

BIOFACH Kongress 2020:

BÖLW

Bund Ökologische
Lebensmittelwirtschaft

Die neuen Bio-Regeln: Was gilt ab 2021 für Bauern und Hersteller?



#biofach #biowirkt #organicdelivers

13. Februar 2020

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Überblick und Ausblick neues Bio-Recht

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European Commission

#biofach #biowirkt #organicdelivers

13. Februar 2020



BIOFACH 2020

New Organic Regulation

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13 February 2020

*Agriculture
and Rural
Development*



Organic Reform Delegated And Implementing Acts Production Rules

State of play



Production rules: IA and DA

- ✓ *1 IA on production rules: retroactive periods of conversion, livestock and aquaculture production rules, techniques food and feed processing, collection of data, transitional periods*
- ✓ *1 IA on production rules: products and substances authorised in organic production*
- ✓ *1 DA amending: sprouted seeds, bees, aquaculture juveniles, feed*
- ✓ *1 DA supplementing: catastrophic circumstances*
- ✓ *1 DA amending: use of in-conversion and non organic PRM*
- ✓ *1 DA amending: organic heterogeneous PRM*
- ✓ *Additional DA amending on aquaculture (feed, veterinary treatments) based on recent EGTOP report*



Production rules - DA

2 delegated acts already discussed with MS and available to public

1. *Delegated Act (supplementing) on:*

- ✓ Catastrophic circumstances

Ready to be adopted once DA on derogations for non-organic and in conversion plant reproductive material is adopted

2. *Delegated Act (amending) on:*

- ✓ Plants: Production of sprouted seeds
- ✓ Livestock: Feeding of bee colonies
- ✓ Aquaculture: Feed for carnivorous aquaculture animals & Conditions for juvenile production

Adopted by COM and sent for scrutiny to EP and Council



Production rules - DA

2 draft delegated act are still NOT READY

Technical discussions on going available on CIRCA BC to public

one Draft Delegated Act on:

- ✓ Setting out rules governing the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species (DG SANTE)

one Draft Delegated Act on:

- ✓ Setting out conditions for use of in-conversion and non –organic plant reproductive material



Production rules DA

1 possible new draft delegated act to follow up on EGTOP outcomes

NOT READY

Technical discussions to start with MS in May 2020

one Draft Delegated Act (amending) on:

- *Aquaculture*
- *Feed for carnivorous aquaculture animals*
- *Veterinary treatments*



Production rules - IA

1 draft implementing act on production rules ready to be presented for vote
at COP in March

Draft Implementing Act on:

- *Conversion*
 - ✓ Documents to be supplied for the purpose of the retroactive recognition of a previous period
- *Livestock*
 - ✓ Detailed rules for bovine animals, ovine animals, caprine animals and equine animals
 - ✓ Detailed rules for cervine animals
 - ✓ Detailed rules for porcine animals
 - ✓ Detailed rules for poultry
 - ✓ Detailed rules for rabbits



Production rules - IA

Draft Implementing Act on:

- Livestock

The following details for livestock are addressed:

- ✓ Minimum period for feeding with maternal milk
- ✓ The stocking density and the minimum surface for indoor and outdoor areas
- ✓ The characteristics of and technical requirements for the minimum surface for indoor and outdoor areas
- ✓ The characteristics of and technical requirements for buildings and pens
- ✓ Requirements for vegetation and the characteristics of protected facilities and open air areas



Production rules - IA

Draft Implementing Act on:

- *Aquaculture*
 - ✓ Detailed rules for aquaculture animals per species or group of species
- *Processed food and feed*
 - ✓ Techniques authorised in the processing of food products
 - ✓ Techniques authorised for use in the processing of feed products
- *Collection of data concerning the availability on the market of organic and in-conversion plant reproductive material, organic animals and organic aquaculture juveniles*
 - ✓ Details as regards the information to be provided by Member States
- *Transitional measures*



Production rules - IA

1 draft implementing act is still NOT READY

Discussions started on non organic agricultural ingredients, discussions to start in March on products and substances authorised in wine, feed materials and feed additives

Draft Implementing Act on:

- Authorisation of products and substances for use in organic production
 - ✓ 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;



Production rules - IA

Draft Implementing Act on:

- Authorisation of products and substances for use in organic production
 - ✓ products and substances in restrictive lists, for the following purposes:
 - 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.



Organic Reform Delegated And Implementing Acts Controls

State of play



Changes in comparison to the current rules:

- ✓ *Official Controls Regulation 2017/625 applies explicitly*
- ✓ *Rules for Groups of operators*
- ✓ *Rules for precautionary measures for operators*
- ✓ *Rules for detection and evaluation of unauthorised products or substances for Competent Authorities, Control Authorities and Control Bodies*
- ✓ *Verification of compliance at least once a year with a possibility of exemption of on-the-spot inspection based on risk analysis*
- ✓ *Uniform arrangements for catalogue of measures*



Implementing act

Presence of unauthorised products or substances

Harmonised methodology for CA, CtrlA or CB

✓ *Common methodology for investigation*



Implementing act

Additional control requirements

1. Additional controls
2. Controls without prior notice
3. Minimum sampling
4. Minimum number of members of group of operators to be controlled by CB

Additional rules for group of operators:

- Composition and dimension
- Documents records and internal traceability
- Exchange of information between groups and CBs



Implementing act

Catalogue of measures:

- ✓ Type/description of non-compliances;
- ✓ Legal references related to non-compliances;
- ✓ Classification of non-compliances according to their severity
- ✓ Type of measures in relation to suspected or established non-compliance;



Delegated act amending

1. Model of certificate set out in Annex VI to Regulation (EU) 2018/848:
2. Additional rules for group of operators:
 - ***System for internal controls***
 - ✓ *Specify responsibilities and rules for ICS manager, ICS inspector and member*
 - ✓ *Develop criteria for identifying deficiencies in functioning of ICS*
 - ***Geographical proximity***
 - ✓ *Members of the group can only be in one MS or third country*



Delegated act supplementing

Documentary accounts

(Rules on mass balance and traceability check to be performed at each annual physical inspection)



Organic Reform Delegated And Implementing Acts Trade

State of play



From equivalency to compliance

- *Today: Control authorities (CrtA) and control bodies (CB) are recognised for equivalency under Regulation (EC) No 834/2007*
- *Future: New Regulation (EU) No 2018/848:*
 - *CrtA/CB must be recognised for compliance*
 - *Third countries will continue to be recognised based on equivalency but under International Recognition Agreement*



Transitional period for equivalence

- *The new Regulation 2018/848 establishes a transitional period to make the switch from equivalency to compliance workable:*
 - *CrtA/CB recognised for equivalency under Annex VI of Regulation 1235/2008 will continue to be recognised until end 2023*
 - *Third countries recognised under Annex III of Regulation 1235/2008 will continue to be recognised until end 2025*
- *An Implementing Act will set a list of CrtA/CB (Art. 57(2)) and third countries (Art. 48(3)) recognised under equivalence*
- *A Delegated Act will set the provisions on supervision of CrtA/CB (Art. 57(3)) to submit information such as the annual report*



Compliance

- *As of 1 January 2024, CrtA/CB will only be recognised for compliance*
- *The organic products imported under compliance must:*
 - *Comply with the same production rules and labelling requirements as defined in Regulation 2018/848 for EU products*
 - *Be produced by an operator certified and controlled by a control body recognised for the purpose of compliance*



Compliance - Recognition of CrtA/CB

- *Criteria for recognition of CrtA/CB set out in the basic act Art. 46(2)– criteria includes:*
 - ✓ *Accredited by an Accreditation Body*
 - ✓ *Have the expertise, equipment and infrastructure to carry out controls*
 - ✓ *Etc.*
- *Commission is empowered to adopt an amending Delegated Act on additional criteria for recognition and withdrawal (Art. 46(7)(a))*
- *For instance, withdrawal could include:*
 - ✓ *Evidence that CrtA/CB is failing to properly perform the tasks for which it is recognised*
 - ✓ *Independence or impartiality of CrtA/CB is compromised*
 - ✓ *Annual report is not received*



Compliance - Recognition of CrtA/CB

Implementing Act (Art. 46(1)) will set up:

- *The procedure for application, evaluation and recognition*
- *Technical dossier incl. for instance:*
 - ✓ *Assessment report from accreditation body*
 - ✓ *Where appropriate latest reports on the regular on-the-spot evaluation, surveillance and multiannual reassessment of their activities*
- *The list of CrtA/CB recognised for compliance*
- *The procedure for requesting scope extension*



Certification of operators in Third Countries

- *The provisions will be laid down in an Implementing Act (Regulation 2018/848 include certification provisions only for EU operators)*
- *The Implementing Act (Art. 45(4)) will include provisions on:*
 - ✓ *The content of certificates for operators*
 - ✓ *Procedure for issuing certificates and verification as well as the role of competent authorities, control authorities and control bodies*
 - ✓ *To ensure traceability and compliance of imported products*



Control system: Control by CrtA/CB of operators in Third Countries

- *The provisions will be laid down in a Delegated Act (Art. 46(7)) (Regulation 2018/848 include control provisions only for EU operators)*
- *Delegated Act on control measures and actions to be carried out by CrtA/CB will include provisions on:*
 - ✓ *General obligations on controls of operators/consignments*
 - ✓ *Frequency of controls*
 - ✓ *Documentary checks, etc.*
- *In addition, and IA (Art.46 (8)) will develop the measures to be taken in case of suspected or established non-compliance on how proceed following verification of non-compliance*



Control system: Supervision by Commission of recognised CrtA/CB

- *Risk based supervision*
- *Take into account risk or irregularities, activity of CrtA/CB, products, operators etc.*
- *Delegated Act (Art. 46(7)) will develop supervision tools:*
 - ✓ *Annual report – might be developed compared to today*
 - ✓ *On-the-spot assessment by COM or AB*
 - ✓ *Traceability exercise*
 - ✓ *Ad-hoc request of information*



Thank you!



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Save the Date

09.06.2020 | Praxislehrgang Bio-Recht in Fulda
30.06.-02.07.2020 | European Organic Congress in Berlin