



# The new EU organic regulation, what will change?

14 June 2018

## Introduction

The EU organic regulation has a major impact on organic farmers, processors, traders, retailers, certifiers, researchers and consumers. After today's publication of the new organic regulation, IFOAM EU provides you with a brief overview on the main changes that can be expected in the near future.

## Political process

At the end of 2011, less than three years after the current organic regulations<sup>1</sup> entered into application, the European Commission (Commission) decided to review the organic legislative framework, launching a 1.5-year impact assessment. In March 2014, the Commission issued a proposal for a new organic regulation to replace the current framework, and the so called "co-decision" process started. This means that both the Council of agriculture ministers (Council) and the European Parliament (Parliament) developed their opinions - in parallel - to amend the initial proposal.

The Council discussed the legislative proposal over three Council Presidencies (the Greek, Italian and Latvian) and reached a "general approach" after more than one year, in June 2015. The Council's approach proposed significant changes to the initial Commission proposal. After the May 2014 European elections, the Parliament started working on the proposal. On 13 October 2015, the Parliament's Committee on Agriculture adopted a report on the organic dossier which also significantly amended the initial proposal. At that stage, the three EU institutions entered into the so called "trilogue" negotiations, with the aim of reaching an agreement and adopting a final text.

It took the negotiators 18 trilogue meetings and four Council Presidencies (the Luxembourgish, Dutch, Slovak and Maltese) to reach an agreement, which happened in June 2017.

After legal checks and translation into all the EU's official languages, the text was adopted by the EU Parliament in April 2018 and by the Council in May 2018.

**The [new organic regulation \(EU\) 2018/848](#) will apply from 1 January 2021**

The text that has been adopted represents the "Basic Act". This means that many details of the text still have to be developed. This will happen in the next two years through other legal acts called "delegated acts" and "implementing acts".

## Main changes compared to the current legislation

### The scope

As for the new regulation, the categories of products that can be organic certified are:

1. Live and unprocessed agricultural products - animals, plants and seed, mushrooms;
2. Processed food; and
3. Feed.

The novelty is represented by Annex I of the new regulation, which provides a list of products that are not clearly covered by the three categories but that can still be certified. This list includes: specific yeasts, maté, vine leaves, palm hearts, hop shoots, silkworm cocoon, natural gums and resins, essential oils, cork stoppers, raw cotton, raw wool, raw hides, plant-based traditional herbal preparations.

It also includes sea salt and other salts for food and feed, even if those are not living organisms.

As it is today, **mass catering operations**, i.e., restaurants and canteens, are outside of the scope of the regulation. However, national or private standards can be applied.

---

<sup>1</sup> Regulation (EC) No 834/2007 and its implementing Regulations (EC) No 889/2008 and No 1235/2008

## Objective and principles

Among the objectives, the encouragement of **short distribution channels** and local production is new.

Among the principles, the concept of production connected to the soil is reinforced and references to '**contribution to a non-toxic environment**', '**long term fertility**' and '**biodiversity**' are new and positive. Another new principle is to incentivise the use of organic plant reproductive material and animal breeds with a high degree of genetic variety, resistance against diseases and longevity.

For food, the exclusion of food containing or consisting of **engineered nanomaterials** is new.

## Production rules for farmers

Today "group certification" is only allowed in developing third countries. With the new regulation it will be allowed everywhere in the world, including the EU. **Group certification** means that a certain number of small farmers can get organised and be certified as a single entity. One certificate will cover all the farmers, who cannot sell their certified products other than through the group itself. Specific criteria are established to define what categories of farmers can join the group.

With the new regulation it will be possible for organic farmers to access **heterogeneous material** i.e., mostly seed for arable crops. Today this seed is not 'legally' available to farmers because it is characterised by a high level of genetic and phenotypic diversity. This diversity is very good for organic farming - as opposed to the general seed law that requires high level of homogeneity of seed.

The concept of cultivating in **close connection with the soil** is reinforced in the new regulation. Very few exceptions to this rule are allowed, for instance the production of chicory heads or sprouts. A ten-year derogation is also given to "demarcated beds", which are traditionally used in some Nordic countries. The derogation will apply to the **existing and certified** operations in only three countries: Finland, Sweden and Denmark.

For livestock farmers, higher percentages of **feed** should come from the farm itself or from the same region. 60% (70% from 2023 on) of feed for cows, sheep, goats, horses, deer and rabbit and 30% for pigs and poultry should be of regional origin. Today, these percentages are 60% and 20% respectively.

**Derogations** that are currently permanent will be transitional in the new regulation. Therefore, farmers have continued access to non-organic seed or young animals when those are not available as organic - for a certain period only. The transition of derogations will be supported by national databases that will make the quantity of organic seed and young animals publicly available. It is stated clearly that these derogations can only be used when organic seed and organic young animals are not available on the market.

## Production rules for food processors

In the new regulation, the use of **natural flavours** will be strongly restricted. Today, all natural flavours are allowed, while from 2021 on only natural flavours originating from the mentioned ingredients can be used in organic processing. For example, only "natural lemon flavouring" will be allowed, which means that the flavouring is at least 95% obtained from lemon. Rules for obtaining organic flavours will also be detailed.

A restricted list for **cleaning and disinfection products** for use in processing will be established. Today such restricted list does not exist.

The flexibility to indicate the **origin of ingredients** is slightly increased. Currently, to identify a product as from "EU agriculture" or "Bulgarian agriculture", at least 98% of the ingredients should be farmed in the EU (or in Bulgaria). With the new regulation the minimum percentage will be 95% and even a region can be mentioned, e.g., if 95% of the ingredients are farmed in Tuscany, the reference "Tuscany agriculture" can be used.

## Control and certification

The organic control system will be closely linked to the new general legislation<sup>2</sup> on official controls for food and feed that was published in 2017. Additionally, specific control requirements for organic are detailed in the new organic regulation.

Besides the aforementioned **group certification**, the other novelty is that the **annual physical inspection** will not be mandatory for everyone. Today this applies to 100% of certified farms / facilities. A derogation for low-risk farms / facilities implies that those farms / facilities are inspected every 24 months rather than every year. Controls will have a strong risk-based focus.

Retailers that only sell **pre-packaged organic products** will not need certification but will be subjected to the checks of the general official controls legislation. Additionally, Member States can decide to exempt farmers who sell **small quantities** of organic products directly to the final consumer from certification.

The topic that was heavily debated during the legislative process was related to the actions to be taken when **residues** of non-allowed substances are detected on organic products. Member States have different procedures and an agreement has not been found. Therefore, Member States can continue applying their national approaches until the topic will be discussed again in 2022/2023.

## Imports

In the new regulation, there will be two systems to import organic products from outside the EU:

- **Trade agreements:** all Third Countries that are currently recognised as equivalent will have to renegotiate the terms for trade agreements under the new EU procedure. Under the current system, thirteen Third Countries are recognised: Argentina, Australia, Canada, Chile, Costa Rica, India, Israel, Japan, the Republic of Korea, Switzerland, Tunisia, the United States of America and New Zealand;
- **Certifiers:** where there is not a trade agreement, the Commission will establish a list of recognised control bodies / authorities that will be authorised to perform controls and certification in Third Countries. The EU regulation will be implemented identically within the EU and outside the EU. Some flexibility will be allowed for the use of plant protection products and / or fertilisers traditionally used in Third Countries.

---

<sup>2</sup> Regulation (EU) 2017/625