



***The new Organic Regulation
(EU) 2018/848***

IFOAM Organics Europe meets Business

Brussels, 30 Nov. 2022

Scope

- The scope is extended beyond the **Annex I to the Treaty on the Functioning of the EU**, and include **3 categories**

- live or unprocessed agricultural products, including seed and other plant reproductive material



- processed agricultural products for use as food



- feed



- Additionally it includes certain other products closely linked to agriculture and **list in a specific Annex (Annex I)**.

This list in the annex includes: **yeasts** used as food/feed, maté, vine leaves, palm hearts, hop shoots, silkworm cocoon, ...

It also includes **sea salt and other salts** for food and feed.

- **Mass catering** operations are **out of the scope**

- **National or private standards** can be applied.



Objectives and Principles

- Among the objectives or principles, some are interesting but not always translated into clear rules .

E.g. the encouragement of **short distribution channels** and local production / **Biodiversity**

OBJECTIVES => PRINCIPLES => RULES and GOOD PRACTICE

Consumers

Operators

Planet

- For food the exclusion of food containing or consisting of **engineered nanomaterials** is new.



Food Production Rules

- Possible list of techniques authorised in the processing of food products
- New rules on flavouring

Restriction in the use of conventional natural flavourings, only the first category is allowed (example with lemon) (Art 16 2,3 and 4):

- ✓ Natural lemon flavouring, at least 95% is obtained by lemon
- x Natural lemon flavouring with other natural flavourings, it tastes like lemon but less than 95% is obtained by lemon
- x Natural flavouring, lemon is not there

Flavours have to be calculated as agriculture product (within the 95%)

Rules for organic flavours are established. In “organic” flavourings only “organic flavours” and “organic carriers” are allowed.

 IFOAM OE developed a [guidance](#) for the use of flavourings

Food Production Rules

- There are '**organic**' salts, but no mandatory use
- **Supplementation** for **infant formula**, follow-on formula, processed cereal-based food and **baby food** are explicitly allowed
- **Ban for Ion exchange and Adsorption Resins Techniques** from 2022 (not for baby food and infant formula)



Authorisation of substances

- There are **restricted lists** for farming and processing input such as fertilisers, food and feed additives, and also cleaning and disinfection products.
- All the **safeners, synergists, co-formulants and adjuvants** used in or with plant protection products are explicitly **allowed in organic if they are authorised in the horizontal legislation**
- **Authorization of non-organic ingredients at National level** is still possible, but the period of validity is reduced to maximum of 6 months, renewable 2 times (currently is 12 months, renewable 2 times).



Labelling

- In the '*EU/non-EU Agriculture*' indication, the '*EU/non-EU*' can be replaced by the **name of a country or a region** and the term '*Agriculture*' replaced by '*Aquaculture*'.
- **The flexibility** regarding the amount of ingredients that can come from out of the EU/Country/Region **for the indication of origin is increased from 2% to 5%.**
- Even if out of the scope of this new regulation, a product or substance used in a **plant protection product or as fertiliser, soil conditioner or nutrient** may bear a reference indicating that it is **authorised for use in organic production.**



Cleaning & Disinfection Products

What is new ?

REG (EU) 848/2018

- Art 24

Authorisation of products and substances for use in organic production

(g) as **products** for cleaning and disinfection in processing and storage facilities.



REG (EU) 1165/2021

- Art 5

ANNEX IV
PART C Products for cleaning and disinfection in processing and storage facilities

applicable from 1 January 2024

Commission Commission we have a problem



Cleaning and Disinfection Products

What is not clear ?

Products or Substances

Active substances or all ingredients of the C&D product

What types of use (food contact surfaces, other surfaces, hand washing...)

Real Life, Real Life, we have a problem



We tried to find a solution with a positive list BUT we have more questions than answers



Who can **establish and update a positive list** and according to **what criteria?**
Is an impact assessment planned?



How shall we take into account the fact that a **dangerous substance used pure is no longer necessarily dangerous when used diluted ?**



On the other hand, how can the **cocktail effect be taken into account** when mixing several substances in the final product?



How will **operators and certifying bodies** know **if the product is compliant** or not **in absence of knowledge of the composition of C&D products ?**



A disaster waiting to happen ?

- End 2019
Priority Substances list (116) from Commission / MS

**=> 80% organic food processing operator (*)
will have 0 product conform**

- 30/11/22
How many Priority Substances are approved today ?

(*) survey 2020 with Synabio members

Actors committed to finding a solution



- Meeting with Commission



Conclusion :

applicable from
1 January 2024



**We should not throw the
baby out with the
bathwater**

it's a real opportunity for the
organic sector and the planet

Control and Certification

- Close relation with Regulation (EU) 2017/625 on **official controls** for food and feed, but additional rules are described in the new organic regulation.
- Verification of compliance min. once a year and includes a physical on-the-spot inspection
- Member States can exclude low-risk operators from the annual physical inspection obligation and allow a visit every 24 months – not applicable in Third Countries!
- More harmonisation for risk assessment (10 elements)
- 10% of additional visits
- 10% of unannounced visits
- 5% Number of samples to be taken and analysed



Control and Certification

- Operators who sell **pre-packed** products directly to the final consumer or user provided they do not produce, prepare, store other than in connection with the point of sale or import such products from a third country or have not contracted out such activities to a third party, are excluded from notification and certification obligations.
- Member States may exempt operators who sell directly to the final consumer **unpacked** organic products other than feed if these operators sell up to 5,000 Kg of products per year or have an organic turnover not exceeding 20,000 Euro or have a potential certification cost exceeding 2% of the organic turnover. Notification in this case is anyway needed.



Control and Certification

- The 'documentary evidence' is called again **certificate** and there is an annex (VI) showing the model.
- Operators are not entitled to be provided with a **certificate by more than one control body** for activities carried out in one Member State, as regards the same category of products
- From 1 January 2023, **all certificates** will be issued and published at central level through the Commission's system TRACES



Import Regime until 31/12/2021

- List of recognised equivalent third countries
 - until 2014: Equivalency Agreements (e.g. US, Canada, India, ...)
 - from 2015: Trade Agreements (e.g. Chile)
- List of recognised control bodies/authorities for the purpose of **equivalence**
 - it has been applied from 2012
- List of recognised control bodies/authorities for the purpose of **compliance**
 - It was never implemented



Import regime in 2022

Two systems will be in place:

- Trade Agreements with Third Countries
- Control Bodies/Authorities recognised for the purpose of **compliance**

There will be few exceptions in the Compliance approach:

- Specific authorisations for the use of products and substances
- Definition of catastrophic circumstances

Transitional period for today's systems:

- 5 years for equivalent countries
- 3 years for equivalent control bodies/authorities

Additional control measures for specific products from specific countries adopted every year.



Group certification

Some figures from the FiBL report on Group Certification (2019):

- **Worldwide (in low-income Third Countries):**
 - 2.6 million organic producers
 - 5,900 ICS groups
 - 4.5 million ha
 - Main products: coffee and cocoa, but also sugar, honey, cotton, aromatic plants, tropical fruits
 - Average farm size is 1-4 ha depending on the region
- If we include fairtrade, rainforest alliance, UTZ: 5.6 million producers in group certification



Group certification from 2022

Each group of operators shall:

- only be composed of farmers or operators producing algae or aquaculture animals and who in addition may be engaged in processing, preparation or marketing of food or feed;
- only be composed of members:
 - of which the individual certification cost represents more than 2% of its turnover or standard output of organic production and whose turnover of organic production is not more than 25 000 € or whose standard output from of organic production is not more than 15 000 Euro per year; or
 - which have each holdings of maximum:
 - 5 hectares; or
 - 0.5 hectares, in the case of greenhouses or
 - 15 hectares, exclusively in the case of permanent grassland;



Group certification from 2022

Each group of operators shall:

- be established in a Member State or a third country;
- have legal personality;
- the production activities of the members of the group take place in geographical proximity to each other;
- set up a joint marketing system for the products produced by the group; and
- establish a system for internal controls comprising a documented set of control activities and procedures, in accordance with which an identified person or body is responsible for verifying compliance with this Regulation of each member of the group.

Deficiencies in the set-up or functioning of the system for internal controls and in particular as regards failures to detect or address non-compliance by individual members of the group of operators that affect the integrity of organic products shall result in the withdrawal of the certificate referred to in Article 35 for the whole group.

