Smart Rules for Strong Organics

Making the Organic Regulation Fit for the Future

October 2025

IFOAM ORGANICS EUROPE

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Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

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1 Introduction and context

With the establishment of new governing institutions in 2024, and with Europe and the world facing multiple crises and overwhelming challenges, the European Commission has placed "speed, coherence and simplification" at the forefront of its objectives and political priorities. Simplifying EU policies and legislation, alongside improving their implementation, are central elements of the Political Guidelines – designed both to ease the administrative burden on businesses and to strengthen Europe's competitiveness.

At the end of 2024, the Commission expressed its commitment to reduce unnecessary administrative and financial burdens for organic operators by simplifying EU organic rules. Importantly, the Commission stressed that such **objectives should be achieved through targeted adjustments in secondary legislation, as well as through more coherent interpretation and guidance**, rather than by re-opening the Basic Act (Regulation (EU) 2018/848). IFOAM Organics Europe welcomed this approach and actively contributed with actionable recommendations to bring tangible improvements for the organic sector, while strongly supporting the Commission's decision not to initiate a risky and premature revision of the Basic Act, which entered into force only three years ago following a lengthy and complex negotiation process.

However, by the end of 2024, new and **unforeseen issues** emerged. The European Court of Justice ruling (the "Herbaria case") on the use of the EU organic logo and organic labelling for imported products revealed deficiencies in the Organic Regulation concerning labelling provisions under equivalence agreements. This ruling exposed a regulatory gap that requires urgent remedy.

In July 2025, Commissioner Christophe Hansen, during his visit to the agricultural festival in Regen (Bavaria), met with high-level German government representatives and EPP/CSU politicians. In his statement[1], he confirmed the Commission's intention to address the inconsistency revealed by the ECJ ruling through an amendment of the Basic Act. At the same time, he signalled openness to addressing other regulatory challenges, including the interpretation of grazing rules and certain animal husbandry requirements (e.g. young poultry, outdoor access) [2]. Commissioner Hansen reiterated his broader political objective: to support European livestock production – both organic and conventional – and to strengthen local and regional farming systems based on family farms and circular animal husbandry, where organic can serve as a model. During the Organic Awards ceremony in late September, Commissioner Hansen himself, and DG AGRI in a joint CDG-GREX meeting held the following day, reaffirmed this commitment, while placing stronger emphasis on resolving the ECJ ruling issue as the absolute first priority, accompanied potentially by a very limited number of swift and targeted regulatory adjustments.

Against this background, IFOAM Organics Europe wishes **to state clearly that we do not seek, nor do we support, the re-opening of the Basic Act** after only 3 years of implementation. However, given the current circumstances, it seems inevitable. We understand that the Commission must act to resolve the labelling issue for imports, and if this step is taken, our organisation sees an opportunity to make crucial adjustments – not on questions of principle, but through surgical, efficient corrections that genuinely serve the organic sector.

To be taken seriously in a process that is intended to be swift, it is essential to keep priorities focused and limited. The Commissioner has made it clear that this exercise is strictly to resolve specific issues, not to open a broader debate. IFOAM Organics Europe will therefore remain committed to ensuring that any opening of the Basic Act is used only to address essential shortcomings of the organic framework – and only in areas where the sector is united and able to present a strong, coherent voice.

Our strategic aim is to secure adjustments that lead to a **stronger, more coherent and future-proof organic regulation** focusing only on areas that are non-controversial for the co-legislators and can be agreed upon efficiently.

[1] https://www.agrarheute.com/politik/weidepflicht-eu-agrarkommissar-will-biobetrieben-noch-jahr-helfen-635840

[2] https://www.boelw.de/presse/meldungen/artikel/boelw-begruesst-engagement-von-eu-kommissar-hansen-beim-bio-recht/

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

We propose to structure our approach in three phases:

1. **Identify and prioritise** the key areas where adjustments in the Basic Act are necessary and feasible, in order to avoid further need to work on secondary legislation that could increase complexity rather than simplify rules.
2. **Advance our existing** simplification proposals – already shared with regulators – focusing on measures that can best be achieved through secondary legislation and other non-legislative tools.
3. **Advocate for a co-created European Organic Action Plan**, aimed at boosting organic demand and consumption, thereby reinforcing the entire sector.

With this document, we wish to provide an input from the organic sector to the EU institutions and our partners, setting out our position for the first stage of this process: supporting adjustments through the opening of the Basic Act, where these can clearly **strengthen the organic regulation and the values it upholds**.

2 Objectives and strategy

In recent months, an increasing number of stakeholders have raised concerns – a position that IFOAM Organics Europe also shares – that the Commission's so-called "unprecedented simplification efforts" risk being perceived as deregulation. As outlined in the introduction, the current process can be framed by the Commission within its broader agenda on conceptual simplification. Such an approach could endanger regulatory safeguards designed to protect the environment, public health, as well as labour and social rights.
In this context, it is essential to clearly distinguish the ongoing discussions on possible adjustments to the EU Organic Regulation from the wider simplification agenda. We would like to highlight the added value these adjustments can bring to the sector, while underlining that they will not undermine the integrity of what organic delivers and guarantees.
Therefore, we shall focus on the following main objectives:

Organic Farming: A Strategic Response to Europe's Multiple Crises

Europe faces mounting challenges: geopolitical instability disrupts trade, energy and supply chains; the climate emergency is intensifying with droughts, floods and other extremes; and rural decline raises doubts about the long-term sustainability of farming.
In this context, organic farming stands out as part of the solution - more than a production method, it embodies resilience, responsibility and renewal:

- **Reducing dependency:** By avoiding synthetic fertilisers and pesticides, organic farming lowers exposure to volatile input markets, boosting farmers' autonomy and food security.
- **Climate and environment:** Organic practices improve soil fertility, store carbon, and enhance biodiversity, strengthening resilience to climate shocks and supporting EU climate goals.
- **Revitalising rural areas:** Shorter supply chains and diversified activities create local jobs, add value, and make farming more attractive for new generations.
- **Trust and transparency:** With robust EU-wide rules and certification, the organic label guarantees high standards that meet citizens' demand for sustainable, trustworthy food.

Organic farming is a proven, forward-looking model that supports Europe's strategic priorities. At a time of crisis and transformation, it offers a credible and resilient pathway for the future of European agriculture.

Smart Rules for Strong Organics: Making the Organic Regulation Fit for Future

As Europe accelerates toward the 25% organic farming target by 2030, we face a key opportunity: to ensure the **EU organic regulation is fit for purpose** in supporting this transition. This is not about deregulating or loosening standards. It's about **strengthening the tools** we use to achieve our shared goals - for farmers, consumers, and the planet.

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

The organic sector is evolving - and so must its regulatory framework.
Today's rules have underpinned organic's success. But as the sector grows, the framework must be **smart, effective, and enabling.** Maintaining its values, but **better in design** - to serve those working on the ground and the citizens who trust the organic label and to reinforce the positive impact on the environment.

We need a framework that:

- **Preserves high integrity and trust**, ensuring organic remains a beacon of credibility.
- **Maintains the positive impact** on the environment, the local economy and competitiveness.
- Ensures a level playing field.
- **Supports practical implementation** under the diverse circumstances in Europe, allowing most of all farmers to implement the organic principles adapted to their local conditions.
- **Empowers innovation**, without compromising the core principles of organic.

Let's make the regulation work for the future of food.
We are committed to **constructive, forward-looking adjustments** that maintain organic's robustness while making it more accessible and scalable by lightening up some administrative processes. We highly support **reduction of unnecessary bureaucracy**, allowing farmers to focus on what they do best: producing healthy food while protecting the environment.
This is a chance to remove friction, not foundations - to simplify processes, not principles.
Organic is part of Europe's solution. Let's ensure the rules support its full potential.

3 Proposals

This document has been prepared as a **position paper**, developed in consultation with the Council and subsequently adopted. Its purpose is **to identify** the key areas where adjustments to the Basic Act are both necessary and feasible. In several specific cases, alternative solutions relying solely on secondary legislation or other non-legislative instruments are either not viable or would be insufficient. In such instances, meaningful and legally sound outcomes **can only be achieved through targeted amendments to the Basic Act** itself. These matters are presented separately **in the chapter entitled *Topics for the Basic Act*.**

The following chapter, ***Topics linked to Secondary Legislation*, lists the issues for which multiple solutions appear possible**. In these cases, we advocate addressing the problems **primarily through changes in interpretation, the provision of appropriate guidance, or adjustments within secondary legislation**. Where these approaches prove inadequate, we propose seeking a resolution through amendments to the Basic Act.

The division into the two chapters does not imply any prioritization. **All items are considered equally important**; the distinction is purely technical.

3.1 Topics for the Basic Act

The first two items are essential to securing the Commission's commitment to opening the Basic Act, while the remaining items are likewise of high importance. For these, no alternative solutions are foreseen, as their resolution can only be achieved through targeted adjustments to the basic provisions of Regulation (EU) 2018/848.

3.1.1 Labelling of imported products under equivalence - solution for the ECJ ruling Herbaria

The judgement of the Court of Justice of the European Union in the case C-240/23 of Herbaria Kräuterparadies GmbH disputes the justice of the use of the organic production logo of the European Union and terms referring

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

to organic production on organic products imported from a third country in accordance with the criteria laid down in Article 45(1)(b)(ii) and (iii) of Regulation 2018/848 specifically.

The judgement acknowledges that products imported with the conditions referred to in these points do not comply with all the production rules of the EU Organic Regulation completely, but comply in particular with the production rules in force in the respective third country - which have been considered by the European Union to be equivalent to those set out in Chapter III - and meet the same objectives and principles by applying rules which ensure the same level of assurance of conformity. The Court rules that products imported though equivalence of standards cannot bear neither the EU logo nor the references to organic production in the front label of packaging because they do not fully comply with the requirements of the EU Organic Regulation production rules.

Although we understand the judgement applies to imported products, it is of a great concern that reciprocity that will be applied to EU products exported to the third countries affected by the implications of the ruling will have far-reaching consequences.

The EU organic sector has developed strong trade relationships with third countries, exporting a wide range of high-quality organic products that adhere to stringent standards. In 2023 alone, EU organic exports were valued at approximately €11 billion, highlighting the sector's significance not only for European producers but also for international markets reliant on EU organic goods. Disruptions to these trade flows, as could result from the ruling, may undermine the established trust and economic stability of these export markets.

Organic exports contribute to job creation and rural development across the EU, supporting thousands of organic farms and businesses. **Therefore, maintaining the integrity and continuity of these trade relationships is essential for the sustained growth of the EU organic sector** and the wider European economy, nevertheless **they are key to a smooth transition and implementation of future trade agreements** that should not be blocked.

Changes to Article 30, along with slight adjustments to Articles 32 and 33 could establish the basis for the use of the EU organic logo and references to organic production on products imported under equivalency agreements. These amendments are intended to provide the necessary regulatory framework to ensure continued market access while maintaining transparency and consumer trust in organic labelling.

However, the proposed changes still fail to address a major problem highlighted by the ruling: the use of the EU logo on products that are not 100% compliant is misleading for European consumers. This constitutes 'unequal treatment' and is contrary to the Charter of Fundamental Rights. The Commission's forthcoming proposal will therefore need to tackle this issue as well.

As for a long-term safeguarding of the use of organic references and logos, we ask the Commission to consider **building in specific guarantees in future trade agreements** that allow the use of the organic logo and the legal reference to organic production in the respective exporter country on products that are imported and sold on the market under a trade agreement and established equivalence.

3.1.2 Postponement of deadline for trade agreements

The European Commission introduced the new EU Organic Regulation on 1st January 2022, which established the basis of a switch of the import regime from being based on equivalence to compliance. Regarding control bodies that operate in third countries producing organic products to be sold in the EU markets, the reapplication and reapproval process was a time- and resource consuming process.

In case of a limited number of countries the standards and control system of which were assessed and resulted to be equivalent to the ones of the EU, inspection and certification of most organic products is carried out by the national authorities of the country of origin. These assessments that resulted in the recognition of the respective countries as equivalent, were based on the old EU organic regulation. With the new one, the existing agreements have to be re-negotiated and transformed to be mutual trade agreements. The EU already concluded on such

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

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trade agreements with Chile, Switzerland and the United Kingdom, but negotiations are still ongoing with more countries. The existing third country recognitions will expire on 31 December 2026.

The Commission is faced a time pressure with the conclusion of the reassessment of control bodies until the end of 2024, however regarding the organic sector it is even harder to follow the timeframes set by the regulation with implementing all the new rules. Since 2022 when the Regulation 2018/848 was introduced for application, organic operators as well as control bodies and authorities have been in a constant learning and adaptation phase, which got a new impetus last year with the need to accommodate to the highly expected new import regime. Therefore in 2025 there will be a certain period of transition as well, while the inspections, operator certifications and COIs will run out and will be completely replaced by the ones conducted and issued on the basis of Regulation 2018/848.

There is a high need for **postponing the expiration of third country recognitions under equivalency** and the conclusion on the new trade agreements with all the countries in the pipeline **with 10 years**, otherwise the rapid switch to the new system without settled knowledge and profound preparation to implementation will cause instability in the sector for import and export.

Proposed amendment in the Basic Act:

Regulation (EU) 2018/848 Article 48. (1) should be amended accordingly:
1. A recognised third country referred to in point (b)(iii) of Article 45(1) is a third country which has been recognised for the purposes of equivalence under Article 33(2) of Regulation (EC) No 834/2007, including those recognised under the transitional measure provided for in Article 58 of this Regulation.
That recognition shall expire on 31 December 2036.

3.1.3 Cleaning and disinfection substances and products for processing and storage facilities

The use of cleaning and disinfection (C&D) products has an impact on certain objectives defined in Article 4 of Regulation 848/2018.

Organic production has the following general objectives:

(a) contribute to the protection of the environment and the climate,
(d) make a significant contribution to a non-toxic environment.

The fact that C&D products are considered beyond animal production and especially for the processing sector is a good opportunity to take into consideration the environmental impact of these products.

It is important to remember that the purpose of using C&D products is to contribute to the marketing of healthy foodstuffs. These products are subject to many chemical regulations that must be taken into consideration. It is not systematically mandatory to indicate the list of all the substances that make up a C&D product (detergent substance, co-formulant). However, operators are responsible for ensuring compliance of the products they use. It is therefore essential to give them the reliable means to verify this compliance.

It should also be noted that operators use C&D products that may contain pure substances classified as hazardous, but which, once diluted in the final formulation, are both effective and safe for use, while limiting the impact on the environment.

Three points are essential:

1. giving organic processors the opportunity to ensure food safety,
2. reducing the negative impact of these C&D products used in organic processing on the environment, and
3. allowing operators but also Control Bodies and Control Authorities to verify the conformity of the products used and prove their conformity.

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A working group on this topic was set up within IFOAM Organics Europe in 2019. This group has

- established a position that was shared with other stakeholders (FIBL, AISE (European Union of C&D Manufacturers) and the Commission),
- tested this position with 132 European operators (more than 17,000 data were collected) which made it possible to refine the initial proposal.

While the Commission's initial desire to reduce the negative environmental impacts of C&D products was commendable (and we continue to praise it), its implementation is extremely complex.
This is linked to several criteria ranging from the technical nature of these C&D products, the regulatory specificities of chemical products, the diversity of uses, the arrival on the market of new products and the current requirements in Regulation (EU) 2018/848. All these antagonistic parameters make it unmanageable to set up, update and control a positive list of substances (or even a negative list).

The EGTOP report highlights that while legally a positive list is required, it is technically unworkable. EGTOP recommends transitioning to a negative list, which is legally permissible and more suitable for processing and storage contexts. This negative list of substances is currently restricted to disinfectants, but not detergents or co-formulants, which EGTOP acknowledges will pose problems.

Faced with this complexity, not to say impossibility, the Commission has had to postpone the date for the establishment of a positive list of substances or products authorized on several occasions. Regulation (EU) 2021/1165 introduces a requirement for the use of only authorized products for cleaning and disinfection in organic food production, entering into force on 1 January 2026. We would like to point out that this date has already been postponed and that a further postponement to 1 January 2028 has been announced, demonstrating the difficulty of the issue.

The process for drafting a positive or negative list implies that thousands of products will need to be individually evaluated and authorized, a process that will require significant time and administrative capacity, both for authorities and manufacturers. The result may be a long, fragmented list that is difficult for businesses and control authorities to use effectively. The burden may delay product evaluations and create market bottlenecks. Insufficient preparation time could disrupt organic operations and compliance efforts.

Without clear guidance and adequate preparation time, operators may lack access to the C&D products they need, putting food safety, organic certification, and market continuity at risk. Potential unequal implementation across Member States and supply chain actors (e.g. retailers, wholesalers, exempted operators) could result in distortion of the internal market.

Uncertainty also surrounds the practical implementation, including the scope of the rules, the definition of affected operators, and the consequences for organic businesses.

To minimize this, there is a need to clarify the scope of application through additional regulatory guidance:

- Which types of surfaces and areas are included (e.g. food-contact surfaces, storage rooms, floors)?
- Whether staff hygiene products (e.g. hand sanitizers) fall within scope?
- Whether only active substances or also finished C&D products are covered?
- Which types of operators must comply (e.g. retailers, wholesalers, exempted under Art. 36(8))?

This regulation is designed to align hygiene practices with organic principles. However, two key implementation steps are required before that date: conformity of product formulations by manufacturers to meet the upcoming rules; and a test phase by food processors to ensure new products are both effective and compliant for use in food hygiene.

Adoption of an approach of a Negative List of hazard statements step by step:

We propose a “tested” negative list of hazard statements for cleaning and disinfectant products. This pragmatic, inexpensive, simple but ultimately demanding solution can be envisaged if Article 24 is slightly amended. This list can be applied to all types of surfaces and be developed as part of a continuous improvement process.

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

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The hazard-statement information is already included in the safety data sheets of the C&D products. Thus, these criteria can be easily controlled by operators and Control Bodies.

These criteria concern all the substances (detergents, disinfectants and co-formulants) contained in the finished product, which is both effective from a hygiene point of view and has reduced environmental impacts in line with the principles of Organic Regulations.

Implementation of a transitional regime:

Allow companies sufficient time to adapt by including phased implementation, pilot testing, and training programs. Ensure continued availability of necessary C&D products to maintain food hygiene standards without risking regulatory non-compliance.

Proposed amendment in the Basic Act:

Article 24.
1. The Commission may authorise certain products and substances for use in organic production, and shall include any such authorised products and substances in restrictive lists, for the following purposes:
a) as active substances to be used in plant protection products;
b) as fertilisers, soil conditioners and nutrients;
c) as non-organic feed material of plant, algal, animal or yeast origin or as feed material of microbial or mineral origin;
d) as feed additives and processing aids;
e) as products for the cleaning and disinfection of ponds, cages, tanks, raceways, buildings or installations used for animal production;
f) as products for the cleaning and disinfection of buildings and installations used for plant production, including for storage on an agricultural holding;
~~g) as products for cleaning and disinfection in processing and storage facilities~~.
1.a. The Commission may define the list of (negative) criteria for certain products and substances for use in organic production for the purpose as products for cleaning and disinfection in processing and storage facilities.

3.1.4 Group of operators

The most critical challenges many organic producer-organisations face is that **the legal group personality cannot have any non-organic members**. More than 50% of all certified organic producer groups do have non-organic members and hence are now required to set up either new legal entities, which may be not possible under national law and or split their decade-old organisations. Also, national legislation for farmers organisations such as cooperatives sets in many countries conditions that contradict Art 36.1 composition rules. Specifically, many countries do not allow cooperatives to exclude any members or not accept farmers that apply to the organisation (e.g. non-organic members). More **flexibility regarding the composition** of the farmer organisation should be given according to national law.

For the application of the organic turnover limit of 25.000€/year for farms with > 5ha total holding, the 5-year average turnover should be considered. Additionally, the turnover limit needs to be reviewed and increased at least every couple of years **as due to global inflation and production cost raises** alone, another 2-5 % of members risk otherwise to be gradually excluded from their organic group of operator organisation year after year. The current limit was probably set in 2016. Individual certification even for very small farmers in all third countries in question cost always more than 1000€/year, actually rather > 1500€. Thus, individual certification for a farm with up to 50.000€/year would actually mean 2% of organic turnover. The turnover limit is also hard to meet for organic small farms in Europe for all with > 5ha holding and an increase of the limit could improve access for small farmer groups within the EU.

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

Larger group members that are in future certified individually should be permitted to remain member in their organisation (group of operators), selling to the group of operators as an organic supplier (not under the groups joint marketing system – see Art. 36.1.(f)). This would require a change in Regulation (EU) 2018/848 for at least groups in third countries. But this point could also be important for farmers' cooperatives in Europe that have e.g. some larger members to be individually certified but also many small members who would benefit from group of operator certification.

Proposed amendment in the Basic Act:

Legal personality:

Article 36.1.
(d) **(i)** have a legal personality **or, where this is not possible, (ii) be a clearly defined group of farmers applying the organic production method as part of a bigger group of farmers that has a legal personality**

Turnover limitation:

Article 36.1.
(b) only be composed of members:
(i) of which the individual certification cost represents more than 2 % of each member's turnover or standard output of organic production ~~and whose annual turnover of organic production is not more than EUR 25 000 or whose standard output of organic production is not more than EUR 15 000 per year~~; or

As an alternative, a **delegation should be included** in the Basic Act empowering the Commission to revise and adjust the turnover limitation regularly adapting to the actual global economic conditions and prices.

Composition of groups:

Add "as an exception to the provisions of Art 36.1(b) farmers that exceed the limits of Art 36.1(b) but are certified as individual farm operators, may remain legal members in a group of operators, as long as their products are not collected in the joint marketing system, but bought as organic suppliers with due traceability documentation (as per 2021/2119).

3.2 Topics with a link to secondary legislation

The topics included in this section are all part of IFOAM Organics Europe's **Simplification Document**, shared with the European Commission in June 2025 as *Recommendations from the Organic Sector on De-bureaucratisation through Adjustments in Secondary Legislation and Additional Non-legislative Tools and Measures*.

The selected items are the result of a long consultation process, through which they were already identified as requiring urgent fixes last year. Our efforts therefore primarily focus on **finding solutions within secondary or soft legislation**, and as stated at the beginning of this position paper, this **remains our priority**. However, if the Commission's roadmap on simplification through secondary legislation and interpretation will not cover these issues, IFOAM Organics Europe considers that amendments to the Basic Act could provide the organic sector with solid, lasting solutions and clearer legislative provisions that would contribute to a more harmonised implementation. We support such adjustments only where the issues are not intended to be effectively resolved through secondary legal acts or other non-legislative tools, such as guidance documents or revised interpretations.

3.2.1 Greenhouse rules

The current EU organic regulation (Regulation (EU) 2018/848, Annex II, Part I, Section 1.9.2) imposes **soil management and fertilisation rules that are not always practically feasible for** organic production in

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

greenhouses. Specifically, the requirement for the use of short-term green manure crops and legumes is often incompatible with the production cycles and climatic conditions typical of greenhouse systems.

The current rules to maintain and increase the fertility and biological activity of the soil are currently not effective in case of organic production in greenhouses. Particularly, the prolonged growth periods and more concentrated crop productions in greenhouses limit the application of green manure crops and legumes. For example, with prolonged growth periods, the intermittent periods are often too short (and too cold) to allow for the growth of legumes, or green manure crops. On the other hand, farming in greenhouses offers more control and a wider range of methods to improve soil health than only the use of perennial crops or legumes, for example. Current rules pose difficulties in greenhouses, while the perception of the sector is that other available methods remain underutilized.

We ask for adjustment of rules in a way that is appropriate for organic greenhouse production considering the unique characteristics and constraints of such systems, particularly when heated. After a comprehensive consultation the sector would like to propose additional measures to monitor and improve soil fertility and quality, in those cases when green manure crops and legumes are not practically feasible.
We would encourage stakeholder input in defining these measures, particularly from Member States with extensive organic greenhouse sectors; to maintain high agronomic and environmental standards, while introducing realistic implementation pathways for organic greenhouse growers; and to align any new rules with overarching sustainability goals, including energy use.

Proposed solution via secondary or soft legislation:

Delegation (in accordance with Art. 54.) on the basis of Article 12. (e) could be used to develop detailed rules in a way that is appropriate for organic greenhouse production considering the unique characteristics and constraints of such systems, particularly when heated. The sector is open to propose additional measures to monitor and improve soil fertility and quality, in those cases when green manure crops and legumes and not practically feasible. It is of utmost importance to maintain high agronomic and environmental standards, while introducing realistic implementation pathways for organic greenhouse growers.

Alternative possible amendment in the Basic Act:

2018/848, Annex II, Part I, section 1.9, paragraph 1.9.2.
The fertility and biological activity of the soil shall be maintained and increased: (a) except in the case of grassland or perennial forage, by the use of multiannual crop rotation including mandatory leguminous crops as the main or cover crop for rotating crops and other green manure crops; (b) in the case of greenhouses or perennial crops other than forage, **if applicable** by the use of short-term green manure crops ~~and legumes~~ or ~~as well as~~ the use of plant diversity; and (c) in all cases, by the application of livestock manure or organic matter, both preferably composted, from organic production.

3.2.2 PRM rules

The current regulatory framework for plant reproductive material (PRM) under Regulation (EU) 2018/848 and its amending Delegated Regulations (notably 2020/1794 and 2022/474) introduces multiple categories of PRM: organic PRM, in-conversion PRM, PRM produced in accordance with Article 1.8.6, and non-organic PRM. This **complex categorization, combined with evolving legal language** and insufficient practical guidance, has **created significant confusion** for operators, seed producers, producers of vegetative propagating material and competent authorities.

It is often unclear to operators and seed producers:

- which PRM category a material belongs to,
- when a derogation is required,
- which type of PRM is preferred for use,
- how exceptions or transitional rules apply.

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This regulatory complexity discourages potential producers from converting to organic seed or cutting production, stalling investment and growth in this critical part of the organic supply chain.

As a result, availability of organic PRM remains limited, which hampers the development of the entire organic sector, especially as demand increases. Inconsistent interpretation across Member States may also lead to distortions in the internal market.

Furthermore, a specific – possible - error has been revealed: the derogation to use non-organic PRM when no organic or conversion PRM is available is restricted to the organic production unit only in third countries, thus not permitted in the in-conversion unit. During the conversion to organic, the derogation is extra important, even more so in third countries where much less organic PRM is available.

Proposed solution via secondary or soft legislation:

A comprehensive clarification of Annex II, Part I, Section 1.8 is needed, consolidating amendments and simplifying the legal language.
The European Commission should collect practical feedback and implementation experiences from Member States, PRM producers and control bodies.
Focus should be placed especially on understanding and interpreting Delegated Regulation 2020/1794, as well as 2022/474 which has been cited as particularly difficult to apply in practice.
This process should aim to develop clear, practical, and consistent rules, improve transparency for producers and operators, encourage conversion to organic seed production and harmonize application across the EU.
Alternative solution is to clarify rules via the delegation in Article 12 (b) for annex II part II point 1.8.5.

Possible error in the specific point on derogation in third countries to be corrected:

Annex II, Part 1, point 1.8.5.2.
Control authorities or control bodies recognised in accordance with Article 46(1) may authorise operators in third countries to use non-organic plant reproductive material in ~~an~~ organic production ~~unit~~, when organic or in-conversion plant reproductive material or plant reproductive material authorised in accordance with point 1.8.6 is not available in sufficient quality or quantity in the territory of the third country in which the operator is located, under the conditions laid down in points 1.8.5.3, 1.8.5.4, 1.8.5.5 and 1.8.5.8.

Alternative possible amendment in the Basic Act:

Simpler and more concise wording in Annex II. 1.8.2.
1.8.2. To obtain organic plant reproductive material ~~to be used for the production of products other than plant reproductive material~~, the mother plant **in the case of seeds** ~~and, where relevant, other plants intended for plant reproductive material production~~ **and the parent plant(s) in case of vegetative propagating material** shall have been produced in accordance with this Regulation for at least one generation, or, in the case of perennial crops, for at least one generation during two growing seasons.

3.2.3 Livestock conversion rules

Conversion rules for animals under Regulation (EU) 2018/848 are **interpreted and implemented inconsistently** across Member States, particularly regarding non-simultaneous conversion and rules on continued conversion in different farms. Additionally, there are - supposedly unintended - changes compared to previous legislation (Regulation (EC) No 834/2007), especially concerning feed use during simultaneous conversion. This lack of clarity leads to divergent national approaches and regulatory uncertainty for operators.

This regulatory ambiguity and divergence results in unfair differences between Member States, creating uneven playing fields for producers, might cause confusion for farmers regarding feed usability, conversion timeframes, and livestock eligibility, deters compliance and may hinder smooth transition to organic practices and poses risks for market integrity if animals are incorrectly certified due to misinterpretation of rules.

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

A thorough review of the relevant provisions on livestock conversion is needed, focusing on clarity, consistency, and alignment with on-farm realities. While the basic rules are set in Regulation (EU) 2018/848, some detailed aspects are covered under Regulation (EU) 2020/464 and require attention.

Rules that need to be fixed or clarified:

- It is permissible to convert farms on a phased basis whereby the land is converted first, followed by livestock in agreement with the CB (so-called non-simultaneous conversion). If not, this may act as a disincentive for livestock producers as they are essentially expected to convert their livestock at the same time as they start their 2-year conversion of land, reducing some of the level of flexibility and disproportionately increasing the costs during their transition to organic production.
- In the case of simultaneous conversion, it must be ensured that the roughage and the grain produced on the farm during conversion can be fed.
- Clarify that the conversion period of animals may start on one farm and end on another. If it can be proven that the regulation has been followed the entire conversion period there is no need to start a new conversion if an animal is sold/moved from one farm to another.

Proposed solution via secondary or soft legislation:

Clarification is needed via interpretation or in secondary legislation that it is permissible to convert farms on a **phased basis** whereby the land is converted first, followed by livestock in agreement with the CB (so-called non-simultaneous conversion).
In the case of simultaneous conversion, it must be ensured that **the roughage and the grain produced on the farm** (produced before conversion started and still available on the farm – as it was in old Regulation 834/2007) during conversion **can be fed**.
If it can be proven that the regulation has been followed the entire conversion period there is **no need to start** a new conversion if an **animal is sold/moved from one farm to another.**

Alternative possible amendments for conversion clarifications in the Basic Act:

Non-simultaneous conversion:

It is permissible to convert farms on a phased basis whereby the land is converted first, followed by livestock in agreement with the CB (so-called non-simultaneous conversion. Clarification could be inserted in Annex II. Part II 1.2.2.

Simultaneous conversion:

2018/848 Annex II. Part II. 1.2.1.
…
By derogation from point 1.4.3.1, in the case of such simultaneous conversion and during the conversion period of the production unit, animals present in this production unit since the beginning of the conversion period may be fed with **products from the production unit (including roughage and grain available at the start of the simultaneous conversion)** ~~in-conversion feed produced on the in-conversion production unit during the first year of conversion~~ and/or with feed in accordance with point 1.4.3.1 and/or with organic feed.

The conversion period may start on one farm and end on another:

If it can be proven that the regulation has been followed the entire conversion period there is no need to start a new conversion if an animal is sold/moved from one farm to another.
Adding under point 1.2.1 Annex II part II: **It is possible to sell and buy animals under conversion between farms. The conversion period started on one farm, may continue on another farm as long as this regulation has been fulfilled the entire conversion period.**

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

3.2.4 Permanent access to pasture for herbivores

The management of the access to pasture for herbivores on a farm is a complex task taking various aspects into account. At the same time most strict legal interpretation of the organic regulation is that all herbivores must have access to pasture at any time unless soil conditions, weather conditions or seasonal conditions stand against it. Such strict and inflexible interpretations pose significant challenges for many farms. Dairy operations in particular are struggling to comply. For example, cows need to be milked twice daily, which makes it impractical to reach distant pastures, especially in villages where heavily trafficked roads and limited public acceptance of cattle complicate access. Calves require additional feeding after weaning; a need that is difficult to meet on remote pastures without nurses. Young cattle and bulls also face challenges, as separation and outdoor access requirements conflict with practical farm operations.

The impact of this rigid interpretation of the regulations is far-reaching. Many farms risk losing their organic certification, which would force them to either revert to conventional farming methods or shut down entirely. This could lead to a significant decline in organic milk and meat production, disrupt supply chains, and even result in penalties for unmet delivery contracts. Additionally, sheep and goats especially, but bovine animals too, face heightened risks of animal welfare issues, such as parasite problems, under the current rules. The economic and operational strain on farms is becoming unsustainable.

We are committed to the principle of access to pasture in organic husbandry of herbivores. To address the challenges mentioned above, flexibility in regulation is critical. In addition to weather, soil and seasonal conditions, most of all the physical condition of the animals – animal health reasons - must be accounted too, to better accommodate the specific needs of goats and sheep, young cattle and bulls and improve animal welfare. Management of animals takes place in a regionally typical pasture management, adapted to soil and climate. It is implemented on an individual farm basis based on good organic agricultural practices, taking into account regionally typical exercise and grazing options.
Besides that, there are structural reasons such as farms situated within settlements or transport routes which hinder access to pasture or restrictions by authorities in case of protected areas.
Time for adaption should be introduced to allow farms to adapt gradually, especially if new area for grazing must be found.
Exceptions for crisis situations, such as the presence of predators or catastrophic events, should also be explicitly permitted.

By adopting a more holistic approach to pasture management it is possible to safeguard animal welfare, support farmers, and sustain organic production for the long term**.**

Proposed solution via secondary or soft legislation:

Flexibility of interpretation when it comes to assessing implementation of the rules on the level of Members States would be sufficient to resolve this problem.

Another addition to this issue might be the inclusion of critical situations related to access to pasture in Regulation (EU) 2020/2146 Article 3. New point to be inserted:
(10) By way of derogation from points 1.7.3. II of Annex II to Regulation (EU) 2018/848, when the production unit of livestock is affected, for a period defined by the relevant competent authority animals can be kept temporarily inside, or in outdoor runs, during crisis situations, such as the presence of predators or catastrophic events like forest fire, flood or animal disease outbreaks.

Alternative possible amendments in the Basic Act:

To provide more flexibility in implementation:

Annex II. Part II. 1.7.3.
Livestock shall have permanent access to open air areas that allow the animals to exercise, preferably pasture, whenever weather and seasonal conditions**,** ~~and~~ the state of the ground **and the physiological condition of**

animals allow, except where restrictions and obligations related to the protection of human and animal health have been imposed on the basis of Union legislation.

Introducing an exception:

Annex II. Part II. 1.7.3.
Livestock shall have permanent access to open air areas that allow the animals to exercise, preferably pasture, whenever weather and seasonal conditions and the state of the ground allow, except where restrictions and obligations related to the protection of human and animal health have been imposed on the basis of Union legislation, **or except for a defined period animals can be kept temporarily inside, or outdoor runs, during immediate crisis situations such as the presence of predators or catastrophic events like forest fire, flood or animal disease outbreaks. It is the relevant competent authority which is authorized to decide whether a crisis situation exists and for how long the exception applies.**

3.2.5 Maximum size of production unit in broiler production

Under EU Regulation 2018/848, specifically in the context of organic broiler production, the maximum size of a production unit is limited to 1,600 m². Traditionally, this limit was understood to apply per broiler house, meaning that multiple production units (i.e. houses) could coexist on one farm. However, the recent rules and interpretation by the European Commission restricts this to only one production unit per farm, effectively limiting farms to a single broiler house.

This change in interpretation presents serious challenges for professional poultry producers.

- Larger farms or those aiming to scale up their production now face structural limitations, despite complying with all animal welfare and organic access-to-outdoor-area rules.
- The interpretation prevents farm development and limits the growth of organic broiler supply, creating potential market shortages.
- It may disincentivize investment in organic poultry by experienced producers due to arbitrary structural limitations rather than animal welfare or environmental constraints.
- There is inconsistency in enforcement across Member States, creating market distortion and unfair competition within the EU.
- The limit is seen as counterproductive: ensuring access to outdoor runs and sufficient animal welfare can be fully achieved without restricting the number of houses per farm.

Proposed solution via secondary or soft legislation:

The provision should be clearly revised or reinterpreted to allow multiple broiler production units (i.e. broiler houses) per farm, as long as each complies with existing animal welfare, size (max 1,600 m² per unit), and access-to-outdoor requirements.
More than one production unit for fattening poultry is allowed according to the definition of the production unit. The rules are not consistent on production units for fattening poultry. A change in the Commission's current interpretation (e.g. in the FAQ on Organic Rules) is urgently needed to align with past practice, practical realities, and consistent regulation.
Consideration should also be given to linking unit limits to the total surface area or overall farm design, rather than a flat cap on the number of buildings.

Alternative possible amendment in the Basic Act:

Adjustment of wording:
Annex II. Part II. 1.9.4.4.(m) the total usable surface area for fattening poultry in **a single poultry house** of any production unit shall not exceed 1 600 m^2

Rue Marie-Thérèse 11 – 1000 Brussels – Belgium – Phone: +32 2 280 12 23 – Email: info@organicseurope.bio

3.2.6 Outdoor run for young poultry

The requirement for young poultry to have daytime access to outdoor areas from the earliest possible age, as stated in Annex II Part II Point 1.9.4.4 (e) of Regulation 2018/848, has sparked significant concerns. The EU Commission's interpretation, clarified in a pilot procedure against Germany, mandates that a green outdoor area must be available at every poultry barn from the beginning, even during the pre-rearing phase when young birds are not yet able to use it. This interpretation has profound implications for divided rearing systems, where pre-rearing without green outdoor areas has long been shown to be effective and animal welfare friendly.

The impact of this rigid interpretation is potentially devastating for the poultry sector. By 31 December 2030, all pre-rearing barns will be required to provide green outdoor areas from day one, regardless of the physiological readiness of the young birds to access them. This change is particularly burdensome for smaller farms, which form a critical part of regional value chains. Many of these farms will face the prospect of significantly reducing their production capacity or even shutting down operations altogether if they cannot comply with the new requirements.

Proposed solution via secondary or soft legislation:

To address this issue, it is essential to reject or amend the Commission's overinterpretation of the regulation. The requirement for outdoor areas should be clarified to apply only when young poultry are physiologically ready to use them.

Alternative possible amendment in the Basic Act:

Annex II. Part II. 1.9.4.4.(e):
(e) continuous daytime open air access shall be provided from as early an age as practically possible and whenever **young poultry are** physiologica**lly ready to use it** and physical conditions allow, except where temporary restrictions have been imposed on the basis of Union legislation;

By implementing this change, the balance between regulatory compliance, animal welfare, and the viability of small poultry farms can be preserved, safeguarding the future of regional poultry production and its contribution to local economies.

3.2.7 Covering of outdoor runs

A recent interpretation by the EU Commission has introduced new challenges regarding the roofing of outdoor areas for animals. According to this interpretation, outdoor runs should be covered by no more than 50%, with exceptions only for sows with piglets and regions experiencing exceptionally high annual precipitation (over 1200 mm). While the intention is to preserve the outdoor climate, this rigid requirement presents several practical and welfare-related issues.

The impact of limiting roof coverage is significant. During rainy conditions, the usability of outdoor areas is greatly reduced, as uncovered spaces become less accessible for animals. In strong sunlight, animals are exposed to the risk of sunburn and heat stress, compromising their welfare. Additionally, rainwater mixing with manure and urine can lead to increased emissions and environmental concerns, further complicating compliance and sustainability efforts.

A more precise wording of roofing regulations could provide a solution. Adaptations should account for specific regional climates, animal welfare needs, and farm management. Allowing greater roof coverage where necessary would ensure animals are protected from extreme weather conditions, maintain the usability of outdoor areas, and minimize environmental risks.

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Proposed solution via secondary or soft legislation:

Irrespective of the specific wording (what is interpreted as maximum 50%), the rigid and exaggerating interpretation should be revised as a plausible solution.
We ask for an interpretation that allows to adapt **to specific regional climates, animal welfare needs, the practicalities of farm management to ensure animals are protected from extreme weather conditions, maintain the usability of outdoor areas, and minimize environmental risks.**

Alternative possible amendments in the Basic Act:

Adding specific condition by amendment:
Annex II part II point 1.6.5:
Open air areas may be partially covered **– to the extent adapted to specific regional climates, animal welfare needs, and the practicalities of farm management to ensure animals are protected from extreme weather conditions, maintain the usability of outdoor areas, and minimize environmental risks.** Verandas shall not be considered as open air areas.

3.2.8 5% non-organic protein feed for young animals

Under Regulation (EU) 2018/848, the use of non-organic protein feed for organic poultry and porcine animals is prohibited, with a temporary derogation (until 31 December 2026) allowing limited use (up to 5%) for young poultry and piglets up to 35 kg, subject to strict conditions (Reg. 2018/848, Annex II, Part II, Sections 1.9.3.1 and 1.9.4.2, and Delegated Reg. 2021/1165, Annex III).

Despite efforts by the sector, **the availability of organic protein feed** rich in essential amino acids (such as methionine, lysine, cysteine) **remains insufficient**, particularly affecting piglets, and poultry until 40 weeks of age.

The lack of suitable organic protein feed leads to nutritional deficiencies, resulting in poor development in piglets and young poultry, health and welfare issues in adult chickens, including feather loss and increased susceptibility to infections.

The upcoming end of the derogation (end of 2026) creates uncertainty for producers and risks undermining animal welfare, potentially reducing consumer confidence.

Sector stakeholders report that complete compliance with the current requirements is not technically feasible under current market conditions and jeopardizes the development of organic livestock production.

A secondary issue - that is directly linked to this derogation - is the **definition of "young poultry"**. The Commission has previously clarified that young poultry refers to "young animals of the *Gallus gallus* species that are of an age of less than 18 weeks" (Frequently Asked Questions on Organic Rules). This definition does not take into account the physical and physiological development of chickens, which continues up to the age of 40 weeks.

Proposed solution via secondary or soft legislation:

There is a clear need for the extension of the derogation for both piglets and poultry beyond 2026 by the delegation in accordance with Article 53. (Possibly, without an end date acknowledging the long-term problem.)

Beyond the prolongation of the derogation - for both piglets and poultry - we also ask the Commission to permit up to 5% non-organic protein feed for chickens up to 40 weeks, reflecting their continued physiological development and higher amino acid requirements during early laying stages.

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In case the derogation can be prolonged, the second proposed modification of the article can be solved by modifying the definition of "young poultry" in the FAQ on Organic Production: **for *Gallus gallus* "young poultry" means 40 weeks or younger in order** to permit to feed 5% non-organic protein feed **corresponding with their continued development up to that age.**

Alternative possible amendment in the Basic Act:

Regulation (EU) 2018/848 Annex II part II point 1.9.4.2 for young poultry, Annex II part II point 1.9.3.1 c) for piglets should be amended accordingly:
c) where farmers are unable to obtain protein feed exclusively from organic production for poultry species, and the competent authority has confirmed that organic protein feed is not available in sufficient quantity, non-organic protein feed may be used until 31 December 2026 ***(it should be prolonged in accordance with the delegation according to Article 53.)***, provided that the following conditions are fulfilled:
(i) it is not available in organic form;
(ii) it is produced or prepared without chemical solvents;
(iii) its use is limited to the feeding of young poultry **which for *Gallus gallus* means 40 weeks or younger,** with specific protein compounds; and
(iv) the maximum percentage authorised per period of 12 months for those animals does not exceed 5 %. The percentage of the dry matter of feed of agricultural origin shall be calculated.

3.2.9 Using organic ingredients naturally rich in micronutrients

One of the basic principles of a good, healthy diet is to have it varied and balanced. In this context, the natural content of the ingredients in vitamins, minerals and other micronutrients makes it possible to provide the necessary quantities for the nutritional needs of consumers.

This desire to produce a wide variety of high-quality foodstuffs to allow a varied and balanced diet is also included in Regulation 848/2018 Article 5. General principles: *the production of a wide variety of high-quality food and other agricultural and aquaculture products that respond to consumers' demand for goods that are produced by the use of processes that do not harm the environment, human health, plant health or animal health and welfare*;

Article 7. of Regulation (EU) 2018/848 establishes specific principles for the processing of organic food, stating that production must be based on organic agricultural ingredients. However, a lack of clarity exists regarding the use of ingredients naturally rich in vitamins, minerals, and micronutrients versus the fortification with purified or synthetic forms of these substances.

Specifically, there is confusion between:

- using organic ingredients naturally rich in micronutrients and
- adding purified or chemically defined micronutrients (which is generally prohibited except for specific cases like baby food under section 2.2.2(f)).

Impact:

- Compliance with the Basic Regulation (2018/848) Article 7. Specific principles applicable to the processing of organic food is essential. The production of processed organic food shall be based, in particular, on the following specific principles: (a) the production of organic food from organic agricultural ingredients;
- Nutritionally beneficial organic raw materials are being rejected for use in organic foods due to misinterpretation, despite being certified organic and naturally rich in micronutrients. This leads to inconsistencies in enforcement, including restrictions on ingredients such as e.g. *Lithothamnium* (a plant-based source of calcium and minerals).
- The current situation creates a competitive disadvantage for organic producers, particularly when catering to plant-based or health-focused consumers, who seek naturally fortified foods.
- It also causes uncertainty and unfair interpretation, affecting both industry confidence and product development.

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We need to clarify the distinction between natural organic ingredients that are rich in micronutrients (permitted), and purified or synthetic micronutrient compounds (prohibited except for regulated exceptions such as baby food). A principle-based approach is needed, reaffirming that certified organic ingredients naturally rich in nutrients (e.g., algae, plant extracts) are in line with the organic regulation, provided that they have not been purified in such a way that their final composition would be comparable to the composition of isolated micronutrients used.

In addition, it should also be specified that the use of non-organic agricultural ingredients up to a maximum of 5% must not allow the use of a nutritional or health claim due to the properties of these non-organic ingredients. In other words, nutrition and/or health claims should be solely related to the quality of organic ingredients.

Proposed solution via secondary or soft legislation:

The question if organic *Lithothamnium* can be used in organic products will most likely be solved by the European Court of Justice as the question arises from a recent law case in Belgium. As the answer to the question is highly controversial and the ruling is not foreseeable, we recommend not to have an FAQ on this to ensure fair procedures until the ruling is provided.

Alternative possible amendment in the Basic Act:

Annex II Part IV:
2.2.2. In the processing of food, the following products and substances may be used:
(f) **When used as an isolated substance and not naturally contained in an organic agricultural ingredient,** minerals (trace elements included), vitamins, amino acids and micronutrients, provided that:

3.2.10 Residues in organic products

This topic has been identified as one of the priority issues under simplification, with almost all stakeholder groups calling for improvements in the management and investigation of residue cases. In the simplification document, we have outlined several issues that could be addressed either through interpretation and clearer guidance or by targeted adjustments in secondary legislation, specifically Regulation (EU) 2021/279.

There is also the option of requesting amendments to Articles 27–29. of Regulation (EU) 2018/848. The regulation itself empowers the Commission to present a legislative proposal for further harmonisation by the end of 2025, if deemed necessary.

Proposed solutions via secondary or soft legislation:

LOD/LOQ:

Harmonise the understanding of presence and of trigger for investigations across the EU.
Apply the LOQ as the standard reference for presence of unauthorised substances in organic products.
Clarify in Regulation (EU) 2021/279 (or via an implementing act) that:

- presence refers to quantifiable residues (≥ LOQ),
- investigations under Article 29. should be triggered only when there is substantiated suspicion, supported by contextual evidence, not merely detection.

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Handling of contamination with persistent, banned substances:

Implement clear guidance under Regulation (EU) 2021/279 to differentiate legacy contamination from cases requiring full investigation.
Define criteria under Article 1(b) to clarify that when the cause of contamination is not within the operator's control, and this can be substantiated, the investigation may be abbreviated or exempted.
Provide a clear guiding procedure for operators to demonstrate removal of doubt and avoid unnecessary penalties or loss of product.

Overall trigger on investigation detection/suspicion:

Introduce EU-level harmonisation of residue handling procedures through updated guidance ensuring all MS and CBs apply consistent criteria. Differentiate clearly between "detection" and "suspicion": not all findings should trigger full investigations, only those with context indicating potential non-compliance. Share best practices among Member States and CBs to promote more proportionate and risk-based approaches. Consider centralised training and criteria to support harmonised implementation of Regulation (EU) 2021/279.

Conclude on the source and cause:

Amend Article 2.3(b) of Regulation (EU) 2021/279 to replace the current requirement with a more realistic and workable standard:
"(b) the most likely source and the cause of the presence of non-authorised products or substances."
This adjustment would:

- Allow CBs to close investigations based on well-supported likelihoods rather than absolute certainty.
- Enable proportionate decision-making in cases where full clarification is impossible.
- Maintain the integrity of organic controls while improving legal clarity and operational feasibility.

Alternative possible amendments in the Basic Act:

Article 29.
Measures to be taken in the event **of suspicion of non-compliance due to** ~~the presence of~~ non-authorised products or substances
Where the competent authority, or, where appropriate, the control authority or control body, receives ~~substantiated~~ information **giving rise to a substantiated suspicion of non-compliance, based on the presence of products or substances not authorized for use in organic production in accordance with the first subparagraph of Article 9(3),** ~~about the presence of products or substances that are not authorised pursuant to the first subparagraph of Article 9(3) for use in organic production~~, or has been informed by an operator in accordance with point (d) of Article 28(2), or detects such products or substances in an organic or an in-conversion product:
(a) it shall immediately carry out an official investigation in accordance with Regulation (EU) 2017/625 with a view to determining the **plausible** source and the cause in order to verify compliance with the first subparagraph of Article 9(3) and with Article 28(1); such investigation shall be completed as soon as possible, within a reasonable period, and shall take into account the durability of the product and the complexity of the case;
(b) it shall provisionally prohibit**, for a specified period,** both the placing on the market of the products concerned as organic or in-conversion products and their use in organic production pending the results of the investigation referred to in point (a).
(c) If the suspicion is not confirmed by the investigation referred to in point (a) within a specified period, the prohibition referred to in point (b) shall be revoked at the latest on the date of expiry of the specified period. The entrepreneur shall provide the control body or control authority with all necessary assistance to the investigation in order to clarify the suspicion.

[…]

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Article 41.

1. Subject to Article 29, where a competent authority, or, where appropriate, a control authority or control body, suspects or receives ~~substantiated~~ information **giving rise to a reasonable suspicion**, including information from other competent authorities, or, where appropriate, from other control authorities or control bodies, that an operator intends to use or to place on the market a product which may not be in compliance with this Regulation but which bears terms referring to the organic production, or where such competent authority, control authority or control body has been informed by an operator of a suspicion of non-compliance in accordance with Article 27:

(a) it shall immediately carry out an official investigation in accordance with Regulation (EU) 2017/625 with a view to verifying compliance with this Regulation; such investigation shall be completed as soon as possible, within a reasonable period, and shall take into account the durability of the product and the complexity of the case;

(b) it shall provisionally prohibit**, for a specified period,** both the placing on the market of the products concerned as organic or in-conversion products and their use in organic production pending the results of the investigation referred to in point (a). Before taking such a decision, the competent authority, or, where appropriate, the control authority or control body, shall give the operator an opportunity to comment.

2. ~~In the event that the results of the investigation referred to in point (a) of paragraph 1 do not show~~ **However, if the suspicion of** any non-compliance affecting the integrity of organic or in-conversion products, **is not confirmed within the specified period,** the operator shall be allowed to use the products concerned or to place them on the market as organic or in-conversion products.

3. Member States shall take any measures, and provide for any necessary sanctions, to prevent fraudulent use of the indications referred to in Chapter IV of this Regulation.

4. Competent authorities shall provide a common catalogue of measures for cases of suspected non-compliance and established non-compliance to be applied in their territory, including by control authorities and control bodies.

5. The Commission may adopt implementing acts to specify uniform arrangements for the cases where competent authorities are to take measures in relation to suspected or established non-compliance.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

IFOAM Organics Europe is the European umbrella organisation for organic food and farming. With almost 200 members in 34 European countries, our work spans the entire organic food chain and beyond: from farmers and processors organisations, retailers, certifiers, consultants, traders, and researchers to environmental and consumer advocacy bodies.

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