

Herzlich Willkommen



Bundesverband
Naturkost Naturwaren

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The revision of the organic regulation

Position of

Bundesverband Naturkost Naturwaren (BNN) e. V.

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Short introduction of BNN

- Association for specialised organic retailers, wholesale (incl. import) and processors of organic food and natural goods
- Represent the interests of specialised organic sector in political and economic aspects
- Adoption of special quality guidelines for organic products
- 2013: sales volume of 2.5 billion Euros in specialised organic retail with organic food and natural cosmetics
- BNN works in the fields of
 - Press work and public relations
 - Education and training
 - Quality affairs
 - BNN-Monitoring: since 2003 each month fruits and vegetables are sampled in wholesale and analysed for pesticides

Kräfte bündeln -
Naturkost stärken



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(BNN) e.V.

Position towards the revision proposal

The revision proposal is characterised by:

- Old rules in new contexts
- New rules, some of which heavily threaten organic production and processing
- Many important rules are still to come via delegated acts
- Mistakes, new and undefined terms, new structure, ...
- **Obstacles** for becoming organic
- **uncertainties** leading to obstacles in investments
- **ambiguities in interpretation** leading f. e. to unharmonized interpretation or law cases
- Plus: **total revision is unnecessary:**
 - **We demand the European Parliament and the Council of the European Union to reject the organic revision proposal and to request a further development of the existing organic regulation.**

Following some examples of new rules which heavily threaten organic plus ideas for further development.

Residue threshold: Why?

Why did COM propose a residue threshold?

- **trust of consumers**
 - But: Public consultation asked tendentious questions, implicated a threshold to be an easy solution, did not mention the difficulties about ubiquitous presence of pesticides. Consequences were not mentioned.
 - **harmonized approach in MS:**
 - Yes, it is not harmonized and communication between different MS is often time consuming/does not take place/is not thorough enough
- Is a threshold the correct answer?

Residue threshold: How?

- Left to delegated acts, baby food legislation has to be considered
 - Reference to baby food by far not clear! The baby food threshold refers to highly processed products as consumed – meaning for most baby food to be reconstituted with water or milk.
 - The recitals state:
 - Pesticide residues can occur, even if the pesticide was not used
 - With careful selection of raw materials and given that baby foods undergo extensive processing it is feasible to produce products with very low pesticide levels
- ?How to transfer this to organic products? Also for organic products pesticide residues can occur even if not used. But organic products usually do not undergo extensive processing so that pesticides are not reduced.**

Residue threshold: Consequences?

- Independent of what the threshold will be it will bring:
 - Events of damage (it defines damage and therewith creates it)
 - Events of damage nobody is to be made accountable for
 - But for each damage somebody will have to pay
 - Compensation: only for farmers, in case of damage they will have to live in uncertainty if, when and to what extent they will be compensated. And in the end it is the European citizens who will have to pay – that is against the polluter pays principle.
 - Food losses
- A threshold is not the correct answer for lack of harmonization!**

BNN-Orientation value

***BNN* Orientation Value for pesticides¹ - A guideline to evaluate pesticide residues in organic products**

Background

The BNN – Association of Organic Processors, Wholesalers and Retailers (in German: *Bundesverband Naturkost Naturwaren Herstellung und Handel e.V., BNN²*) adopted an orientation value for pesticides on April 3rd 2001. The *BNN* member companies were thus provided with a practical means of dealing with possible pesticide residues in organic products. Members of the *BNN*, operating as processors and wholesalers for organic food, have pledged to trade only those goods that comply with the orientation value. This will be ensured by written confirmation from suppliers (i.e. specifications), laboratory analyses and other quality-assurance measures.

However, organic products cultivated according to the standards of organic farming are not always free of non-permitted substances. These substances are introduced into the food chain in many ways, for example, through environmental pollution of previous land use, spillover from conventional

BNN-Orientation value

- In brief: above 0,01 mg/kg the cause for the pesticide finding is to be investigated
- Works quite good on private level
- Can it work in the organic regulation?
 - In the past there was need for a different approach in specific cases with frequent pesticide findings above 0.01 mg/kg which were related to overall environmental pollution or to dual use substances (active ingredients of cleaning agents might be pesticides as well)
 - There will be more of these specific cases – we just do not know them yet. Need for some flexibility.
 - Is the COM quick enough to react in an appropriate time? If not: Companies can get in severe financial troubles.
 - Even pesticide findings below 0.01 mg/kg might need investigation – depends on the specific case

But what instead?

- What we actually need is
 - Clear statement in the organic regulation that analysis and sampling has to take place for the purpose of **verifying the process** of organic production: We need process-based control as organic is defined by its process. Otherwise the control will miss what it is supposed to control.
 - **Follow-up of substantiated suspicion is to be centralised** on national and European level for more harmonisation, (best by a group of representatives of CBs and CAs). CBs need to be obliged to provide information in clear timeframes.
 - Pesticide residues are just one potential hint for an infringement, there are many more! **Concentration on pesticide findings in the regulation is not justified from an expert perspective.**

Import: Need for revision?

View of the COM according to the recitals:

- Simplify: compliance is easier to manage for producers, CBs and COM
- Meet consumer expectations that imported organic products meet rules as high as those of the Union
- Requirements concerning the accreditation bodies which accredit control bodies in third countries should be laid down, aiming at ensuring a level playing field for the supervision of the control bodies by the Commission.
- The experience with the scheme of control authorities and control bodies controlling and certifying in third countries based on equivalence (annex xy) shows that the rules applied by those authorities and bodies are different and could be difficult to be considered as equivalent to the respective Union rules.
- Multiplication of control authorities and control bodies standards hampers adequate supervision by the Commission.

→ Yes, we mainly share most points, especially the points on equivalent CAs/CBs. But does the COM find an adequate answer?

Import: proposals of COM

- IAF MLA: accreditation bodies have to sign the IAF MLA, today only 12 non-EU countries not on the thirdcountry list with AB which signed the IAF MLA
 - Supervision of third country CBs will become a even bigger problem
 - IOAS could be excluded, is today no signator of IAF MLA
- Conformity will be strengthened, equivalence will be weakened
 - Many organic products from different climatic regions could not be marketed as organic anymore in the EU (exotic fruits, coffee, cocoa)
 - Different geographic, climatic but also administrative and cultural circumstances need equivalence – not conformity
- Equivalence only in bilateral agreements
 - Serious risk of loosing the expertise of organic agriculture in negotiations as they might take place without experts in organic agriculture but with experts in trade/economics

→ No adequate answers! They bear too many problems and do not solve the ones the COM wants to solve.

Import: Proposals of IFOAM/BNN

- Better implementation of what is already in the organic legislation (e.g. supervision)
- Keep equivalence also beyond the third country list but change the system of linking approval of a standard for a particular region to approval of CBs using that standard
 - Option to concentrate on fewer standards and therefore do better assessment of equivalence
 - IFOAM-Standard: was established by the organic movement which is based on farmers' and citizens' initiative. As the organic regulation is to protect the organic movement, the organic regulation should refer to the IFOAM-standard for import
- Maintaining import authorizations

Environmental management system

- Obligation for introduction of an environmental management system for companies in processing and trade with the exemption of small companies
- IFAOM-EU suggested to introduce the measurement of environmental performance and made some more detailed proposal for what is to measure
 - Background: risk of introduction of an ecolabel for food: could have ended in confusing situation of organic food and eco food or organic and eco food
- COM did not take the proposal on board, changed from measurement of environmental performance to environmental management system and put it all in a delegated act.

Environmental management system

- COM usually prefers its own instruments: EMAS? Impossible for most operators. Risk of getting some bureaucratic monster we cannot control.
- BNN is strictly opposed to what the revision proposal gives on environmental management systems.
- What we need is a small and effective instrument. Therefore we need research for a new instrument.

REGULATION (EC) No 1221/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 25 November 2009

on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

development of initiatives to encourage organisations to publish rigorous and independently verified environmental or sustainable development performance reports is regarded as necessary in this context.

(3) The Commission Communication of 30 April 2007 on the Mid-term review of the Sixth Community Environment Action Programme recognises that there is a need to improve the functioning of the voluntary instruments that have been designed for industry and that those instruments

User's guide setting out the steps needed to participate in EMAS, under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

I. INTRODUCTION

It is an objective of EU environmental policy to encourage all kinds of organisations to use environmental management systems and reduce their environmental impacts. Environmental management systems are one of the possible tools for companies and other organisations to improve their environmental performance whilst saving energy and other resources. In particular, the EU would like to encourage organisations to participate in the Eco-Management and Audit Scheme (EMAS) which is a management tool for companies and other organisations to evaluate, report and improve their environmental performance.

EMAS was established in 1993 and evolved over time. The EMAS Regulation ⁽¹⁾ provides the legal basis for the scheme

Control for retail

- The (burocratic) burden of control is not in fair relation to retail selling only pre-packaged products.
- What we need is risk based control for retail selling unpacked products.



Rules for production

- Many new obligations will make organic farming more difficult and risky
- Risk of farmers converting back to conventional and less farmers converting to organic
- Less organic raw materials on the market

→ Higher risk of fraud! If there were enough organic raw materials there would be less space for fraud. It is not the size itself of organic market that attracts fraud. It is the lack of raw materials! (By Kirsten Arp, BNN)

Conclusion

- **The COM does not take adequate measures to solve problems it sees.**
- **The revision proposal does not meet the COMs intention**
 - to remove the obstacles to the development of organic production in the Union: **It adds obstacles.**
 - to guarantee fair competition for farmers and operators and to improve the functioning of the internal market: **It is not fair to turn over the polluter pays principle.**
 - to maintain or improve consumer confidence in organic products: **Consumer expectations not measured correctly, public consultation asked tendentious questions.**
- **We demand the European Parliament and the Council of the European Union to reject the organic revision proposal and to request a further development of the existing organic regulation.**

Positions of further German stakeholders

- BÖLW (umbrella organisation of organic food and farming): shares the quest for rejection of the organic revision proposal
- Minister for Agriculture, Christian Schmidt is in favor of rejecting the organic revision proposal
- Ministers for Agriculture of the 16 Bundesländer are also in favor of rejecting the organic revision proposal and adopted an according resolution
- Federal Council (Chamber of the Bundesländer) adopted a resolution asking the government to reject the organic revision proposal