility *of using* this reference should also apply to organic products imported from third countries.

Justification

The option of referring to Community standards where organic products are concerned offers an opportunity and a guarantee both to third country retailers and producers of such

products and to EU consumers.

Amendment 13
Recital 28

(28) In order to ensure that organic products are produced in accordance with the requirements laid down under the Community legal framework on organic production, all activities falling under the scope of this legislation should be controlled throughout the production chain ***and be in conformity with the rules laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.***

(28) In order to ensure that organic products are produced in accordance with the requirements laid down under the Community legal framework on organic production, all activities falling under the scope of this legislation should be controlled throughout the production chain ***on the basis of ISO 65/EN 45011 as developed specifically for organic agriculture worldwide within the IFOAM (International Federation of Organic Agriculture Movements) Accreditation Criteria.***

Justification

Regulation (EC) No 882/2004 is not suited to the specific and original nature of the organic production chain and does not allow stakeholders to be fully involved in checking procedures, an area in which organic producers themselves were, on the contrary, the first to introduce certification models at every production stage. Enforcement of the rules laid down for conventional farming, unless they were amended along the lines suggested in Article 63(2) of Regulation (EC) No 882/2004 and in that way geared more closely to the specific features of organic production, would mean that organic products would needlessly be made subject to approval similar to the procedures applied to conventional products.

Amendment 14
Recital 36

(36) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. Considering that the legislation on organic production is an important factor in the framework of the *Common Agricultural Policy*, ***as it is closely***

(36) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. Considering that the legislation on organic production is an important ***basic*** factor in the framework of the *common agricultural policy* ***and of a***

related to the developments on the agricultural markets, it is appropriate to **bring it** in line with existing legislative procedures used to manage **the** this policy. The powers conferred on the Commission under this Regulation should therefore be exercised in accordance with the **management** procedure provided for in **Article 4** of Decision 1999/468/EC,

sustainable environmental policy, it is appropriate to **provide for regular consultation of stakeholders consistent with the aim of this Regulation**, in line with existing legislative procedures used to manage this policy. The powers conferred on the Commission under this Regulation should therefore be exercised in accordance with the **regulatory** procedure provided for in **Article 5** of Decision 1999/468/EC,

Justification

The originality of organic production lies in the high degree of stakeholder involvement and ongoing consultation with stakeholders. Their involvement in fundamental changes to current techniques and procedures constitutes an asset to the production chain as a whole.

Amendment 15 Article 1, paragraph 1, point (a)

(a) the production, placing on the market, import, export and controls of organic products;

(a) the production, placing on the market, import, export and controls of organic products, **including in catering operations, factory canteens, institutional catering, restaurants or other similar food service operations**;

Justification

More and more users are turning to organic food for works canteen and individual catering services. The demand for organic products is growing first and foremost in school canteens;; regulated by clear specifications laid down by public and private authorities, it accounts in this sector for quite a substantial turnover within the internal market.

Amendment 16 Article 1, paragraph 2, introductory part

2. This Regulation shall apply to the following products originating from agriculture **or aquaculture**, where such products are intended to be marketed as organic:

2. This Regulation shall apply to the following products originating from agriculture, where such products are intended to be marketed as organic:

Justification

See justification of the amendment on recital 7.

Amendment 17
Article 1, paragraph 2, point (c)

(c) live or unprocessed products of aquaculture; ***deleted***

Justification

See justification of the amendment on recital 7.

Amendment 18
Article 1, paragraph 2, point (d)

(d) processed products of aquaculture which are intended for human consumption; ***deleted***

Justification

See justification of the amendment on recital 7.

Amendment 19
Article 1, paragraph 2, point (e a) (new)

(ea) textile products, cosmetics and other non-food products.

Justification

The rules to be laid down in this regulation must also cover non-food sectors, especially textile care detergents and cosmetics.

Amendment 20

Article 1, paragraph 3, subparagraph 2

However, it shall not apply to catering operations, factory canteens, institutional catering, restaurants or other similar food service operations. ***deleted***

Justification

The justification is given in the amendment to Article 1, paragraph 1, point (a): excluding the above sectors from the scope of the regulation would harm the producers and retailers involved in supplying organic products for all food service operations, wherever a demand exists.

Amendment 21

Article 2, point (b)

(b) ‘organic product’ means an agricultural product coming from organic production;

(b) ‘organic product’ means an agricultural product coming from organic production ***in which no synthetic plant protection products, GMO products, or feed or ingredients containing GMOs, in whole or in part, are used;***

Justification

Reinforces the objective of organic farming and will help consumers to understand the difference between conventional products and the high-quality products supplied by organic farmers.

Amendment 22

Article 2, point (e)

(e) ‘aquaculture’ means the rearing or cultivation of aquatic organisms using techniques designed to increase the production beyond the natural capacity of the environment, where the organisms remain the property of a natural or legal person throughout the rearing or cultivation stage, up to and including harvesting;

deleted

Justification

See justification of the amendment on recital 7.

Amendment 23
Article 2, point (m)

(m) ‘mark of conformity’ means the assertion of **conformity to** a particular set of standards or other normative documents in the form of a mark;

(m) ‘mark of conformity’ means the assertion of **compliance with the requirements deriving from** a particular set of standards or other normative documents in the form of a mark;

Justification

The proposal seeks to tidy up the language by introducing a definition in accordance with the terminology used in European standards, such as the EN ISO 9000 series on quality and the EN ISO 14000 series on environmental management, where conformity is defined as compliance with requirements.

Amendment 24
Article 2, point (r)

(r) ‘products produced **by** GMOs’ means food and feed additives, flavourings, vitamins, enzymes, processing aids, certain products used in animal nutrition (under Directive 82/471/EEC), plant protection products, fertilisers and soil conditioners,

(r) ‘products produced **with** GMOs’ means food and feed additives, flavourings, vitamins, enzymes, processing aids, certain products used in animal nutrition (under Directive 82/471/EEC), plant protection products, fertilisers and soil conditioners,

produced by nourishing an organism with materials that are in whole or in part GMOs

produced by nourishing an organism with materials that are in whole or in part GMOs;

Justification

The same definition category 'produced with GMOs' (not 'by GMOs') should be used for the sake of consistency with recital 16 of Framework Regulation 1829/2003.

Amendment 25
Article 3, point (b)

(b) It shall establish a production of food and other agricultural products ***that responds*** to a consumer demand for goods produced by use of natural processes, ***or processes that are comparable to natural processes***, and naturally occurring substances.

(b) It shall establish a production of food and other agricultural products ***including non-food products that could respond*** to a consumer demand for goods produced by use of natural processes and naturally occurring substances.

Justification

Organic producers aim above all to safeguard renewable natural resources: by employing appropriate techniques, including sustainable social policies, they can deliver competitive products of the kind that consumers want. However, it is not just market demand that determines production criteria and decisions to expand organic farming: a further contributory factor is the resolve shown by producers in giving over increasingly larger areas to sustainable agriculture making for balanced development of human resources.

Amendment 26
Article 4, points (a) to (c)

(a) ***the use of*** living organisms and mechanical production methods shall be ***preferred to*** the use of synthetic materials;

(a) ***only*** living organisms and mechanical production methods shall be ***used***, the use of synthetic materials ***and production methods involving synthetic materials being acceptable only in accordance with Article 16***;

(b) natural substances shall be used ***in preference to*** chemically synthesised substances, ***which*** may be used only where natural substances are not commercially

(b) ***only*** natural substances shall be used, ***and*** chemically synthesised substances may be used only where natural substances are not commercially available, ***temporarily and in accordance with the derogations referred***

available;

(c) GMOs and products produced from or **by** GMOs **may** not be used, **with the exception of veterinary medicinal products**

to in Article;

(c) GMOs and products produced from or **with** GMOs **shall** not be used;

Justification

The wording proposed in points (a) and (b) is vague and reduces the scope of these principles. They should be worded more affirmatively, without however banning the possibility of using synthetic materials and non-mechanical methods in serious or far-reaching situations requiring a rapid response derogating from the principles and rules governing organic production.

For the sake of consistency with recital 16 of Framework Regulation 1829/2003, a clear distinction should be made between the definitions of 'produced from GMOs' and 'produced with GMO'.

For the sake of completeness veterinary medicinal products should not be exempted from this regulation. There is today a wide ranging selection of organic veterinary medicines on the market; therefore these medicines should be used with organic farming.

Amendment 27

Article 4, point (d a) (new)

(da) organic production shall maintain and create employment, enable farmers and consumers to establish a social compact for sustainable practices, quality food production and consumption, including a combination of measures for nature conservation, sustainable production and short-distance marketing;

Justification

The objectives need to reflect the integrative role of organic farming in bringing conservation and quality production together in a well defined production system.

Amendment 28
Article 4, point (d b) (new)

(db) organic production shall safeguard product quality, integrity and traceability throughout the food chain.

Justification

The objectives need to reflect the integrative role of organic farming in bringing conservation and quality production together in a well defined production system.

Amendment 29
Article 5, point (c)

(c) the use of non-renewable resources and off-farm inputs shall be minimized;

(c) the use of non-renewable resources and off-farm inputs shall be minimized ***and organic farmers should promote the use of renewable resources;***

Justification

Consistent with the aims of organic production: adverse effects should be avoided by giving organic farmers the opportunity to use mainly renewable energies.

Amendment 30
Article 5, point (n)

(n) aquaculture production shall ***minimise*** the negative effect on the aquatic environment;

(n) aquaculture production shall ***avoid any possible*** negative effect on the aquatic environment;

Justification

Consistent with the aims of organic production: adverse effects should be avoided.

Amendment 31

Article 7, paragraph 1, subparagraphs 2 and 3

However, in accordance with specific conditions to be laid down in accordance with the procedure referred to in Article 31(2), a holding may be split up into clearly separated units which are not all managed under organic production.

Where, in accordance with the second subparagraph, not all of a farm is used for organic production, the farmer shall keep the land, animals, and products used for organic production separate from the rest and keep adequate records to show the separation.

Justification

The split of a holding into a part which is managed according to this regulation and a part which is managed conventionally is not acceptable, as fraud will be very difficult to avoid.

Amendment 32

Article 7, paragraph 1, subparagraph 2

However, in accordance with specific conditions to be laid down in accordance with the procedure referred to in Article 31(2), a holding may be split up into clearly separated units which are not all managed under organic production.

(Does not affect English version.)

Justification

(Does not affect English version.)

Amendment 33
Article 7, paragraph 2

2. Farmers are required not to use GMOs or products produced from GMOs *where they should have knowledge of their presence due to information on any label accompanying the product or from any other accompanying document.*

Where farmers use products purchased from third parties to produce organic food or feedstuffs, they **shall** require the vendor to confirm that the products supplied have not been produced **by** GMOs.

2. Farmers are required not to use GMOs or products produced from **or with** GMOs.

Label indications accompanying products or ingredients to be used or any other accompanying document, linked in any way to the evidence of a GMO presence, are not appropriate to guarantee quality in organic products and must therefore be avoided.

Where farmers **or any other provider of organic produce** use products purchased from third parties to produce organic food or feedstuffs, they **must** require the vendor to confirm **in writing** that the products supplied have not been produced **in whole or in part with** GMOs **and do not contain GMOs**.

In the case of adventitious or technically unavoidable contamination with GMO, operators must provide evidence that they have taken all necessary steps to avoid such contamination.

Justification

Given their originality and diversity compared with conventional products, organic products cannot be harmonised with the requirement applying to conventional products to specify a threshold for (even very low) deliberate contamination by GMOs. No threshold can be accepted for organic products: they must be free of GMOs.

However, there must be a requirement of guarantees when products are purchased from third parties.

Written confirmation provides evidence that the product complies with the rules laid down.

Amendment 34
Article 9, point (b), point (v)

(v) organic livestock shall be kept separate
or readily separable from other livestock;

(v) organic livestock shall be kept separate
from other livestock;

Justification

The deleted phrase is a contradiction - in practice the livestock may remain unseparated throughout their lives.

Amendment 35
Article 13, paragraph 4, subparagraph 2

Where feed manufacturers use ingredients and additives purchased from third parties to produce feedstuffs for organic livestock, **they shall require** the vendor **to** confirm that the products supplied have not been produced **by** GMOs.

Where feed manufacturers use ingredients and additives purchased from third parties to produce feedstuffs for organic livestock, the vendor **shall, at the feed manufacturer's request, confirm in writing** that the products supplied have not been produced **in whole or in part from or with** GMOs.

Justification

Given their originality and diversity compared with conventional products, organic products cannot be harmonised with the requirement applying to conventional products to specify a threshold for (even very low) deliberate contamination by GMOs. No threshold can be accepted for organic products: they must be free of GMOs. Written confirmation provides evidence that the product complies with the rules laid down (cf. Article 7(2)). If the use of GMO products is prohibited in organic farming, the user should be obliged to request a document certifying that GMOs have not been used and the supplier should be obliged to provide this document.

Amendment 36
Article 14, paragraph 3, subparagraph 2

Where processors use ingredients and processing aids purchased from third parties to produce organic food or feedstuffs, **they**

Where processors use ingredients and processing aids purchased from third parties to produce organic food or feedstuffs, the

shall require the vendor ***to*** confirm that the products supplied have not been produced ***by*** GMOs.

vendor ***shall, at the feed processor's request, confirm in writing*** that the products supplied have not been produced ***from or with*** GMOs.

Justification

If the use of GMO products is prohibited in organic farming, the user should be obliged to request a document certifying that GMOs have not been used and the supplier should be obliged to provide this document.

Written confirmation provides evidence that the product complies with the rules laid down (see above).

Amendment 37

Article 14, paragraph 3 a (new)

3a. Member States may maintain or introduce stricter rules for the production of processed food on condition that such rules are in compliance with Community law, and do not hinder or restrict the free movement of products that comply with this Regulation.

Justification

The Member States should have the possibility of imposing stricter rules with regards to the production of processed food in organic production. This is important for the possibility of competition on more ethical products, and will give the consumers a wider ranging choice of organic products.

Amendment 38

Article 15, paragraph 3 a (new)

3a. Member States may maintain or introduce stricter rules for the use of certain products and substances in processing on condition that such rules are in compliance with Community law, and do not hinder or restrict the free movement of products that comply with this Regulation.

Justification

The Member States should have the possibility of imposing stricter rules with regards to the use of certain products and substances in organic production. This is important for the possibility of competition on more ethical products, and will give the consumers a wider ranging choice of organic products.

Amendment 39

Article 16, paragraphs 1, 2 and 2 a (new)

Less restrictive production rules

1. The Commission may, in accordance with the procedure referred to in Article 31(2) and the conditions set out in paragraph 2 and subject to the objectives and principles laid down in Title II, provide for the granting of exceptions from the production rules laid down in Chapters 1 to 3.

2. Exceptions as referred to in paragraph 1 shall be kept to a minimum and may only be provided for in the following cases:

(a) where they are necessary in order to enable farm units initiating organic production to become viable, in particular for holdings located in areas in the early stages of development of organic production;

(b) where they are necessary in order to ensure that organic production can be maintained on holdings confronted with climatic, geographical or structural constraints;

(c) where it is necessary in order to ensure access to feed, seed and vegetative

Temporary derogations from production rules

2. With due respect for the objectives and principles laid down under Title II, exceptions shall be kept to a minimum and may only be permitted temporarily and in the following cases::

(a) where provisional measures are necessary to enable organic production to continue or recommence in cases of force majeure, in particular in the event of serious threats to crops or the farm's viability;

(b) where they are necessary in order to ensure that organic production can be maintained on holdings confronted with major geographical or economic constraints posing a threat to the farm's viability;

(ba) where restrictions and obligations related to the protection of human and animal health are imposed on the basis of Community legislation;

(c) where it is necessary in order to ensure access to feed, seed and vegetative

propagating material, live animals and other farm inputs, where such inputs are not commercially available in organic form;

(d) where it is necessary in order to ensure access to ingredients of agricultural origin, where such ingredients are not commercially available in organic form;

(e) where they are necessary in order to solve specific problems related to the management of organic livestock;

(f) where they are necessary in order to ensure continued production of traditional food products well known for at least a generation;

(g) where temporary measures are necessary in order to allow organic production to continue or recommence in the case of catastrophic circumstances;

(h) where restrictions and obligations related to the protection of human and animal health are imposed on the basis of Community legislation.

propagating material, live animals and other farm inputs, where such inputs are not commercially available in organic form;

(d) where it is necessary in order to ensure access to ingredients of agricultural origin, where such ingredients are not commercially available in organic form;

(e) where they are necessary in order to solve specific problems related to the management of organic livestock;

(f) where they are necessary in order to ensure continued production of traditional food products well known for at least a generation;

(g) where temporary measures are necessary in order to allow organic production to continue or recommence in the case of catastrophic circumstances;

deleted

2a. Any temporary derogation applied pursuant to paragraph 2 shall be notified without delay to the competent authorities or control and certification body or bodies in the Member State to which the producer belongs.

The notification shall describe in a clear and detailed manner the situation which has arisen, the measures taken, their duration, and the materials, ingredients and inputs used to tackle and remedy the situation.

The competent authorities in the Member State or the control body or bodies shall deliver an opinion as soon as possible and notify the producer thereof without delay. The certification bodies shall be notified of this opinion without delay.

Should one or other of the measures taken by the producer be disputed, the competent authorities or control bodies shall put forward alternatives which they consider to

be more suited to the situation as described.
A control shall be carried out as soon as possible, pursuant to the provisions under Title V.

Justification

Various measures and provisions contained in this article are redundant and relate to cases (e.g. conversion) for which a degree of flexibility is obviously needed provisionally.

The conditions for a more flexible application of the rules on organic farming should also be placed in order of priority and reduced.

Only a number of specific measures should come under the comitology procedure.

Finally, any derogations from the rules on organic farming must be notified to the competent authorities, including certification bodies, and control bodies must assess and inspect in situ the action plan put forward by the farmer to tackle the specific situation with which he is faced.

Amendment 40 Article 17, paragraph 3

3. The terms listed in Annex I, their derivatives or diminutives, alone or combined, **may** not be used for a product **which bears** a label indicating that it contains GMOs, consists of GMOs or is produced from GMOs.

3. The terms listed in Annex I, their derivatives or diminutives, alone or combined, **shall** not be used for a product **bearing** a label indicating that it contains GMOs, consists of GMOs or is produced from **or with** GMOs **or where evidence is provided that GMOs have contaminated the product, ingredient or feed used.**

Justification

As organic producers are calling for and consumer demand implies, no misleading or deceptive messages should be given regarding the deliberate or accidental presence of GMOs in organic products, which should, moreover, be protected from the latter presence. For the sake of consistency with recital 16 of Framework Regulation 1829/2003, a clear distinction should be made between the definitions of 'produced from GMOs' and 'produced with GMOs'.

Amendment 41 Article 17, paragraph 3 a (new)

3a. In this Regulation the labelling threshold for GMOs as defined in Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms¹ shall not apply.

¹ OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

Justification

Reinforces the justification concerning Article 17(3) by safeguarding the distinctive character of organic products and providing for the requirement that they be totally free of GMOs.

Amendment 42
Article 18, paragraph 4

4. For products imported from third countries, the use of the indications referred to in paragraph 1 ***shall be optional***.

4. For products imported from third countries, the use of the indications referred to in paragraph 1 ***should be encouraged to avoid misleading the European consumer in his/her choice and comprehension.***

Justification

As in recital 28, the aim is to enable third country organic producers to meet EU standards by means of certification to the effect that equivalent production techniques have been employed in their countries.

Amendment 43
Article 21

Specific labelling requirements

Specific labelling requirements ***for farms initiating an organic farming activity***

Use of the term 'organic farming' shall be strictly prohibited. Only the term 'under conversion to organic farming' may be used.

The term 'under conversion to organic farming' may be used only from the second year of conversion, subject to an opinion from the competent authorities or control bodies.

The Commission shall in accordance with the procedure referred to in Article 31(2) establish specific labelling **requirements** applicable to organic feed and to products originating from holdings in conversion.

The Commission shall in accordance with the procedure referred to in Article 31(2) establish specific labelling **provisions, other than those laid down in the previous paragraph**, applicable to organic feed and to products originating from holdings in conversion.

Justification

Fundamental provisions on labelling of products from holdings under conversion to organic farming cannot come under the comitology procedure, except in the case of specific provisions, which should therefore be established in this Regulation. Article 5(5)(b) of Regulation (EEC) 2092/91 refers to compliance with a period of at least 12 months before the harvest.

Amendment 44 Article 22, paragraph 1

1. Member States shall **in accordance with the provisions laid down in Regulation (EC) No 882/2004** set up a system of controls applicable to the activities referred to in Article 1(3) **of this Regulation**.

1. Member States shall set up a system of controls applicable to the activities referred to in Article 1(3) **at all stages of the organic chain in accordance with ISO 65/EN 45011 as developed specifically for organic agriculture worldwide within the IFOAM Accreditation Criteria**.

Justification

The control system laid down in Regulation (EC) No 882/2004 is not the best way to guarantee the different quality standards associated with organic products: the provisions on the frequency of checks and the tasks assigned to competent authorities are useful, but the starting point has to be effective implementation of the ISO Guide 65/45011 standards.

Amendment 45 Article 22, paragraph 5

5. Approved control bodies shall **give** the competent authority access to their offices and facilities and **provide** any information and assistance deemed necessary by the competent authority for the fulfilment of its obligations according to this Article.

5. Approved control bodies, **and concerned stakeholder representatives, who must be fully involved in this process**, shall **cooperate with** the competent authority, **providing** access to their offices and facilities and any information and assistance deemed necessary by the competent authority for the fulfilment of its obligations according to this Article.

Justification

In the interests of transparency, stresses the importance of participation in decision-making and checking while also allowing for best practice as applied in recent years by organic farmers.

Amendment 46
Article 24, paragraph 3, subparagraph 3

Fees collected for the granting of the certificate or the mark of conformity **shall be reasonable**.

Fees collected for the granting of the certificate or the mark of conformity **shall cover the costs of controls and the granting of the certificate or mark of conformity**.

Justification

Specifying what is covered will prevent fees from becoming excessive.

Amendment 47
Article 24, paragraph 3 a (new)

3a. Regular hearings of stakeholders shall be organised in order to recognise and highlight the important role played by organic farmers in the decision-making and certification process.

Justification

Ways must be found to enable organic farmers to be continuously involved in decision-making and new methodologies for certification procedures: their proven ability to organise credible, innovative self-certification systems should be taken properly into account by Commission control bodies and national competent authorities.

Amendment 48
Article 26

Upon request duly justified by the necessity to guarantee that a product has been produced in accordance with this Regulation, the competent authorities and the control bodies shall exchange with other competent authorities and control bodies relevant information on the results of their controls. They may also exchange such information on their own initiative.

Upon request duly justified by the necessity to guarantee that a product has been produced in accordance with this Regulation, the competent authorities, ***national and European stakeholder representatives involved in decision-making*** and the control bodies shall exchange with other competent authorities and control bodies relevant information on the results of their controls. They may also exchange such information on their own initiative.

Justification

The justifications for the amendments to Article 24 also apply here, the idea being to secure the involvement and active participation of farmers, drawing on their specific know-how.

Amendment 49
Article 28, paragraph 1 a (new)

Member States may, with regard to the rules laid down in Articles 9 and 10, maintain or introduce stricter rules for animals and animal products on condition that such rules are in compliance with Community law, and do not hinder or restrict the free movement of other animals or animal products that comply with this Regulation.

Justification

The current diversity of established practices for organic production of livestock between the Member States requires that it should be possible for Member States to apply more restrictive rules for the livestock and livestock products produced in their territory;

Furthermore it seems only reasonable that the principle of minimum directives that the Commission states in its action plan for animal welfare (2006/2046(INI)) should also be valid for animal welfare in organic production.

Amendment 50
Article 31

Management Committee on organic production

1. The Commission shall be assisted by the **Management** Committee on organic production (hereinafter “the Committee”).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply

3. The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at three months.

4. The Committee shall adopt its rules of procedure.

Regulatory Committee on organic production

1. The Commission shall be assisted by the **Regulatory** Committee on organic production (hereinafter “the Committee”).

1a. The Committee shall ensure regular consultation and cooperation with organic producer representatives and consumer representatives with a view to consistently meeting the objectives of organic agriculture as set out in Article 3, by involving them in updating and implementing appropriate techniques consistent with the objectives and principles laid down in Title II.

1b. Where reference is made to this paragraph, Annexes I to VIII of Regulation (EC) No 2092/91 shall apply.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

2a. The Commission shall notify the European Parliament of any planned changes to the Regulation through the comitology procedure, and shall take due account of Parliament's position thereon.

4. The Committee shall adopt its rules of procedure **pursuant to Article 7 of Decision 1999/468/EC.**

Justification

Given that this proposal for a regulation contains few harmonisation standards, the various

measures to be taken under the comitology procedure should be the responsibility of the regulatory committee, which involves the Member States in the decision-making process, rather than of the management committee.

Unlike Article 4 of Decision 1999/468/EC, Article 5 makes no reference to a time limit. Paragraph 3 should therefore be deleted.

The participation of organic farmers' representatives in decision-making constitutes the truly original departure and the innovation where implementation of the regulation is concerned: best practice and tried and tested innovative methods can only enhance decision-making as a whole, which is to be organised under the responsibility of the Commission.

In order to make this Regulation as transparent as possible the annexes from Regulation 2092/91 should be maintained, and the comitology procedure should be reduced to a minimum.

Amendment 51
Article 31 a (new)

Article 31a

By way of derogation from Decision 1999/468/EC, a Commission decision adopted in accordance with the procedure referred to in Article 31(2) shall be revoked if the European Parliament or the Council raise objections to it within a period of three months.

Justification

Organic farming has been developed by civil society organisations - consumers, traders, farmers and retailers were involved. Considering this tradition, transparency and democratic structures within this regulation should be strengthened. When implementing decisions are taken in the framework of this regulation, the procedure should involve information of the public and the European Parliament. To give transparency a real impact, the Parliament should have the power of veto.

Amendment 52
Article 33

1. Regulation (EEC) No 2092/91 is hereby repealed from 1 January 2009.

2. References to the repealed Regulation

1. Regulation (EEC) No 2092/91 is hereby repealed from 1 January 2009, ***except for Annexes I to VIII.***

2. References to the repealed Regulation

(EEC) No 2092/91 shall be construed as references to this Regulation.

(EEC) No 2092/91 shall be construed as references to this Regulation, *except where these references are made to Annexes I to VIII.*

Justification

In order to make this regulation as transparent as possible the annexes from (EC) Nr. 2092/91 should be maintained, and the comitology procedure should be reduced to a minimum. As a result the annexes should be corrected so the article references match the proposed regulation.

PROCEDURE

Title	Proposal for a Council regulation on organic production and labelling of organic products
References	COM(2005)0671– C6-0032/2006 – 2005/0278(CNS)
Committee responsible	AGRI
Opinion by Date announced in plenary	ENVI 2.2.2006
Enhanced cooperation – date announced in plenary	
Draftsman Date appointed	Roberto Musacchio 9.2.2006
Previous drafts(wo)man	
Discussed in committee	21.6.2006
Date adopted	21.6.2006
Result of final vote	+: 41 –: 0 0: 0
Members present for the final vote	Adamos Adamou, Johannes Blokland, Frieda Brepoels, Dorette Corbey, Chris Davies, Avril Doyle, Edite Estrela, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Gyula Hegyi, Mary Honeyball, Dan Jørgensen, Eija-Riitta Korhola, Urszula Krupa, Aldis Kušķis, Peter Liese, Marios Matsakis, Roberto Musacchio, Dimitrios Papadimoulis, Vittorio Prodi, Guido Sacconi, Richard Seeber, Kathy Sinnott, Bogusław Sonik, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Åsa Westlund
Substitute(s) present for the final vote	Margrete Auken, María del Pilar Ayuso González, Bairbre de Brún, Christofer Fjellner, Milan Gaľa, Miroslav Mikolášik, Renate Sommer, Andres Tarand
Substitute(s) under Rule 178(2) present for the final vote	Sepp Kusstatscher
Comments (available in one language only)	...