

Management of pesticide residues in organic products – a follow-up brief

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IFOAM Organics Europe published its [Position Paper on the Management of Pesticide Residues in Organic Products](#) early summer in 2023. It has been a real milestone, because after several rounds of thorough consultation we could conclude on a common position that organic stakeholders share throughout the EU in this heavily debated topic. We aim to make it widely recognized that organic production is performed in a contaminated world with the omnipresence of pesticides and other pollutants having all its adverse consequences as well as we propose a harmonized approach to the management of residue cases by operators and by control bodies/authorities under the relevant rules set forth in the EU Organic Regulation.

Since the position paper was published discussions have been carried on at various levels including higher institutional fora i.e., the Committee on Organic Production (COP)/Expert Group on Organic Production (GREX) and IFOAM Organics Europe also understood the need for further refinement of understanding the regulation and its implementation.

In our follow-up work – among the various aspects to be discussed – we wanted to concentrate on the perspective of the operators – their possibilities and responsibilities also reflecting on the examples of cases listed in the Position Paper.

We must emphasize that the examples are only part of a non-exhaustive list of possible cases when the operator – in the course of its own checks and internal assessment in accordance with Art. 27. and 28 (2) of the basic regulation as well as Art. 1. of Reg. 2021/279 - may conclude on a well-based decision on its own to eliminate the suspicion, embedded in a regulated procedure that follows a set of principles and where several conditions outlined in the regulation have to be met. It is remarkably distinguished from the procedure to be followed by the control body or control authority laid down in Art. 29. of the Regulation, and which is consistently called as an investigation and is reflected in another part of IFOAM Organics Europe position paper, not in the referred one.

In the listed cases all relevant factors and conditions have to be assessed. IFOAM Organics Europe never claimed that these examples are proofs of non-compliance in themselves but may indicate and lead to cases when the internal assessment of the operator might be enough to eliminate suspicion and the operator is able to confirm and prove it without the involvement of the control authority or control body. Differentiation is obviously needed. In case of import consignments, specific conditions in the third country concerned have to be considered. As always, players have to take into account all factors adapted to the situation and place or origin, way of transportation etc.

Regarding potential contamination, more and more scientific data are available on environmental pollution that is affecting production sites everywhere in the world and in growing levels. However, the quantity detected – as well as many other factors – has to be evaluated and considered that may help to make the final assessment and decision. In such cases as well as where substances deriving from sanitizing practices and products are detected, available experiences of former investigations may help and support decision making.

With the involvement of the EU Commission and the organic stakeholders the discussion has been carried on with the aim of approximation of views and practices. This winter IFOAM Organics Europe took the lead to organize a joint session with the European Commission where a wider audience with the representation of all

segments of the organic sector could exchange on the practical implications of the regulation's relevant provisions.

The session on the management of pesticide residues we intended to organize with introducing a new approach and bring a practical exercise with the involvement of the Commission and the sector. With presenting nine realistic cases of residue findings in organic products showing all circumstances that are relevant for a well-based decision to be made after having IFOAM Organics Europe position on them whether the operator is capable of coming to a conclusion of eliminating the suspicion of a non-compliance or not the Commission provided its preliminary views on essential aspects to be taken into account when considering the elimination of a suspicion of non-compliance with the organic legislation at operator level.

Without all details of the discussions, it is important to list those major horizontal considerations that were emphasized by the Commission in a preliminary manner.

Suspicions of non-compliance with the organic legislation can be eliminated more straightforwardly at operator level in cases of a recurrent nature, i.e., cases involving in a subsequent contamination precisely the same operator, supply chain, production site, non-authorized product or substance, level of contamination (or lower), etc. as in the preceding contamination, and this under the following conditions:

- The supply chain involved should be long-standing and trusted. Particular care should be taken in the case of products originating from outside the EU.
- The preceding contamination should have been investigated by the control body and the source and the cause of the contamination should have been identified (e.g. historical contamination of the soil with a non-authorized product or substance long banned in the EU) and preventive and precautionary measures should have been assessed and found to be sufficient.
- The subsequent contamination(s) should each time be recorded by the operator.
- They should be checked by the control body in the annual or additional inspections.

Considering all aspects, the preliminary views of the Commission are not confronting our interpretation. Therefore, IFOAM Organics Europe maintains its position that cases where substances listed in the above examples are detected may result in a conclusion by the organic operators themselves – when procedural conditions are met, the basis of the decision is well proven, and the assessment is fully documented – that the suspicion is eliminated, and the case is not notified to the control authority or control body. We would like to emphasize again, that the compliance of the procedures followed by the operator and documentation on such assessments and decisions must be subject to verification by the control authority/body on a regular basis., just like other procedures and practices of organic operators.

Our objective with our position paper and constant work is to advocate for guarantees that all tools and methods allowed by the EU organic regulation are well understood and applied. There are no by-passes and simplifications on both sides – nor by operators neither by control authorities/control bodies or authorities. We should not let operators to hide away from obligations, neither control organizations to deprive operators of a possibility offered by the regulation in force in order to remain on the safe side. We stand for a proper implementation and proper share of responsibilities among operators, control authorities and control bodies, competent authorities in order to safeguard the quality of organic products and consumer trust.



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