



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.01.2003
COM(2003) 14 final

2003/0002 (CNS)

Proposal for a

COUNCIL REGULATION

**amending Regulation (EEC) No 2092/91 on organic production of agricultural products
and indications referring thereto in agricultural products and foodstuffs**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs provides for a harmonised framework for the labelling, production and inspection of agricultural products, which bear or are intended to bear indications referring to the organic production method.
2. Article 2 of Regulation (EEC) No 2092/91 provides for a Community wide protection of certain terms used to indicate to the consumers that a food or a feed product, or its ingredients, have been obtained in accordance with the organic production method laid down in that Regulation. The protection also applies to the usual derivatives or diminutives of these terms, whether they are used alone or combined and independently of which language is used. In order to remove any possibility of misinterpretation as regards the scope of the protection it is appropriate to amend that Article.
3. According to Article 8 of Regulation (EEC) No 2092/91, operators producing, preparing or importing from third countries products falling within the scope of that Regulation shall be subject to the inspection system set up under its Article 9. In the recent years, there have been cases where products bearing indications referring to the organic production method have been placed on the market without being in compliance with the provisions laid down in that Regulation. Moreover, contamination with herbicides has occurred recently during the storage of products from organic farming. It is therefore necessary to reinforce the inspection system and to submit to the inspection system all operators throughout the production and the preparation process. Nevertheless, retailers not carrying out any operation on the product and selling it directly to the final consumer in sealed packaging shall not be subject to the inspection system.
4. The inspection bodies and authorities operating under the inspection system shall respect the obligation of professional secrecy. Nevertheless, considering the need of ensuring traceability of the product and to guarantee that the rules of organic farming are complied with all along the production and preparation chain, it is necessary to facilitate the exchange of information between inspection bodies or authorities and between inspection bodies or authorities and public competent authorities.
5. The Community logo indicates that the products are covered by the specific inspection scheme. The logo may be used also for products imported from third countries where an equivalent system of production and an inspection system of equivalent effectiveness have been assessed. In this regard, the inspection measures shall be deemed to be of equivalent effectiveness only if they are carried out by an inspection body supervised by public authorities. For the sake of clarity, Regulation (EEC) No 2092/91 should be amended accordingly.
6. This proposal has no impact on the Community budget.

Proposal for a

COUNCIL REGULATION

amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto in agricultural products and foodstuffs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) Council Regulation (EEC) No 2092/91³ provides for a harmonised framework for the labelling, production and inspection of agricultural products, which bear or are intended to bear indications referring to the organic production method.
- (2) Article 2 of Regulation (EEC) No 2092/91 provides for Community-wide protection of certain terms used to indicate to consumers that a food or feed product, or its ingredients, have been obtained in accordance with the organic production method laid down in that Regulation. That protection also applies to the usual derivatives or diminutives of those terms, whether they are used alone or combined, and independently of which language is used. In order to remove any possibility of misinterpretation as regards the scope of the protection it is appropriate to amend that article.
- (3) Regulation (EEC) No 2092/91 provides that operators producing, preparing or importing products from third countries, which fall within the scope of that Regulation are subject to an inspection system. In recent years, some products bearing indications referring to the organic production method have been placed on the market without complying with Regulation (EEC) No 2092/91. Moreover, contamination with herbicides has occurred recently during the storage of products from organic farming. It is therefore necessary to reinforce the inspection system and to submit to the inspection system all operators throughout the production and the preparation process. However, retailers not carrying out any operation on the product and selling it directly to the final consumer in sealed packaging should not be subject to the inspection system.

¹ OJ C ..., ..., p. ...

² OJ C ..., ..., p. ...

³ OJ L 198, 22.7.1991, p. 1. Regulation last amended by Commission Regulation (EC) No 473/2002 (OJ L 75, 16.3.2002, p. 21).

- (4) For the purpose of respecting the obligation of professional secrecy, the inspection authorities and bodies are required not to disclose information and data they obtain in their inspection activity. However, the exchange of information should be possible between inspection authorities and bodies in order to improve traceability and to guarantee compliance with the provisions of Regulation (EEC) No 2092/91 throughout the production and preparation process.
- (5) Since the Community logo indicating that products are covered by the specific inspection scheme may be used for products imported from third countries, it is appropriate to provide, for reasons of clarity, that equivalent inspection requirements are to be applied to those products.
- (6) Regulation (EEC) No 2092/91 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2092/91 is amended as follows:

- 1) Article 2 is replaced by the following:

“Article 2

For the purposes of this Regulation a product shall be regarded as bearing indications referring to the organic production method where, in the labelling, advertising material or commercial documents, such a product, its ingredients or feed materials are described in terms suggesting to the purchaser that the product, its ingredients or feed materials have been obtained in accordance with the rules of production laid down in Article 6. The following terms or their usual derivatives (such as bio, eco etc.) or diminutives, alone or combined, shall be regarded as indications referring to the organic production method throughout the Community and in any Community language, unless they are not applied to agricultural products in foodstuffs or feedingstuffs or clearly have no connection with the method of production:

- in Spanish: ecológico,
- in Danish: økologisk,
- in German: ökologisch,
- in Greek: βιολογικό,
- in English: organic,
- in French: biologique,
- in Italian: biologico,
- in Dutch: biologisch,
- in Portuguese: biológico,
- in Finnish: luonnonmukainen,
- in Swedish: ekologisk.”

- 2) In Article 8, paragraph 1 is replaced by the following:
- “1. Any operator who produces, prepares, stores or imports from a third country products as specified in Article 1 with a view to the subsequent marketing thereof, or who markets such products, shall:
- (a) notify this activity to the competent authority of the Member State where the activity is carried out; such notification shall include the information referred to in Annex IV;
 - (b) submit his undertaking to the inspection system referred to in Article 9.
- However, retailers not carrying out any preparation and selling such products directly to the final consumer in sealed packaging are not subject to the inspection system referred to in Article 9.”
- 3) In Article 9(7)(b), the following sentence is added:
- “However, upon request and only in order to guarantee that the products have been produced in accordance with this Regulation, they shall exchange with other inspection authorities or approved inspection bodies relevant information on the results of their inspection.”
- 4) In Article 10(1), point (b) is replaced by the following:
- “(b) have been subject to the inspection system referred to in Article 9 throughout the production and preparation process or to equivalent measures; in the case of products imported according to Article 11(6), the implementation of the inspection system shall comply with requirements equivalent to those provided for in Article 9(4);”

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Communities*.

Article 1(2) shall apply from [date].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President