

The basic regulation on the new EU organic directives

Information for companies and employees

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History:

At the end of 2011, the then EU Agriculture Commissioner Dacian Ciolos began evaluating the Organic Regulation. After years of discussion, the EU legislative process was completed in May 2018 and the basic part of the new Organic Regulation was published.

This new organic regulation has got the number 2018/848 and comes into force on 1 January 2021. But it is "only" the "basic act". Many detailed regulations, so-called "secondary legal acts", are not yet worked out and therefore unknown. They are currently under discussion and will be published after EU decision-making. They also apply from 1 January 2021 and have therefore to be published in good time before the start of validity of the Regulation.

Like the current Organic Regulations, the new organic law includes the production and processing regulations, regulations for the labeling of organic products and the requirements for the inspection. The already published provisions are not complete, as stated above. It still contains many ambiguities and contradictions, as well as areas still to be regulated in the individual Member States. A final presentation of the changes is therefore not possible at the present time. Nevertheless, we want to inform you about the already fixed innovations.

The most important changes currently known

Scope

The scope has been extended. In the future, for example, beeswax, essential oils and unprocessed wool as well as salt can be certified as organic products.

Production regulations for agriculture

Plant production

On the breeding of varieties that are particularly suitable for organic agriculture and their preferred use is specifically referred to.

The already required organic seed database must also include the organic plant reproductive material. The authorization will then apply to all types non-organic plant reproductive material (e. g. vines, young trees, shrubs...). Seedlings must continue to be organic.

In contrary to the EU-wide valid traffic regulations for seeds and plant reproductive material it is now explicitly possible to bring to market "heterogeneous material". This is plant reproductive material, that is not registered as a defined "variety". Prior to the marketing of such "heterogeneous material", the supplier must provide a detailed notification to the competent authority.

In addition to the use of heterogeneous plant reproductive material, the following additional new methods of avoiding damage to crops are mentioned:

- usage of biofumigation (cultivation of catch crops that release pathogen reducing substances)
- usage of solarisation (increasing of soil temperature through films (covers) to reduce weeds and pathogens)
- usage of steam treatment for protected cultivation, max. to 10 cm depth

In order to maintain and increase the fertility and biological activity of the soil, the use of manure of animal origin or other organic substances continues to be required. But these substances – and this

is new – must come from organic production and should preferably continue to be composted. The list of permitted fertilizers is still to be worked out.

A list of permitted products for cleaning and disinfecting buildings and installations used for plant production will be created.

Animal husbandry

The provisions for rabbits and cervine animals have been added to the Organic Regulation.

Origin of animals

In each Member State, databases of available organic animals, including organic juvenile fish – with the exception of poultry and bees – must be established.

All introductions of non-organic animals – with exception of bees – must be approved in advance. Before applying for allowed non-organic animals, the farmer must check the database to see if his claim is justified. How the processing of these permits will be organized has yet to be determined. For apiaries the number of annually allowed non-organic queen bees/swarms has increased from 10 to 20 %.

When a herd or flock is constituted for the first time, the age limit for non-organic breeding rabbits brought into the unit is set at 3 months. Older non-organic breeding rabbits may brought into the unit up to a limit of 20 % of the number of adult animals.

For "small units" with fewer than 10 rabbits or cervine animals (equal to ruminats), the renewal with non-organic animals is limited to one animal per year.

The conversion period for Peking ducks brought in before they are three days old, is seven weeks (so far 2/3 of life).

Feeding

The permitted share of purchased in-conversion feed in the annual feed ration has been reduced from 30 to 25 %.

If the feed supply in the outdoor area is limited (e.g. in the case of long-lasting snow cover or longer dry periods), roughage must be added to the poultry feed.

The use of 5 % non-organic protein feed is only possible after confirmation of the non-availability of organic feed by the competent authority for

- piglets up to 35 kg
- young poultry (age limit to be determined)

and only for certain protein compounds that are still to be determined.

Termination of exceptions/derogations

The termination of exceptions for non-organic animals and non-organic animal feed is set at 31 December 2035. However, this date can be moved from the end of 2025 forward or back, depending on availability. The basis for the decision will be a report that the EU Commission must draw up by the end of 2025.

Housing and housing practices

The detailed housing regulations are still missing (e.g. minimum areas, design of stables and free ranges). However, the following changes have already been fixed:

All animals

In free-range areas shelters are required for shade and for protection against extreme weather.

Calves

Special attention is given to the prohibition of housing calves in individual boxes during the first 7 days of life, with the exception for individual animals for a limited period, and insofar justified for veterinary reasons. In such a case the calves shall be kept in spaces that have a solid floor and shall provide a straw bedding (another sole bedding material is not permitted). Slatted floors are completely forbidden.

Cervine animals

In addition to the already required consolidation of the soil of feeding places, the feeding apparatus shall be equipped with a roof.

Porcine animals

A few days before farrowing, sows shall be provided with a quantity of straw or other suitable natural material to enable them to build nests.

Poultry

Live plucking of organic poultry shall be prohibited and applies regardless of the national animal welfare laws in the entire EU.

Rabbits

There is no difference between fattening and breeding rabbits anymore. Therefore breeding rabbits must be kept and certified in accordance with the requirements of the new Organic Regulation. Unlike the current provisions, rabbits shall have access to pasturage for grazing whenever conditions allow, forage shall comprise at least 60 % of the diet. All rabbits (including breeding rabbits) shall be kept in groups.

All rabbits shall have access to

- covered shelters, including dark hiding places;
- an outdoor run with vegetation, preferably pasture;
- a raised platform on which they can sit, either inside or out;
- nesting material for all nursing does

Operations

The following operations remain allowed on a case by case basis, but only after authorization by the competent authority:

- tail-docking: of sheep only
- beak trimming of poultry undertaken in the first three days of life
- dehorning
- disbudding

The operator must provide a justification when applying to the authority. An authorization may be granted if the operation improves the health, welfare or hygiene of the livestock or where workers' safety would otherwise be compromised. How the processing of authorizations will be organized in Austria has yet to be determined.

Rubber rings on the tails and the pinching of teeth are prohibited.

Physical castration remains allowed, immunocastration remains prohibited.

Production regulations for aquaculture:

There will be minimum distances between organic and non-organic units, which are still to be set.

The introduction of non-organic juveniles of species that were not developed as organic will be possible to the extent of 50 % of the stock, after a permission is granted by the Member State. The Member State may grant such approval until 1 January 2021 for species that are not sufficiently available in organic quality. This exception, however, is limited to the end of 2022 and is not renewable.

The perimeter ('land-water interface') area that shall have natural vegetation has been increased from 5 to 10 %.

Production rules for processed food and feed

It has been made clear that all stocks of products produced in accordance with the current organic regulation can be placed on the market until stocks are exhausted.
There will be a list of authorized cleaning and disinfecting agents. Only these may be used.
There will also be a list of acceptable processing methods. Only these may be used in the production of organic products.

Wine

The thermal treatment is allowed up to 75°C, currently up to 70°C. Further permitted procedures and substances still need to be approved.

Feed

For the following areas, the lists of permitted resources must still be worked out:

- non-organic feed materials
- feed materials of mineral origin
- feed additives and processing aids

Yeasts used as food or feed

The substrate shall be produced organically. In the case of unavailability, non-organic yeast extract or yeast autolyzate may be used until 31 December 2023 up to 5 % of the dry matter .
The list of permitted processing aids still needs to be worked out.

Transport and Storage:

The closing obligation during transport to other companies or units shall not apply where the transport includes only organic or only in-conversion products.

Goods imported from third countries **MUST** be closed. The closure must make it impossible to exchange the content. The closure of the packaging must be checked at the time of receipt of the goods, a record of the result of the inspection must be kept.

In storage facilities only approved detergents and disinfectants are allowed. The list is still being created.

Labeling

New about the labeling is, that according to the current state there will no longer be any compulsory text for in-conversion goods. It is merely specified that the term "in-conversion" or a corresponding designation will have to be used together with "organic".

In compound feed, all agricultural ingredients must come from organic production. This organic ingredients have to account for 95 % of the dry matter content of the feed. The currently required declaration "can be used in organic production according to ..." is no longer necessary.

The indication of the origin of the ingredients in the logo are again formulated as fixed mandatory texts. The 2 % tolerance for ingredients from other regions has been increased to 5 %.

For the use of the organic logo of the EU for advertising, information or educational purposes, it has now been clarified that the logo shall be used in such cases without indication of the origin and without code number of the inspection body.

Control

The requirements for authorities, control bodies and companies in the case of a suspected and actual non-compliance will be redesigned.

The new provisions are the result of a very long discussion. It all started with the idea of the EU Commission to remove the organic status of the product in the presence of pesticide residues above a threshold value immediately, regardless of the cause of the residue, i. e. regardless of compliance with the regulations by the management of the company.

This undifferentiated approach to the residue problem has been overcome in long discussions for the time being. Nevertheless, some fundamental changes have already been fixed:

The duties and measures of the operator in case of a suspected non-compliance with the regulations, correspond to the current requirements. However, the company has to take "precautionary measures" to avoid the presence of unauthorized products and substances. Which precautionary measures that will be exactly, has yet to be determined.

In the presence of unauthorized substances in an organic product, the control body immediately has to investigate whether the required "precautionary measures" have been observed. Until the case has been clarified, the affected product must not be placed on the market with an organic labeling.

The product irrevocably loses its organic status if it turns out that the trader has used prohibited substances, and/or if the precautionary measures have not been taken.

Import

Products labeled as "organic" can only be imported from a third country if they comply with the scope of the new organic regulation.

In addition, they have to
either

comply with the principles, production rules and labeling requirements of the new Organic Regulation, i. e. all provisions must be fully complied with. There is no longer a way to make local adjustments to other regions of the world. Compliance must be checked by control bodies or authorities recognized by the EU Commission.

However, the EU Commission may authorize other input products for a limited period of time for third countries and "outermost regions of the Union" (e.g. French Overseas Territories).

or

be equivalent to the trade agreement

or

be in accordance with the current Organic Regulation (Regulation 834/2008).

Equivalence under trade agreements is (only) granted to those "recognized third countries" with which exists a trade agreement that includes a compliance guarantee with EU rules. Currently there are 13 states with such trade agreements (e.g. Canada, USA, Japan...).

The equivalence in the context of the Regulation No 834/2008 on the basis of certificates of inspection only applies until the end of 2025.