

EU legislation: Organic production

Introduction

The past decade has shown an increase in the interest of organically produced food products in the European Union (EU). The reason for the growing interest is that consumers have become more interested in healthy food, and authorities and wholesalers / supermarkets have increasingly been promoting organically produced food.

The EU sets standards for organic production of agricultural products in Regulation (EEC) 2092/91 and its amendments and defines export procedures in Regulation (EC) 1788/2001. A brief outline of the Regulation is presented here. Only products that comply with these standards are allowed to be marketed as organic.

Outline of the legislation



Regulation (EEC) 2092/91 lays down the main rules for organic products, including labelling, rules of production, and inspection systems.

Scope

The EU legislation on organic production sets the minimum requirements in order to market a product as organic within the EU. According to Regulation (EEC) 2092/91, organic production can be defined as

"a system of managing agricultural holdings that uses a variety of more environmentally friendly crop farming practices and involves major restrictions on the use of fertilisers and pesticides"

Requirements

In order to market a product as organic, a minimum of 95% of the ingredients have to be produced by organic methods. To prove that a product is organic, the farmer has to undergo inspections during the production process, as it is not sufficient to test the final product. When a farmer starts working according to the principles of organic farming, products may still be exposed to pesticides or synthetic fertilisers that are present in the soil because of prior use of these substances. This means that there is a **conversion period of two to three years** before products grown and produced organically can be marketed as such.

Basic requirements for different EU types of organic production established:

Plant production: Basic rules are set out in part A of Annex I in the Regulation. It establishes that the fertility and biological activity of the soil must be contained by natural means (green manure, legumes, multi-annual rotation programmes...). Should this not be enough, organic and mineral fertilisers listed in part A of Annex II are allowed to be used. In cases of immediate threat to the crop, also plant health products listed in part B of Annex II may be used.

Recent amendment with positive effect for organic pineapple

A recent amendment of Annex II of Regulation 2092/91, has put ethylene on the list in Annex II B, which means it can be used (under certain conditions) for, among others, pineapple. This could potentially lead to more pineapples receiving the status as 'organic'. Be aware that similar amendments could make it less difficult for your products to become certified organic. It is therefore worthwhile checking the legislation on a regular basis.

Livestock production: The general principle for organic livestock production is the interdependence between animals and the soil, which means landless production is excluded. Both the soil and the livestock must be converted when beginning organic production. Livestock must be fed on organic feedingstuff which must be primarily natural (including natural milk for young mammals). If diseases occur, natural means are to be prioritised above antibiotics or other medication that may leave residues.

Beekeeping: The two main principles, as established in Annex I, part C, are 1) a conversion period of one year, and 2) the siting of apiaries is strictly controlled. Nectar and pollen sources available over a three-kilometre radius around the apiary sites must consist essentially of organically produced crops.

Processing: Non-agricultural ingredients (food additives, flavourings, water, salt, minerals..) are strictly limited, as described in Annex VI. Genetically modified organisms and treatments involving the use of ionising radiation are completely prohibited. Agricultural products produced according to conventional methods are limited on the condition that organic ingredients not being available, as established in Annex VI, part C.

➔ [For more information](#), see the external link to the full text of the consolidated version of the Directive.

Logo

Regulation (EEC) 2092/91 also introduces a logo that may be used if at least 95% of the final product has been certified (by an accredited certifier) to be produced organically. Please note, however, that there are many different logos and labels in the EU, with market shares in certain areas within the EU. In order to be allowed to use some of these logos on your products, there may be stricter requirements that have to be followed than the EU Regulation, whereas others follow the same set of rules. Note that the requirements of the EU Regulation form the **minimum** requirements. Only if compliance is shown to these criteria, it is possible to refer to a product as organic.



➔ [Please see the related documents](#) for information on other eco labels, as well as certification.

Dutch EKO label replaced by the EU label

In the Netherlands the EKO label has so far been the best known consumer label, indicating that a product has been produced according to the standards in the EU Regulation. In 2005, the EKO label may still be used on Dutch brands and products (including imported organic food marketed by a Dutch company), but non-Dutch products certified by the same certifier will be labelled with the EU logo. Dutch food companies also increasingly switch from the Dutch EKO label to the EU-wide label, especially if their products are marketed in more countries than the Netherlands.

Exporting organic products to the EU

The European Commission can enter into an import licence with a non-EU exporting country if its production and monitoring methods match EU regulations. The list of countries and the product groups the agreement applies to are presented in Annex I of Regulation (EEC) 94/92. The number of countries with such an agreement is limited.

Export that is not covered by a European Commission licence, as mentioned above, requires a different set of procedures. In these cases the EU importer is responsible for declaring that the products exported from third countries into the EU are produced and monitored, according to Regulation (EEC) 2092/91 for organic products. Regulation (EC) 1788/2001 lays down more specific export procedures.

The exporter's certifying organisation is obliged to issue a control certificate for each consignment to be exported to the EU, stipulating exact quantities of each separate product of the consignment. The control certificate has to accompany the goods (together with other original documents like invoice, bill of lading, weight list, etc.) in order to be checked and endorsed by the customs in the EU. Please note that this implies that the exporter has to apply for the control certificate *before* he can enter his goods on the EU market. This procedure is valid until 2006, after which it will be evaluated.

➤ [For the full text of Regulation 1788/2001](#), please see the external links.

➤ [For more information](#), please find a guide to the EU legislation on organic farming in the external links section.

Recent developments

Regulation (EEC) 2092/91 is under revision. The European Commission has put forward a proposal which is currently being reviewed according to the EU process for passing legislation. The most important issues that will change if the new amendment is passed are:

- The new text explicitly allows for imported organic food products to be certified based on the **international standard Codex Alimentarius**. This is in addition to the present wording, according to which a product is granted access based on the EU rules or on equivalent guarantees.
This part of the amendment is proposed to apply from 1 January 2007.
- Thus far the EU organic logo has been voluntary. It will remain so, but it is proposed that products certified according to EU standards but not bearing the logo should be marked with the text "**EU-ORGANIC**". The reason behind the proposal is to enable efficient communication to all stakeholders that the product complies with the EU regulation.
NB! Although the EU does not want to interfere in the existing organic labelling programmes within the EU Member States, there is an expectation that the EU organic label will be used on a broader scale which will make the organic market more accessible in terms of labelling (one label) and requirements (one set of requirements) and certification (one procedure).
- Production rules for **aquaculture** are foreseen to be included in future revisions of the proposed amendment, but are not yet included.
- The amendment allows for **flexibility** in terms of production rules for Member States, based on variations in the local climate. According to the text, this flexibility only applies for products produced within the EU.

The revision is proposed to enter into force 1 January 2009.

The proposal has received harsh criticism from the organic industry in the EU. The main point of concern is that the new wording allows for broad interpretation and is less clear than the present version, also including the 'flexibility' rule. This in turn could lead to loss of consumer confidence as it is feared products of less organic quality will be allowed to be marketed as "EU-ORGANIC".

➤ [For more information](#) on the revision, please see the external link to the organic revision website.

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