

ADVISORY GROUP ON ORGANIC FARMING

Draft Minutes from AGOF meeting June 12th, 2012 from 9:30 hrs to 17:00 hrs, Rue de la Loi 130, 11th floor, room A, 1049 Brussels

Version 17.07.2012

1. Adoption of the agenda and of the minutes of the last meeting of the Advisory Group on Organic Farming (30/11/11)

- Agenda adopted with amendments proposed by COPA/COGECA
- One AOB accepted. Conseil Europeen des Jeunes Agriculteurs (CEJA) requested that they have the opportunity to present their petition Future, Food, Farmers.
- Outstanding Actions from previous meeting:
Group certification to be put on the next meeting's agenda. Not done due to the large agenda for this meeting. ACTION: Carried forward.
Presentation of CERTCOST project results to be put as on the agenda for next AGOF meeting. Not done due to the large agenda for this meeting. ACTION: Carried forward.

2. State of play of the organic production rules, SCOF and EGTOP

- **Revised rules for organic feed**

The Commission presented its activities on Feed. The revised regulation is expected to be published by 19/6/2012.

EOCC pointed out that a clear definition from EGTOP of the wording "from factory farming" is outstanding. EOCC asked what will happen regarding protein availability and the 5% non organic feed allowance in 2014 ?

The Commission will continue to use Codex Alimentarius GL 32 definition for "factory farming" . However, other ideas and suggestions for a definition, perhaps based on farm size or intensity limit are welcome and will be discussed with Member States.

The Commission expects that the market will focus on production of protein crops to meet demand.

- **Working paper for revision of annexes I, II (fertilisers and pesticides) / poultry production; food processing; greenhouse production**

The Commission presented update on the progress on review of Annex I & II and Article 21. The Proposal to SCOF will be as per EGTOP recommendations with exception regarding max. level of Chromium in Compost, amended from zero to "not detected". Changes to Annex II are mainly due to changes in horizontal legislation such as removal of Rotenone. Concern over Copper Octanoate as this is not approved yet as a fungicide.

The Commission also informed AGOF that the responsible person for EGTOP has left the unit. Reports on poultry and food additives are drafted, and need to be adopted in EGTOP plenary June 20-21. They will be published after finalisation on the DG AGRI website on organic farming. The EGTOP mandate for greenhouse production is being finalised. Stakeholders were asked to provide comments on this mandate. Answering to a remark from IFOAM EU on proposed changes to Annex I regarding the zero level for Chromium in

compost, where the 3rd column refers to household waste, the Commission confirmed that it was an error and will be corrected.

IFOAM EU was concerned over changes to the annexes, especially the inclusion of Sapropel. The Commissions responded that the inclusion is based on the EGTOP result, the effect of harvesting of Sapropel on fresh water was considered and safeguards have been put in place.

IFOAM EU asked about issues discussed by the EGTOP processing subgroup due to the lack of time? IFOAM EU was concerned over the quality and lack of information in some of the dossiers. The ORGIN matrix was developed in 2006 specifically for this purpose, with Commission funding and it should be used for all dossiers.

The Commission responded that the EGTOP is busy with the 2012 work program and additional issues could maybe dealt during the next 3 year program. The program is discussed and decided in the EGTOP plenary meeting.

One producer representative pointed out that the Alkalisiation of Lucerne effectively increases protein content, e.g. using CaCO₃.

EOCC requested a simplification as of feed rules after 2014 as it is difficult for CBs to explain them to farmers. EOCC also confirmed that annual percentage calculations make it difficult to act when CBs find a non compliance.

IFOAM EU is keen to react to proposals, but concerned over process. It is difficult to get stakeholder consultations in a short time frame. The delay due to the WTO process has reduced the time available for consultation amongst EU stakeholders. EOCC reinforce the statement of IFOAM EU and said 10 days is insufficient time to prepare feedback and confirmed that they will send further comments to COM.

The Commission welcomed all stakeholder input which helps to move dossiers on as fast as possible. However, final EGTOP results should be awaited before preparing working documents for new or updated implementing rules.

Via Campesina requested an item on the agenda for the next meeting: How rules of EGTOP will function and change under Lisbon Treaty.

COPA/COGECA: Requested clarification on the role of other bodies, eg EFSA, when they have opinions that affect Organic farming.

The Commission outlined that EGTOP is providing for technical and scientific advice. The group was established in 2010 as outlined in action no 7 of the European Action on organic farming 2004 and works independently. However, mandates, rules of procedures, etc are available publically on the Commission website. In addition, the AGOF is an important source of information for the development of future rules and policy in organic farming in providing input from the relevant stakeholders.

IFOAM EU requested assurance that position papers etc. from stakeholders are considered

by EGTOP. It is not clear that this is being done. In the longer term IFOAM EU requested consideration of how stakeholders input into that process can be improved. IFOAM EU questioned the possibility for other stakeholders to have significant input into the EGTOP process.

The chair asked why EGTOP reports cannot be published when it goes to SCOF.

The Commission will inform AGOF when EGTOP reports are finalized. Information about the work of EGTOP is available on the Commission website on: www.organic-farming.eu.

3. Presentation by the Commission of:

- 3.1.) the Report to the Parliament and Council according to Article 41 of Council Regulation (EC) No 834/2007 (COM (2012)212 of 11 May 2012)

The Commission presented the report that concentrates on those themes identified by the Council when Regulation 834 was adopted in 2007 i.e. 1. the scope with special attention to be given to mass catering, 2. the prohibition on the use of GMOs and possible related difficulties, 3. the functioning of the internal market and control systems, to which the Commission has added a 4th point on international trade in organic products.

The report is factual and has helped the Commission to draw certain preliminary conclusions. It is based on past experience and on questionnaires sent to the Member States and to stakeholders. Additional background to the report are the E coli outbreak, the massive EU- fraud case and the report of the Court of Auditors. The report is intended to form the basis for an inter-institutional discussion. The debate on the report is open to all stakeholders. The Commission draws attention to the questionnaire at the end of the document which will be a good starting point for the upcoming discussion on the review of the EU framework on organic production.

IFOAM EU and COPA/COGECA support the extending of the regulation scope, especially for cosmetics & textiles. COPA/COGECA foresees more problems if there are no rules for cosmetics. IFOAM EU requests a central role from DG Agri. The agricultural aspect is vital and this may not be considered if progress is led by other COM DGs.

IFOAM EU pointed out the IFOAM EU Group position paper on Flexibility, saying that flexibility has to play a central role within the Regulation.

IFOAM EU stressed on the fact that on GMO, the report says that there is no pollution noted. Recent examples include contamination of honey and concerns in Spain on Maize and Poland on feed. Therefore, IFOAM EU applies for a non GM label for animal feeds. Community citizens want GMO free products and social and environmental effects of GMOs are not covered in the report. The possibility of processing aids vitamins, enzymes etc are a concern and the organic sector does not want them.

COPA/COGECA pointed out that certain issues are not in the report and fraud happened due to a hole in system.

One producer representative pointed out that specific customs codes for organic products would help.

The Commission confirmed that this work is underway, but expected to be lengthy.

EOCC strongly applies for inclusion of mass catering in scope.

The Commission assured that mass catering will be considered, as will other scopes.

- **3.2) the state of play for an external evaluation of the EU organic legislation**

The Commission announced the call for tender closed. The awarding procedure is underway. The announcement of the successful bid is to be expected in December. The Commission informed about the impact assessment process. Different representatives of interested DGs will be working on the objectives and scopes of regulation, especially concerning GMOs and Controls. The Action plan will be reviewed at the same time.

- **3.3) Impact assessment exercise in view of a possible legislative proposal amending Council Regulation (EC) No 834/2007 by the 4th term of 2013**

The Commission presented the process of the impact assessment that will lead most probably to the presentation of a proposal to revise the basic Regulation on organic production and labelling.

The global context was presented: Firstly, the working programme of the Commission for 2013 includes a revision of Regulation 834/2007 which should be based, amongst others, on the results of the discussion of the report that was mentioned under point 3.1). Secondly, there is the external ex-post evaluation of the European organic farming legislative framework that was presented under point 3.2). Thirdly, the alignment of Regulation 834 with the Lisbon Treaty is also underway. It will have an impact on the way forward in particular because of the resulting distribution of power between the Institutions and to complete the picture, DG AGRI is going to launch an Impact Assessment exercise intended to collect as much information as possible in order to make decisions regarding the revision of Regulation 834.

The Impact Assessment should start before the summer break and will last one year. An Impact Assessment is a sort of ex-ante evaluation that examines different possible scenarios for the future. Stakeholders, academics and experts will be invited by the Commission to contribute to the in-depth examination of the sector. In the course of the Impact Assessment, a public consultation will be launched. DG AGRI is counting on the constructive contribution of the AGOF to the reflection process.

All the different paths that will be explored will feed the process of elaboration of a political and legal framework that will encourage the development of organic agriculture and production in the European Union.

- **3.4) the results of a study on "Use and efficiency of public support measures addressing organic farming"**

VTI (Johann Heinrich von Thünen-Institut) presented their work on the topic above.

IFOAM EU said that this report is good opportunity to revamp action plan and asked what is happening with it.

The Commission responded that the work on the Action Plan has been postponed but will be revisited in the light of CAP.

EOCC asked if the data will be used to review the impact of fraud on payments.

VTI responded that the data did not give any information on Fraud.

Via Campasina points out that the current coexistence rules work if GM crops are grown.

The Commission is authorizing more GMOs increasing risk for the organic sector especially in Spain.

VTI explains that the coexistence will be covered in the review.

The chair recommended that the CAP reform should consider this report and must include the 8 principles from the report.

4. Information and exchange of view on the import regime and on controls and in particular:

- 4.1) on-going amendments of annexes III and IV of Regulation (EC) no 1235/2008:

The Commission presented the issue. Amendments to 1235/2008 will be published by 23.06.2012 and the new regime starts 01.07.2012. Tunisia's recognition will be prolonged by one year initially. The presentation of Annex III of that Regulation has been harmonized with the presentation of Annex IV as regards product categories for which third countries can be recognised., with footnotes to explain where necessary. The list of CBs in Annex III will be amended and code numbers added. Import Authorizations should no longer be granted after 30 June 2014. An update on approval of CBs for equivalence will be done by the Commission. There were 30 approved CBs in December 2011. A total of 53 CBs will be listed in the revised Annex IV, active in 132 states. This list includes the main large CBs. COM is liaising with Accreditation bodies who are prepare guidelines for accreditation of organic production certification to ensure consistent accreditation of CBs operating inside and outside the EU.

EOCC pointed out that there is the need to retain the link between CBs and approved third country list. CBs need to be in ATCs as not all scopes are recognized. EOCC asked how CBs could develop their scopes.

The Commission updated the list on which CBs will be listed for ATCs where they are included for products not approved under the equivalence arrangement with third countries. CBs can extend scopes by application annually. Import authorizations issued before 2012 must expire 2014 latest.

IFOAM EU is concerned that in the 132 states not all exporting states are included. The import authorization system may need to be extended where there is no CB approved. IFOAM EU asked if CB standards could be deemed equivalent and be published.

The Commission indicated that the period during which imports remain possible using import authorizations should be long enough to allow the list of recognised control bodies to grow sufficiently in coverage of product categories and exporting countries to meet trade demand. The Commission confirmed that the equivalence of CB standards has been confirmed by their accreditation bodies and deemed to be equivalent.

ACTION: The Commission will examine whether CB standards deemed equivalent should be rendered public.

- 4.2) state of play of ongoing work with third countries

Commission presented the topic.

- US: The US arrangement is in force from 01.06.2012. NOP offers webinars (internet-seminars) for practical and technical clarifications. The discussions are ongoing for 12 month conversion of dairy animals. The letter from IFOAM EU on NOP rules on dairy produce was put forwards. The US asked for guarantees that CBs monitor antibiotic free conversion period. Wine is in principle covered in the bilateral arrangement but considering that the EU organic wine regulation was not adopted at the time of signature of the arrangement, equivalency has still to be assessed. In the meantime the control systems are equivalent so trade in wine can take place according to the destination standard, without the need for double certification: EU wine can be exported to the US provided it meets the US organic wine production rules and US labeling rules and vice versa Neither the EU nor US have 100% organic feed for non herbivores, as the US allows synthetic methionine. This will be slowly phased out to <50% by 2012. The next review will be in 2015. EU has prolonged 5% non organic allowance for 3 years. The US won't accept any EU organic aquaculture animals while they work on their rules. Publication of draft US aquaculture standards is expected in 2013. It might exclude marine pens and allow no non-organic feed. US doesn't allow US based CBs to issue EU certificates. NOP accreditation does not specify geographic scope. It is up to EU CBs to decide if they want to keep NOP accreditation. There can be no NOP certification in EU for products other than for export from EU. Hydroponics is not allowed in EU but is in US. 13 small US producers mainly only supplying local and one Dutch operator will continue for export only. These products may not be re-imported.

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The Commission welcome views on how to assess antibiotic free in time for next November bilateral US EU meeting. The Commission will ask for input on issues to be considered ahead of EU-US organic working group meetings.

IFOAM EU pointed out that the fortification of organic products is an issue, as EU operators cannot produce similar products. The Commission replied that, whilst there are variances, overall the EU and US organic production rules and control systems are considered equivalent. On transparency, Codex guidelines don't recommend publication.

ACTION: IFOAM EU Group to propose inspection and verification requirements for confirming the antibiotic free status of diary production and, with EOCC, present these to COM for submission to the US authorities.

- Japan: the Commission and Japan are working to redress imbalances in the existing equivalency arrangement, with a view to modifications early 2013. Bilateral trade in organic products should be improved both ways.

- China: the Commissioner has been early June in China and has signed a Memorandum of Understanding paving the way for mutual recognition in future. Bilateral discussions should start in fall. The Chinese standard has recently been modified and controls reinforce. EU exports to China have to meet now Chinese certification requirements.

ACTION: AGOF members will provide lists of issues related to import from third countries for consideration and send information as regards EU export interest to third countries.

- **4.3) the launch of a call for tender for the assessment of third countries applications**
The Commission informed that 17 states applied for recognition. Part of the evaluation will be contracted to external experts. A tender has been published 8th May for a contractor to assess 12 dossiers, mainly South American plus Thailand and Taiwan. Offers have to be sent to DG AGRI before 13th July.
- **4.4) information on FVO (Food and veterinary office) audits in MS and TC's**
The Food and Veterinary Office presented its work. It is starting a new series of audits of organic systems, both in Member States and in Third Countries.

COPA/COGECA welcomed the new audits and asked which ministries are involved. COPA/COGECA asked if the results from controls are sent only to responsible authorities or also to Ministry of Agriculture etc. in order to continue the improvement of all people involved.

Via Campasina pointed out that in the organic sector credibility is crucial and FVO as control unit has a small structure and is not only dealing only with organic farming and asked how many audits were actually done.

IFOAM EU asked why a representative of a CB cannot be a national expert in the system of certification.

FVO informed that the outcomes are always sent to competent authority in the MS to distribute the information and every citizen can see all reports on the FVO website. FVO makes 3 audits this year- in Portugal, Poland and India. information about next year's audits is not yet available. FVO said that the colleagues from CBs are very good, but very competitive and there should not be any competition in an audit.

- **4.3) the launch of a call for tender for the assessment of third countries applications**
The Commission informed that 17 states have applied for recognition of their organic standards as equivalent. The Commission has decided to outsource the assessment of 12 applications from third countries. A call for tender was published on 08.05.2012. The deadline to present offers is 13 July. If a contract can be signed by the end of 2012, the contractor will be required to assess 12 dossiers, mainly latin American plus Thailand and Taiwan. The work will have to be carried out in 18 months starting from 1st January 2013.
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5. Short presentation of EOCC's activities and major topics in 2012 (e.g. the consultation process of the EOCC Residue guideline)

EOCC reminded that their work has also been presented in the last AGOF meeting, where the task force on pesticides residues has been focused. The outcome will be released on 13th Sept 2012. The consultation with the final publication will be at Biofach 2013.

6. Report from TP Organic activities

Bram Moeskops, newly appointed Scientific Coordinator at IFOAM EU Group, gave an overview of the TP Organics' activities of last months and presented platform's demands for Horizon 2020. Additionally he mentioned that TP Organics has been invited as a member to the Stakeholder Advisory Board of FACCE-JPI (JPI Agriculture, Food Security and Climate Change) and the External Advisory Group of ERA-Net SUSFOOD (Sustainable Food Production and Consumption).

7. Other points of general interest

- 7.1) CAP post 2013 - Approaches for job crating and job losing in the light of the coming CAP-reform

The presentation was made by Jesper Lund-Larsen (United Federation of Danish Workers, EFFAT). The answer to the question if the current CAP is creating jobs is ambiguous: It cuts jobs in the Eastern part of EU, because of bigger farms, but creates jobs because of manual work (but only on the short term because purchase of machinery after 5-10 years on farms) The focus should be on quality, high level products and new products, also biogas, bio-refinery. High level products definitions vary from country to country.

- 7.2) Product from my farm

The Commission presented the issue: "product from my farm". It is the name of a working group formed in autumn last year in the framework of the Advisory group on quality policy. Regarding local products and sales the group pointed out that the Commission should look further to this issue. The Committee of the Regions has also looked at the local agricultural systems and called on the Commission to provide a scheme for labelling and logo at EU level. The working group "Product from my farm" had 3 meetings so far dealing with how to assist farmers to market their own products in short supply chains. The scope of the working group is to provide knowledge and support for possible legislative proposals.

IFOAM EU is concerned over the risk of confusion of having another label. It has to be easier for farmers to have access to the checks. IFOAM EU would like to see improvements for small

farmers' access to public procurement.

The chair stated that local products may be helped by group certification, with internal control system, as outside the EU.

The Commission said that these points have been discussed in the WG and at the conference on local farming that took place in April 2012; the Commission services will take due account of them in their analyses.

– **7.3) Exchange of views on EU promotion policy for organic farming**

The Commission gave an overview of the status of EU promotion policy. There are several promotion schemes where beneficiaries can receive co-financing like fruit and vegetables, wine and rural development. Within the framework of Council Regulation (EC) No 3/2008 promotion and information programmes are co-financed to run in the internal market and in third countries (outside the EU). Multi-country programs have a priority on co-financing within the framework of Council Regulation (EC) No 3/2008. These programmes contain a series of actions which meet the objectives of the promotion Regulations. Such actions can be promotional events like trade fairs, actions on points of sales, advertising and other. From 2000 till 2011, there were 518 programmes adopted out of which approximately 47 programs concerned organic farming. The scopes are : consumer awareness and stimulation of demand and the introduction of organic farming to new farmers. A communication has been made in March 2012 and there is an ongoing impact assessment. The legislative proposal will be ready by end 2012. The Commission pointed out, that new rules for promotion programs address a series of issues for simplification administrative burden and effectiveness.

8. AOB

The Conseil Europeen des Jeunes Agriculteurs (CEJA) presented their petition Future, Food, Farmers. Members of AGOF have been invited to evaluate if they want to sign/join the petition.

Next meeting:

The chair suggested that next meeting should be held up until EGTOP poultry work is available. Following meeting is dedicated to evaluation of organic regulation. Provisional 13th Sept 2012. The date should be verified as EOCC expressed problems with the date.

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