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REPORT

drawn up on behalf of the Committee on Agriculture,
Fisheries and Rural Development

on the proposal from the Commission to the Council for a
regulation on organic production of agricultural products
and indications referring thereto on agricultural
products and foodstuffs (COM(89)0552 final - C3-0249/89)

Rapporteur: Mrs S. FERNEX

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A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

*

= Consultation procedure requiring a single reading

**II

= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

**I

= Cooperation procedure (first reading)

= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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By letter of 19 December 1989 the Council consulted the European Parliament, pursuant to Article 43 of the EEC Treaty, on the Commission proposal for a Council regulation on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs.

At the sitting of 15 January 1990 the President of Parliament announced that he had referred this proposal to the Committee on Agriculture, Fisheries and Rural Development as the committee responsible and to the Committee on the Environment, Public Health and Consumer Protection for its opinion.

At its meeting of 15 February 1990 the Committee on Agriculture appointed Mrs Fernex rapporteur.

By letter of 7 June 1990 the Council requested the application of urgent procedure pursuant to Rule 75 of the Rules of Procedure. This request was refused by Parliament on 12 June 1990.

At its meetings of 18/19 June, 18/19 September, 15/16 October and 7/8 November 1990 the Committee on Agriculture considered the Commission proposal and draft report.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following took part in the vote: Borgo, vice-chairman and acting chairman; Graefe zu Baringdorf, vice-chairman and acting rapporteur; Carvalho Cardoso, da Cunha Oliveira (for Gomes), Dalsass, Dessylas, Domingo Segarra, Fantuzzi, Görlach, Herman (for Marck), Howell, Keppelhoff-Wiechert, Kofoed, Miranda da Silva (for Piquet), Mottola, Ortiz Climent, Partsch (for Falqui), Scott-Hopkins (for Simmonds), Sierra Bardaji, Thareau, Theato (for Bocklet), Verbeek, Vohrer and Wilson (for McCubbin).

The opinion of the Committee on the Environment, Public Health and Consumer Protection is attached.

The report was tabled on 15 November 1990.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

Proposal from the Commission to the Council for
a regulation (EEC) on organic production of
agricultural products and indications referring
thereto on agricultural products and foodstuffs

Commission text¹

Amendments

(Amendment No. 1)

Title

Proposal for a Council regulation
(EEC) on organic production of
agricultural products and indications
referring thereto on agricultural
products and foodstuffs

Not applicable to English

(Amendment No. 2)

Fourth recital

whereas some Member States have
recently adopted rules and inspection
arrangements for the use of such
indications;

whereas some Member States have
already adopted rules and inspection
arrangements for the use of such
indications;

(Amendment No. 3)

Fifth recital

whereas a framework of Community
rules on production, labelling and
inspection will enable this type of
production to develop by ensuring
conditions of fair competition
between the producers of products
bearing such indications and will
improve the credibility of such
products in consumers' eyes; whereas
such a framework will also prevent
the creation of barriers to intra-
Community trade in such products;

whereas a framework of Community
rules on production, labelling and
inspection are required to protect
organic farming in so far as they
ensure conditions of fair
competition between the producers of
products bearing such indications,
protect regional markets and give
the market for organic products a
more distinctive profile by ensuring
transparency at all stages of
production and processing thereby
improving the credibility of such
products in consumers' eyes; (rest
deleted)

¹ For full text see COM(89) 0552 final - OJ No. C4, 9.1.1990, p. 4

Commission text

Amendments

(Amendment No. 4)
Twelfth recital

Whereas, to ensure to compliance with the rules of production, all stages of production and marketing should normally be subject to inspection;

Whereas, within a period of five years, a method of comprehensive product assessment based on the EC Regulation must be developed for the entire production sector of the organic product concerned; whereas this product assessment must include analysis of the individual stages involved, from production of the raw material, storage, transport, processing, marketing and waste disposal, in accordance with low energy and raw material consumption criteria and avoidance of public health risks in accordance with the principle of prevention;

(Amendment No. 5)
Thirteenth recital

whereas all operators producing, preparing, importing or marketing products bearing indications referring to organic production methods must be subject to certain particular inspection arrangements;

whereas all operators producing, preparing, importing or marketing products bearing indications referring to organic production methods must be subject to regular inspection procedures;

(Amendment No. 6)
Fifteenth recital

whereas, after a trial period, the possibility of extending the regular inspection arrangements compulsorily to all operators engaged in the production and marketing of products obtained organically should be reviewed in order to arrive at a single control system for all operators concerned;

delete

Commission text

Amendments

(Amendment No. 7)
Sixteenth recital a (new)

Whereas, within a suitable period, this Regulation will be supplemented by equivalent rules for the livestock production sector

(Amendment No. 8)
Scope
Article 1

This Regulation shall apply to the following products, where such products bear or are intended to bear indications referring to organic production methods:

(a) unprocessed agricultural crop products; also animals and unprocessed animal products, to the extent that principles of production and specific inspection rules for them are introduced into Annexes I and III;

(b) products intended for human consumption composed essentially of one or more ingredients of plant origin and, in addition, upon adoption of the provisions concerning livestock production referred to in (a), products intended for human consumption containing ingredients of animal origin.

This Regulation shall apply to the following products, where such products bear or are intended to bear indications referring to organic production methods:

(a) Unprocessed agricultural crop products; also animals and unprocessed animal products in accordance with the principles of production in Annexes Ia and Ib which are to enter into force with this Regulation and the specific production and inspection rules for animals and unprocessed animal products which are to be introduced in Annexes I and III by means of an amendment to this Regulation within one year of its publication;

(b) products intended for human consumption composed of one or more ingredients of plant origin and, in addition, upon adoption of the provisions concerning livestock production referred to in (a), products intended for human consumption containing ingredients of animal origin.

2. A proposal concerning the principles and specific measures of control governing organic animal production, non-processed animal products and products intended for human consumption containing ingredients of animal origin will be submitted by the Commission as soon as possible and not later than 1 July 1992.

(Amendment No. 9)
Article 2

1. For the purposes of this Regulation a product shall be regarded as bearing indications referring to organic production methods where, in the labelling, advertising material or commercial documents, such a product or its ingredients is described by:

- the term 'organic' or 'biodynamic', unless such terms clearly have no connection with the method of production,
- indications referring to farming without the use of synthetic chemical pesticides, soil conditioners or fertilizers,

For the purposes of this Regulation a product shall be regarded as bearing indications referring to organic production methods where, in the labelling, advertising material or commercial documents, such a product or its ingredients is described by the indications in use in each Member State suggesting to the purchaser that the product or its ingredients have been obtained in accordance with the rules of production laid down in Articles 6 and 7 and in particular the following terms, unless such terms are not applied to agricultural products in foodstuffs or clearly have no connection with the method of production.

- in Spanish : ecológico
- in Danish : økologisk
- in German : ökologisch
- in Greek : βιολογικός
- in English : organic
- in French : biologique
- in Italian : biologico
- in Dutch : biologisch
- in Portuguese : biológico.

Commission text

Amendments

- other indications suggesting or implying to the purchaser that the product or its ingredients have been obtained in accordance with the rules of production laid down in Articles 6 and 7.

(Amendment No. 10)
Article 3

This Regulation shall apply without prejudice to other Community provisions governing the production, preparation, marketing, labelling and inspection of the products specified in Article 1.

This Regulation shall apply without prejudice to other Community provisions governing the production, preparation, marketing, labelling and inspection of the products specified in Article 1, without prejudice to requirements that must be met under other directives and/or production regulations for the use of the indications set out in Article 2.

(Amendment No. 11)
Article 4(6)

6. synthetic chemical means a substance with a defined chemical structure, which may contain certain impurities resulting from the manufacturing process, and which:

delete

- has been obtained by chemical synthesis, with or without the intervention of a preparation or a preparation of enzymes or micro-organisms, or
- has been isolated from matter of mineral, vegetable or animal origin by chemical processes liable to cause one or more specific modifications of the chemical composition of the substance, giving a chemical composition identical to or different from that of the original substance;

Commission text

Amendments

(Amendment No. 12)
Article 4(9)a (new)

9a. 'Genetic engineering' and 'genetically modified micro-organisms, plants and animals'
'Genetic engineering' means the use of microbiology to modify the genetic structure of living beings and parts thereof. 'Genetically modified micro-organisms, plants and animals' means living beings whose genetic material has been modified in a way that would not occur by crossing and/or natural recombination under natural conditions.

(Amendment No. 13)
Article 5(1)
Labelling

0. Compliance with the provisions set out in paragraphs 1, 2, 3 and 4 below shall be evidenced in the commercial documents and indications accompanying the product and in the labelling, by a stamp indicating the inspection body responsible which is clearly visible and can be checked by purchasers and consumers.

1. The labelling and advertising of a product specified in Article 1(a) may refer to organic production methods only where:

- (a) such indications show clearly that they relate to a method of agricultural production;
- (b) the product was produced in accordance with the rules laid down in Articles 6 and 7 or imported from a third country under the arrangements laid down in Article 11;
- (c) the product was produced or imported by an operator who has agreed to be subject to the regular inspection system referred to in Article 8 and/or has followed the notification procedure referred to in Article 9.

1. The labelling and advertising of a product specified in Article 1(a) may refer to organic production methods only where:

- (a) unchanged
- (b) unchanged
- (c) This amendment does not apply to the English text

(Amendment No. 14)
Article 5(2)

2. The labelling and advertising of a product specified in Article 1(b) may refer to organic production methods only where:

- (a) such indications show clearly that they relate to a method of agricultural production and are linked with the mention of the agricultural product in question, as obtained on the farm;
- (b) all the ingredients of agricultural origin of the product are derived from agricultural products obtained in accordance with the rules laid down in Articles 6 and 7 or imported from a third country under the arrangements laid down in Article 11;
- (c) the product contains no synthetic chemicals as ingredients;
- (d) the product has not been subjected, during preparation, to treatments involving the use of synthetic chemicals or ionizing rays;
- (e) it was produced by an operator who has agreed to be subject to the regular inspection system referred to in Article 8 and/or who has followed the notification procedure referred to in Article 9.

2. The labelling and advertising of a product specified in Article 1(b) may refer to organic production methods only where such indications show clearly that they relate to a method of agricultural production and are accompanied by a reference to the agricultural product in question, as obtained on the farm.

3. The labelling and advertising of a product specified in Article 1(b) may refer, in the sales description of the product, to organic production methods only where:

- (a) all the ingredients of agricultural origin of the product are, or are derived from, products obtained in accordance with the rules laid down in Articles 6 and 7 or imported from third countries under the arrangements laid down in Article 11;
- (b) the product contains only substances listed in Annex VI, Section A, as ingredients of non-agricultural origin;
- (c) the product or its ingredients have not been subjected, during preparation, to treatments involving the use of ionizing radiation or substances not listed in Annex VI, Section B;
- (d) the product was prepared by an operator who has agreed to be subject to the inspection measures laid down in Articles 8 and 9.

Commission text

Amendments

(Amendment No. 15)
Article 5(3)

3. Notwithstanding paragraph 2, ingredients not satisfying the requirement in paragraph 2(b) may be used in the preparation of certain products as referred to in Article 1(b) where:

- such ingredients are of agricultural origin and are not produced in the Community and in accordance with the rules laid down in Articles 6 and 7;
- the ingredients in question do not exceed 5% of the content of the final product;
- the labelling indications referring to organic production methods clearly relate exclusively to those ingredients which have been obtained in accordance with the rules laid down in Articles 6 and 7 or imported from a third country under the arrangements laid down in Article 11.

A limitative list of these ingredients may be determined in accordance with the procedure laid down in Article 14.

4. Notwithstanding paragraph 3, ingredients not satisfying the requirement in paragraph 3(a) may be used in the preparation of certain products as referred to in Article 1(b) where such ingredients:

- are of agricultural origin and are not produced in the Community in accordance with the rules laid down in Articles 6 and 7; or
- are of agricultural origin and are not produced in sufficient quantity in the Community in accordance with the rules laid down in Articles 6 and 7;
- do not exceed 5% of the content of the final product.

Commission text

Amendments

(Amendment No. 16)
Article 5(3)a (new)

The indications and advertising of products referred to in Article 1(b) prepared from ingredients not complying with paragraph 2(b) may not refer to organic agriculture either expressly or in the way the products are presented; if at least 50% of the ingredients of agricultural origin comply with paragraph 2(b) and the entire product complies with paragraph 2(c), (d) and (e), references to organic agriculture may be made only in the list of ingredients as laid down in Directive 79/112/EEC and be clearly confined to ingredients produced in accordance with Articles 6 and 7. The ingredients and their content must appear on that list in descending order by weight; entries in the list of ingredients must appear in equal characters of the same size in the same colour.

Commission text

Amendments

(Amendment No. 17)
Article 5(3)b (new)

3b. Detailed rules concerning the implementation of this Article may be established according to the procedure of Article 14.

Limitative lists of the ingredients provided for in paragraph 4 and of the substances in Annex VI shall be established according to the procedure of Article 14.

Conditions of use and compositional requirements of these ingredients and substances may be specified.

Where a Member State considers that a product should be added to the abovementioned lists or that amendments should be made thereto, it shall ensure that a dossier giving the reasons for the inclusion or the amendments is sent officially to the other Member States and the Commission, which shall introduce it to the Committee referred to in Article 14.

Before 1 July 1992, the Commission shall review the provisions of this Article, in particular paragraph 5 and submit any appropriate proposal with a view to revision, if any.

Commission text

Amendments

(Amendment No. 18)

Article 6

For the production of products as referred to in Article 1(a):

- (a) at least the requirements of Annex I and, where applicable, detailed rules relating thereto, must be respected;
- (b) products composed of or incorporating one or more synthetic chemicals may not be used as plant protection products, detergents, fertilizers, soil conditioners, or animal feedingstuffs.

1. The organic production method implies that for the production of products referred to in Article 1(a):

- (a) at least the requirements of Annex I and, where appropriate, the detailed rules relating thereto, must be satisfied;
- (b) only products composed of or incorporating products listed in Annexes I and II may be used as plant-protection products, detergents, fertilizers, or soil conditioners; they may be used only under the specific conditions laid down in Annexes I and II and insofar as the corresponding use is authorized in general agriculture in the Member States concerned in accordance with the relevant Community provisions or national provisions in conformity with Community law.

2. By way of derogation from paragraph 1(b), seeds treated with products not included in Annex II and authorized in general agriculture in the Member State concerned may be used insofar as users of such seed can show to the satisfaction of the inspection body, that they were unable to obtain on the market non-treated seed of an appropriate variety of the species in question.

Commission text

Amendments

(Amendment No. 19)
Article 7

1. Notwithstanding Article 6(b), products containing synthetic chemicals listed in Annex II, may be used for the purposes specified therein.

2. Synthetic chemicals may be included in Annex II where it is shown:

(a) that they are essential for the production, at farm level, of certain plants, animals or agricultural products, in particular because of the unavailability of suitable products not containing synthetic chemicals; and that

(b) the manner of their use precludes any contact with the soil, plants, farm animals or agricultural products.

3. The following may be specified in Annex II:

- conditions of use and compositional requirements of certain synthetic chemicals,
- particular labelling requirements for products as referred to in Article 1 where such products are obtained with the aid of certain synthetic chemicals.

1. Products not authorized at the date of adoption of this Regulation for a purpose indicated in Article 6(b) may be included in Annex II, provided that the following conditions are satisfied:

(a) if they are used for the purpose of plant pest or disease control:

- they are essential for the control of a particular pest or disease of crop, for which other biological, cultural, physical or plant breeding alternatives are not available and

- the conditions for their use preclude any direct contact with the seed, the crop or crop products; however, in the case of treatment of perennial crops, direct contact may take place beyond the growing season of the edible parts (fruits) provided that such application does not indirectly result in the presence of residues of the product in the edible parts and

- their use does not result in or contribute to unacceptable effects on or contamination of the environment;

Commission text

Amendments

(Amendment No. 19 (continued))
Article 7

4. The conditions of use and compositional and solubility requirements of certain substances other than synthetic chemicals which may be used for the purposes referred to in Article 6(b) may be specified in Annex I.

5. Where a Member State considers that a substance should be added to Annex II, or that amendments should be made thereto, it shall ensure that a dossier giving the reasons for the inclusion or the amendments is sent officially to the other Member States and the Commission, which shall inform the Committee referred to in Article 14.

(b) if they are used for fertilization or soil-conditioning purposes:

- they are essential for specific nutrition requirements of crops or specific soil-conditioning purposes which cannot be satisfied by the practices mentioned in Annex I and

- their use does not result in or contribute to unacceptable effects on or contamination of the environment.

2. If need be, the following may be specified for any product included in Annex II:

- the detailed description of the product;

- the conditions of its use and compositional and/or solubility requirements, with regard in particular to the need to insure for these products a minimal presence of residues on edible parts of the crop and on edible crop products as well as a minimum effect on the environment;

- particular labelling requirements for products referred to in Article 1 where such products are obtained with the aid of certain synthetic chemicals.

3. Amendments to Annex II, concerning either inclusion or cancelling of products as referred to in paragraph 1 or inclusion or amendments of specifications as referred to in paragraph 2 shall be decided by the Commission in accordance with the procedure laid down in Article 14.

(Amendment No. 19 (continued))

Article 7

4. Where a Member State considers that a product should be added to Annex II or that amendments should be made thereto, it shall ensure that a dossier giving the reasons for the inclusion or the amendments is sent officially to the other Member States and the Commission, which shall introduce it to the Committee referred to in Article 14.

(Amendment No. 20)

Article 7a (new)

1. Any operator who produces or prepares products or imports, trades or markets products from a third country products as specified in Article 1 for the purpose of marketing them shall:
 - (a) notify this activity to the competent authority of the Member State in which the activity is carried out, such notification shall include the information specified in Annex IV;
 - (b) submit his undertaking to the regular inspection system referred to in Article 9.
2. Member States shall designate an authority or body for the reception of notifications. Member States may provide for the communication of any additional information which they consider to be necessary for effective supervision of the operators concerned.
3. Member States shall take the necessary measures for the regular inspection of all operators under Article 8.

Commission text

Amendments

(Amendment No. 20 (continued))

4. The competent authority shall ensure that an updated list containing the names and addresses of operators subject to the inspection system is made available to interested parties.

(Amendment No. 21)

Article 8(4)(d)

(d) the independence of the inspection body vis-à-vis the operators subject to its inspection.

(d) the objectivity of the inspection body vis-à-vis the operators subject to its inspection

(Amendment No. 22)

Article 8(5)

5. After an inspection body has been approved, the competent authority shall:

- (a) ensure that vis-à-vis all the operators subject to its inspection, the inspections carried out by the inspection body are objective;
- (b) verify the effectiveness of its inspections;
- (c) take cognizance of any infringements found and penalties applied;
- (d) withdraw the approval of the inspection body where it fails to satisfy the requirements referred to in (a) and (b) or no longer fulfils the criteria indicated in paragraph 4.

5. After an inspection body has been approved, the competent authority shall:

- (a) ensure that, the inspections carried out by the inspection body are objective;
- (b) verify the effectiveness of its inspections;
- (c) take cognizance of any infringements found and penalties applied;
- (d) withdraw approval of the inspection body where it fails to satisfy the requirements referred to in (a) and (b) or no longer fulfils the criteria indicated in paragraph 4 or fails to satisfy the requirements laid down in paragraphs 6, 6a and 7.

Commission text

Amendments

(Amendment No. 23)

Article 8(6)

6. Approved inspection bodies shall:

- (a) ensure that at least the inspection arrangements and precautions specified in Annex III are applied to undertakings subject to their inspection;
- (b) give the competent authority, for inspection purposes, access to their offices and facilities, together with any information and assistance deemed necessary by the competent authority for the fulfilment of its obligations pursuant to this Regulation;
- (c) send regularly, and at least once a year, a list of operators subject to their inspection to the competent authority of the Member State.

6. The inspection authority and approved inspection bodies referred to in paragraph 1 shall:

- (a) ensure that at least the inspection measures and precautions specified in Annex III are applied to undertakings subject to their inspection;
 - (b) not disclose information and data they obtain in their inspection activity to persons other than the persons responsible for the undertaking concerned and the competent public authorities;
- (6a) Approved inspection bodies shall:
- (a) give the competent authority, for inspection purposes, access to their offices and facilities, together with any information and assistance deemed necessary by the competent authority for the fulfilment of its obligations pursuant to this Regulation;
 - (b) send to the competent authority of the Member State by 31 January each year a list of operators subject to their inspection on 31 December of the previous year.

Commission text

Amendments

(Amendment No. 24)
Article 8(7,8)

7. The inspection authority and the approved inspection bodies shall have the right to require operators subject to their inspections to use the Community mark of inspection provided for in Article 10, provided that the conditions laid down in that Article are met.

8. Detailed rules concerning the criteria indicated in paragraph 4 and the measures listed in paragraph 5 may be adopted in accordance with the procedure laid down in Article 14.

7. The inspection authority and inspection bodies referred to in Article 9(1) shall:

(a) ensure that, where an irregularity is found under Articles 5, 6 and 7 or the measures referred to in Annex III, the indications provided for in Article 2 referring to the organic production method are removed from the entire lot or production run affected by the irregularity concerned;

8. The following may be adopted in accordance with the procedure laid down in Article 14:

(a) detailed rules concerning the requirements indicated in paragraph 4 and the measures listed in paragraph 5.

(b) implementation measures concerning the provisions of paragraph 7.

(Amendment No. 25)
Article 9

1. Any operator who produces, prepares or imports from a third country products as specified in Article 1 for the purpose of marketing them shall notify his activity to the competent authority of the Member State in which the activity is carried out.

deleted
(now Article 7a)

Such notification shall include the information specified in Annex IV.

2. Member States shall designate an authority or body for the reception of notifications.

Member States may provide for the communication of any additional information which they consider to be necessary for effective supervision of the operators concerned.

3. Member States shall take the necessary measures for the inspection, at least on a sample basis, of operators and of products as specified to in Article 1 not subject to the regular inspection arrangements referred to in Article 8, as regards compliance with this Regulation.

Precautionary measures similar to those specified in Annex III may be laid down in respect of such operators in accordance with the procedure laid down in Article 14.

4. Member States shall publish annually a list of operators who have given notification under paragraph 1.

Commission text

Amendments

(Amendment No. 26)
Article 11(1)(b)

- (b) the competent authority or body in the third country has issued a certificate of inspection stating that the lot designated in the certificate:
- was obtained within a system of production applying rules equivalent to those laid down in Articles 6 and 7,
 - was subject to a system of inspection recognized as equivalent in accordance with paragraph 2.

- (b) the competent authority or body in the third country, has issued a certificate of inspection stating that the lot designated in the certificate:
- was obtained within a system of production applying rules identical to those laid down in Articles 6 and 7,
 - was subject to a system of inspection recognized as identical in accordance with paragraph 2.

(Amendment No. 27)
Article 11(2)(b)

- (b) the effectiveness of the inspection measures applied, at least in respect of production for export to the Community, to ensure compliance with the rules referred to in (a).

- (b) the effectiveness of the inspection measures applied, which, at least in respect of production for export to the Community, must be identical to the inspection measures referred to in Articles 8 and 9 to ensure compliance with the rules referred to in (a).

On the basis of this information, the regions or production units of origin, or the bodies whose inspections are deemed to be equivalent may be specified in the Commission Decision.

On the basis of this information, the regions or production units of origin, or the bodies whose inspections are deemed to be identical may be specified in the Commission Decision.

(Amendment No. 28)
Article 12

Member States may not, on grounds relating to the method of production or the presentation of that method, prohibit or restrict the marketing of products as specified in Article 1 that meet the requirements of this Regulation.

Member States may not, on grounds relating to the method of production, labelling or the presentation of that method, prohibit or restrict the marketing of products as specified in Article 1 that meet the requirements of this Regulation.

Commission text

Amendments

(Amendment No. 29)

Article 13

The following may be adopted in accordance with the procedure laid down in Article 14:

- amendments to Annexes I, II, III and IV,
- detailed rules for the implementation of the provisions of Annexes I and III.

The following shall be adopted by the European Parliament by way of an amendment to this Regulation and in accordance with the procedure laid down in Article 14:

- amendments to Annexes I, II, III and IV,
- detailed rules for the implementation of the provisions of Annexes I and III.

(Amendment No. 30)

Article 14

The Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States and chaired by the representative of the Commission.

Where the procedure laid down in this Article is to be followed, the representative of the Commission shall submit to the committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States and chaired by the representative of the Commission.

Where the procedure laid down in this Article is to be followed, the representative of the Commission shall submit to the committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

Commission text

Amendments

(Amendment No. 30 (continued))

The Commission shall take the utmost account of the opinions delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

The Commission must take account of the opinions delivered by the committee. Amendment or rejection of an opinion or parts of an opinion shall be justified and notified to the committee.

All amendments and additions to this Regulation shall be subject to the decision procedure laid down in Article 130s of the EEC Treaty and shall require the assent of the European Parliament

(Amendment No. 31)

Article 15

Add the following:

The Commission shall each year publish in the C series of the Official Journal the lists of approved bodies notified to it within the deadlines laid down in the previous subparagraph.

(Amendment No. 32)

Article 16(2)

2. Within six months from the entry into force of this Regulation, the Member States shall implement Articles 8 and 9.

2. Within nine months from the entry into force of this Regulation, the Member States shall implement Articles 8 and 9.

Commission text

Amendments

(Amendment No. 33)
Article 16(4)

4. For 12 months following the entry into force of this Regulation, the Member States may, by derogation from Article 7(1), authorize the use in their territory of products containing substances not listed in Annex II, where they deem that the requirements of Article 7(2) are satisfied. They shall inform the Commission and other Member States of the substances authorized pursuant to this provision.

4. For twelve months following the entry into force of this Regulation, the Member States may, by derogation from Article 7(1), authorize the use in their territory of products containing substances not listed in Annex II, where they deem that the requirements of Article 7(2) are satisfied. For the same period, Member States may in addition, by derogation from Article 5(5), authorize substances not listed in Annex VI. They shall inform the Commission and the other Member States of the substances authorized pursuant to this provision.

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

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

(Amendment No. 34)
Annex I, paragraph 1

0. It must be ensured that these principles are uniformly binding in all Member States and in line with the highest level established by the existing provisions of any individual Member State in each case.

1. These principles must be applied on the parcels for at least one calendar year following that of the last application of products whose use is not compatible with the provisions of Article 6(b) and 7.

1. The principles set out in Annex I must normally have been applied on the parcels for at least 2 years before planting of the first organic crop as referred to in Article 1a.

The inspection body may, with the approval of the competent authority, decide, in certain cases, to extend or reduce that period, having regard to previous parcel use.

Commission text

Amendments

(Amendment No. 34 (continued))

1a. Aid shall be granted to farmers switching to organic farming during the conversion period under the terms of a separate regulation to be adopted by the Council before 1 April 1992.

(Amendment No. 35)

Annex I, paragraph 2

2. The fertility and the biological activity of the soil must be maintained or increased by:

- cultivation of legumes, green manures or deep-rooting plants in an appropriate multiannual rotation programme, and/or
- incorporation in the soil of composted organic material from holdings producing according to the rules of the Regulation.

2. The fertility and the biological activity of the soil must be maintained or increased by:

- (a) cultivation of legumes, green manures or deep-rooting plants in an appropriate multiannual rotation programme, and/or
- (b) incorporation in the soil of composted organic material from holdings producing according to the rules of the Regulation. Pending the adoption of common technical rules concerning organic livestock production, by-products from livestock farming, such as farmyard manure, shall be introduced from livestock holdings respecting existing national rules or, in the absence thereof, internationally recognized practices concerning organic livestock production.

Commission text

Amendments

(Amendment No. 35 (continued))

Other organic or mineral fertilizers, where their use is compatible with the provisions of Articles 6(b) and 7, may be applied only to the extent required for adequate nutrition of the crop under cultivation.

Other organic or mineral fertilizers, mentioned in Annex II, may be applied only to the extent that adequate nutrition of the crop being rotated or soil conditioning are not possible by the methods set out under (a) and (b) above.

(Amendment No. 36)

Annex II

Substances referred to in Article 7(2)

To be introduced, as appropriate, in accordance with the procedure laid down in Article 14.

In including certain substances, it must be ensured that authorizations are uniformly binding in all Member States and in line with the highest level established by the existing provisions of any individual Member State in each case.

A. PRODUCTS FOR FERTILIZATION AND SOIL-CONDITIONING

Name; Description; compositional requirements; conditions for use

Farmyard and poultry manure

Slurry or urine

Straw

Peat

Spent mushroom composts

Processed animal products from slaughterhouses and fish industries

Organic by-products of foodstuffs and textile industries

Seaweeds and seaweed products

Natural phosphate rock

Calcinated aluminium phosphate rock

Potassium salt rock

Woodash

Lime

Commission text

Amendments

(Amendment No. 36 (continued))

Chalk

Magnesium rock

Calcareous magnesium rock

English salt (magnesium-sulphate)

Gypsum (calcium sulphate)

B. PRODUCTS FOR PLANT PEST AND
DISEASE CONTROL

Name; Description; compositional
requirements; conditions for use

Bacillus thuringiensis

Pyrethrum extracted from
Chrysanthemum cinerariaefolium

Rotenone extracted from Derris sp.

Quassia

Ryania

Propolis

Diatomaceous earth

Metalddehyde

Sulphur

Bordeaux mixture

Burgundy mixture

Sodium silicate

Sodium bicarbonate

Potassium soap

Pheromones

Commission text

Amendments

(Amendment No. 37)
Annex III, A, paragraph 2

2. All crop production in the production unit must comply with the rules of the regular inspection scheme referred to in Article 8. delete

(Amendment No. 38)
Annex III, A, paragraph 3

3. When the regular inspection arrangements are first implemented, the producer and inspection body must draw up:

- a full description of the unit, showing the storage and production premises and land parcels and, where applicable, premises where certain processing and/or packaging operations take place,

- all the practical measures to be taken at the level of the unit to ensure compliance with this Regulation.

This description and the measures concerned must be contained in an inspection report.

In addition, the report must specify:

- the date of the last application on the parcels concerned of products whose use is not compatible with Articles 6(b) and 7,

- an undertaking by the producer to carry out operations in accordance with Articles 5; 6 and 7.

3. When the regular inspection arrangements are first implemented, the producer and inspection body must draw up;

- a full description of the unit, showing the storage and production premises and land parcels and, where applicable, premises where certain processing and/or packaging operations take place,

- all the practical measures to be taken at the level of the unit to ensure compliance with this Regulation.

This description and the measures concerned must be contained in an inspection report countersigned by the responsible person of the unit.

In addition, the report must specify:

the date of the last application on the parcels concerned of products whose use is not compatible with Articles 6(b) and 7,

- an undertaking by the producer to carry out operations in accordance with Articles 5, 6 and 7 and to accept, in event of infringements, implementation of the measures as referred to in Article 9(7).

Commission text

Amendments

(Amendment No. 39)
Annex III, A, paragraph 5

5. Written or documentary accounts must be kept which enable the inspection body to trace the origin, nature and quantities of all raw materials bought, and the use of such materials, in addition, written or documentary accounts must be kept of the nature, quantities and consignees of all agricultural products sold.

5. Written or documentary accounts must be kept which enable the inspection body to trace the origin, nature and quantities of all raw materials bought, and the use of such materials, in addition, written or documentary accounts must be kept of the nature, quantities and consignees of all agricultural products sold. Quantities sold directly to the final consumer shall be accounted on a daily basis.

(Amendment No. 40)
Annex III, A, paragraph 7

7. Apart from unannounced inspection visits, the inspection body must make a full physical inspection at least once a year, of the unit. Where the use of products not authorized under this Regulation is suspected, samples must be taken in order to test for traces of such products. An inspection report must be drawn up after each visit.

7. Apart from unannounced inspection visits, the inspection body must make a full physical inspection at least once a year, of the unit. Samples for testing of products not authorized under this Regulation may be taken. However, such samples must be taken where the use of unauthorized products is suspected. An inspection report must be drawn up after each visit, countersigned by the responsible person of the unit.

Commission text

Amendments

(Amendment No. 41)
Annex III, A, paragraph 10

10. Where an operator runs several production units:

(a) all the units producing products as referred to in Article 1 must be subject to the regular inspection arrangements;

(b) Units producing crop or crop products not covered by Article 1 must also be subject to the regular inspection arrangements as regards the first paragraph of point 3, points 4, 5 and 8 of Part A of this Annex. Plants of the same type as those produced at the unit referred to in point 1 of this Annex may not be produced at these units.

10. Where an operator runs several production units:

(a) (delete)

Units in the area producing crop or crop products not covered by Article 1 must also be subject to the regular inspection arrangements as regards the first paragraph of point 3, points 4, 5 and 8 of Part A of this Annex. Plants of the same variety as those produced at the unit referred to in point 1 of this Annex may not be produced at these units.

(Amendment No. 42)
Annex III, B, paragraph 2

2. Products as referred to in Article 1 from agricultural holdings or processing units not subject to the regular inspection arrangements may not be processed, packaged or stored in the unit.

2. delete

Commission text

Amendments

(Amendment No. 43)
Annex III, B, paragraph 4

4. Where agricultural products not referred to in Article 1 are also processed, packaged or stored in the units concerned:

- the unit must have separate premises for the storage of products as referred to in Article 1, before and after the operations concerning them,
- operations must be carried out continuously until the complete run has been dealt with, starting at the beginning of the day, separately from similar operations performed on products not covered by Article 1,
- operations must be announced in advance, with a deadline agreed with the inspection body,
- all necessary measures must be taken to ensure identification of lots and to ensure identification of lots to avoid mixtures with products not obtained in accordance with the rules laid down in this Regulation.

4. Where agricultural products not referred to in Article 1 are also processed, packaged or stored in the units concerned:

- the unit must have separate premises for the storage of products as referred to in Article 1, before and after the operations concerning them,
- operations must be carried out continuously until the complete run has been dealt with, separated by time and place from similar operations performed on products not covered by Article 1,
- if such operations are not carried out frequently they must be announced in advance, with a deadline agreed with the inspection body,
- all necessary measures must be taken to ensure identification of lots and to ensure identification of lots to avoid mixtures with products not obtained in accordance with the rules laid down in this Regulation.

Commission text

Amendments

(Amendment No. 44)
Annex III, B, paragraph 5

5. Apart from unannounced inspection visits, the inspection body must make a full physical inspection, at least twice a year, of the unit. Where the use of products not authorized under this Regulation is suspected, samples must be taken in order to test for traces of such products. An inspection report must be drawn up after each visit.

5. Apart from unannounced inspection visits, the inspection body must make a full physical inspection, at least once a year, of the unit. Samples for testing of products not authorized under this Regulation may be taken. However, they must be taken where the use of unauthorized products is suspected. Where the use of products not authorized under this Regulation is suspected, samples must be taken in order to test for traces of such products. An inspection report must be drawn up after each visit countersigned by the responsible person of the unit.

(Amendment No. 45)
Annex IV, f (new)

(f). the name of the approved body to which the operator entrusted inspection of his undertaking, where the Member State has implemented the regular inspection system by approving such bodies.

(Amendment No. 46)
Annex VI (new)

To be defined as described in Article 14

A. Substances permitted as ingredients of non-agricultural origin (Article 5(3)(b)):

B. Substances permitted to be used during preparation (Article 5(3)(c)):

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament
on the Commission proposal for a Council regulation on
organic production of agricultural products and indications
referring thereto an agricultural products and foodstuffs

The European Parliament,

- having regard to the Commission proposal to the Council (COM(89) 0552 final)¹
 - having been consulted by the Council pursuant to Article 43 of the ... Treaty (C3-0249/89),
 - having regard to the report of the Committee on Agriculture, Fisheries and Rural Development and the opinion of the Committee on the Environment, Public Health and Consumer Protection (A3-0311/90),
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 4. Calls for the conciliation procedure to be opened if the Council should intend to depart from the text approved by Parliament;
 5. Instructs its President to forward this opinion to the Council and Commission.

¹ OJ No. C 4, 9.1.1990, p. 4

B
EXPLANATORY STATEMENT

1. The situation

The intention of the 'proposal for a Council Regulation (EEC) on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs' (COM(89) 552 final, 4 December 1989, OJ No. C 4 of 9.1.1990, p.4) is to define organic farming in the Community on the basis of the method of production, to enact legal provisions on the labelling as 'organic' or 'biodynamic' of products derived from such organic production and to carry out checks to ensure that labelling complies with the law. Given the increasing number of 'non-organic' and 'pseudo-organic' products being placed on the market such measures are urgently needed to ensure that consumers are not misled and to protect genuine organic producers from unfair practices.

Although alternatively produced foodstuffs accounted for about 1% of the total market for foodstuffs in the Netherlands in 1984 and the market share for organic products in the FRG was only 0.6% of total foodstuffs turnover in 1989, the demand for ecologically produced food far outstrips supply. In the Federal Republic of Germany, for example, surveys indicate that the number of consumers stating that they have a great interest in purchasing organically produced foodstuffs or that they use alternative foodstuffs is already between 34% or 57%. In the light of these observations there is some justification for suspecting that those consumers who no longer purchase their foodstuffs directly from the farm and thus have no immediate contact with the producer and no first-hand knowledge of the type of production are at a much higher risk of being deceived.

However, according to research carried out by the University of Stuttgart-Hohenheim, private households in the Federal Republic which consider that they use a high percentage of foodstuffs from alternative agriculture in fact devote about 13% of their total expenditure on foodstuffs to 'pseudo' organic products. It is estimated that in the FRG alone the label 'BIO' (organic) on 50-90% of products is only a promotional ploy. Such products are therefore 'pseudo' organic products which exploit the image of ecological products without actually meeting the relevant requirements in terms of ecological production and processing.

There is a danger that with the anticipated rapid increase in demand for ecologically produced products (IFOAM is counting on a world market share of 10-20% by the year 2000) there will be severe distortion of the market by 'pseudo' organic products. Unfair competition will increase, involving deception of consumers and price dumping, which will result in economic harm, if not destruction, for farmers who consistently use organic farming methods. In order to counteract such a trend clear legal provisions are needed to protect organic farming.

2. Community agricultural policy versus environment protection and the shift towards ecological farming

The basic orientation of the common agricultural policy, which was marked by an unbalanced interpretation of the Treaty of Rome and continued in the EC's green paper, has remained basically unchanged until now. 'Structural changes' are being forced and the 'survival of the fittest' approach has been

fostered by constant real price reductions for producers and the promotion of the rationalization of agricultural production.

The long-term pursuit of the 'slimming-down' of European agriculture has resulted in the industrialization of agricultural production which has had adverse effects on the environment, humans and animals. A declining number of farms produce healthy food in a natural way. The pressure for growth and specialization destroys any real ecological relationship between capital and labour, stocking levels and fodder acreage, manure and arable acreage and energy inputs and energy production.

Instead of bringing about the urgently needed environmental and social reform of the Community's agricultural policy, great emphasis is being placed on policies which are ecologically and socially unacceptable and threaten the survival of farmers. Instead of encouraging ecological farming for the whole Community there are calls for land to be set aside and programmes for the production of industrial (non-food) plants encourage even greater use of chemicals in agricultural production. Instead of safeguarding farms and jobs in agriculture a pension has been introduced for those leaving farming. In addition it is impossible to achieve effective extensification of the Community's total agricultural production because of the quite inadequate funding for the extensification programmes put forward by the Member States.

Farmers, like consumers, are the losers rather than the winners in such an agricultural policy. The beneficiaries are the genetic engineering, chemical, machinery and processing industries and the storage and transport undertakings. The factors which boost the genetic engineering and chemical industries cause a constant decline in the quality of foodstuffs, and ultimately the environment.

The European Community is more aggressive than any individual country in representing the interests of a new growth industry, i.e. genetic engineering, which is evolving from the chemical, pharmaceutical, raw materials and agricultural multinationals. Without reference to the incalculable ecological risks and despite the foreseeable undesirable social and ecological consequences, the doors are being thrown open to genetic engineering by means of regulations and directives, for example on the release of organisms and patenting. By encouraging genetic engineering and biotechnological research in the agriculture and food sectors the Community is laying the foundations for the development of one of the largest European growth sectors - food design - the industrial production of food from almost any raw materials using genetic engineering and biotechnology techniques.

The increasing use of chemicals in agriculture, in particular pesticides, and also the production of such substances involves enormous risks for the environment and for the health of the population in general. On the basis of ecotoxicological research it must be assumed that even small traces of active chemical substances still have an effect in the ecosystem. For agrochemicals in particular this means that the use of the 'no effect' level as the concentration at which damage is no longer caused has to be called into question. For this reason alone the use in agriculture of chemicals which are alien to the ecosystem is no longer acceptable and, in particular if one also considers the known pollution of drinking water by plant protection products in many places, it is not just a case of imposing limit values for these agricultural toxins but of banning such products forthwith.

Instead of prohibiting the use of agricultural toxins, which are known to be unacceptable in ecotoxicological and health terms, the Commission, in its proposal for a Council directive on the marketing of EEC approved plant protection products (COM(89) 34 final, 16 February 1989, describes the use of plant protection products as one of the most important means for the protection of plants and plant products and thus for greater agricultural productivity. With this proposal for a directive the Commission has moved towards a simplified approval procedure and the liberalization of these agricultural toxins and shown once again, as in the case of the release of genetically-manipulated organisms, the greatest possible sympathy for the interests of the chemical industry and also encouraged greater use of chemicals in agricultural production, instead of taking the urgently needed steps to increase ecological farming methods. These factors highlight the ecological contradictions of the Community's agricultural and economic policy; for example, liberalization of pesticide approval coupled with more stringent drinking water limit values; massive for genetic engineering and biotechnology while viewing ecological agriculture as a market niche. These contradictions can be resolved only by the consistent and widespread introduction of ecological farming in the Community.

3. Steps towards a more ecological Community agricultural policy

Ecologically appropriate agriculture is not a new invention but represents the practical knowledge of many farmers. Furthermore, organic farming is not production for a particular niche, but is the most rational form of small-scale agriculture. Over thousands of years small-scale agriculture, successfully using ecological practices, has created the diversity of species and ecological structures of our current agricultural landscape. However, because of the pressures for growth imposed by current agricultural policies this knowledge of ecological practices is being lost. Small-scale agriculture and also the agricultural landscape which has developed over the years are being faced with gradual destruction. The future of agriculture is thus becoming a question of the survival of us all. It is essential to revert to the objectives and practices of small-scale and ecological farming methods, to develop them further and to make the whole of agricultural and foodstuffs production subject to ecological criteria.

In the final analysis, organic farming is being imposed upon us by nature if only due to our dwindling sources of energy and raw materials.

If ecological agriculture is to be encouraged, priority must be given to safeguarding those farms which still use small-scale agricultural methods or which, because of their operating methods and structures, are closest to ecological practices and thus offer a basis for the further development of ecological agriculture (for example, hill and mountain farms, mixed farms). In order to keep small-scale agriculture as the basis for ecological agriculture adequate remuneration and recognition for all farming activity must become a fundamental principle of the common agricultural policy. Graduated agricultural producer prices in line with the amount of labour involved, e.g. by paying a higher amount for basic quantities of agricultural products per holding, are an essential part of agricultural policy for small-scale ecological farming. This price policy must be linked to measures to reduce the use of chemicals and to increase ecological practices in agricultural production and foodstuffs processing.

In crop production a reduction in the use of chemicals will mean, for example, a ban on the use of agrochemicals (e.g. pesticides and growth regulators which adversely affect water) and taxes on nitrogen, and in stock farming a strictly monitored ban on the use of hormones in fattening and in particular on the use of genetically-engineered growth hormones, with upper limits on livestock numbers, both on the basis of farm size and in absolute terms, together with appropriate stock-keeping practices. In foodstuffs processing it will mean, for example, the avoidance of all possible food additives.

If ecological methods are to be used more widely in agriculture it will be necessary for agricultural policy measures to undergo a fundamental change in order to encourage small-scale ecological farming.

4. Requirements for a regulation to protect organic farming in the Community

A regulation for the protection of organic farming must be framed in such a way that, on the basis of the objectives and internationally recognized rules of organic farming, there are assurances that unfair practices in foodstuffs production and processing will be prohibited and consumers of organic foods will be protected from misleading 'bogus' organic products. The Commission proposal under consideration in no way meets these requirements and therefore needs additions and amendments in the following main areas, which are described in detail in the motion for a resolution.

The risk that consistent ecological agriculture may be undermined by the interpretation of the very broad provisions on expansion contained in the Commission proposal in terms of 'integrated crop production' must be prevented by means of clearly defined production regulations, with due regard for the principles and methods of organic farming.

The risk that the aim of creating, as far as possible, a complete system of ecological rotational farming will not be feasible because the possibilities offered by the provisions on animal husbandry are too wide must be countered by the adoption of provisions on animal husbandry which respect the relevant behavioural patterns, and which must be adopted within an appropriate period.

The need to ensure that the production, processing and treatment of organic products into foodstuffs takes place using ecological standards must be met by the adoption of provisions on preparation and the creation of a quality symbol for ecological foodstuffs, to become effective within an appropriate period.

The dangers and risks associated with genetic engineering and biotechnology must be countered by a ban on the use of these high-risk technologies and a consistent decision not to use them.

The deplorable level of consumer deception as a result of the increased marketing of 'pseudo' organic products, which are specifically exploiting consumer expectations for ecologically produced products although they do not actually meet any of the production and processing standards, must be dealt with by a clear legal provision on the production, preparation and labelling of ecological foodstuffs.

The Committee on Agriculture has examined in detail the Commission proposal and the amendments proposed by the rapporteur. While this process was still under way the Council of Ministers, at its meeting of 25/26 June 1990,

produced a political compromise, the text of which differs substantially from the Commission's initial proposal.

The committee was therefore in the position of having to deliver an opinion on the only text forwarded to it officially - that of the Commission - despite the major changes made in the meantime in the discussions within the Council and its technical bodies.

For its part, the Commission did not consider it appropriate to submit officially to Parliament a new amended proposal which would have served as a basis for a second formal consultation by the Council.

Following pressure by the Committee on Agriculture, the text of the Council compromise was finally forwarded to it unofficially for information. In considering the Commission proposal the committee was thus able to take account of the changes already made by the Council.

It is on this basis that the amendments contained in this report were discussed and voted by the committee.

However, the committee wished to avoid at all costs the situation where the Council, having received Parliament's opinion, would merely ratify the existing compromise while disregarding the suggestions made in that opinion.

An official request has therefore been made to the Council for the legislative conciliation procedure to be opened. The purpose of this would be to enable the two bodies concerned to consider jointly the changes made by Parliament, which can thus fully exercise its powers and responsibilities while not at the same time holding up the legislative process.

OPINION

(Rule 120 of the Rules of Procedure)

of the Committee on Environment, Public Health and Consumer Protection

Draftsman: Mr J. IVERSEN

On 25 January 1990 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Iversen draftsman of the opinion.

The committee considered the draft opinion at its meetings of 22 May and 21 June 1990 and at the last meeting adopted the conclusions unanimously.

The following took part in the vote: Collins, Chairman; Schleicher, Vice-Chairman; Scott-Hopkins, Vice-Chairman; Iversen, draftsman and Vice-Chairman; Alber, Bombard, Bowe, de la Camara Martinez, Canavarro, Caudron (for Schwartzberg), Diez de Rivera Icaza, Green, Caroline Jackson, Jensen, Llorca Vilaplana, Monnier Besombes, Muntingh, Partsch, Pereira, Pollack, Reymann (for Douste-Blazy), Roth-Behrendt, Quistorp, Vernier, Vertemati and Vittinghoff.

INTRODUCTION

In its proposal for a regulation on organic production methods and the labelling of organic products, the Commission of the European Communities is responding to the need which has emerged for regulations in this area.

Increasing numbers of farmers are opting to produce in a way which allows sound use to be made of the land over a long period. In livestock farming efforts are being made to produce in a more 'animal friendly' way. Finally, the consumer is anxious to have healthy food produced in a way which is not harmful to the environment.

Although the Commission proposal refers to 'organic' production methods, translated into other languages as 'biological', 'bio-dynamic', 'ecological' and 'alternative' and although these terms do not always cover the same thing, it would be preferable to use the term 'ecological' systematically since it is the term which suggests most clearly that the method used to produce the foodstuffs is intended to be in harmony with nature.

Ecological agriculture

The main principles of ecological agriculture are:

- the production of high value foodstuffs without residues of substances which may be harmful to human or animal health;
- avoiding action that is harmful to the environment;
- keeping livestock in a way that allows them to follow their natural patterns of behaviour;
- minimum use of energy and raw materials and maximum recycling.

For agriculture and horticulture in practice this entails working as much as possible with crop rotation systems and resistant varieties. Artificial fertilizers and plant protection products are virtually prohibited. Weeding is done mechanically. Preventive crop protection is carried out by means of cultivation and harvesting methods. Since the regulation is unfortunately designed to cover only crop products, ecological livestock farming is not discussed here.

It should also be borne in mind that ecological farming is geared more to the methods than to the result. There is no scientific evidence that ecological products are better than those produced by traditional, often intensive methods. Product quality is determined partly by factors over which producers have no control such as soil type, climate, precipitation and dry deposition.

In your rapporteurs view, the present proposal should not be excessively stringent otherwise it would fail to achieve its objective. Thus the synthetic chemicals which are widely used in ecological farming do not need to be mentioned specifically on the label.

Commission proposal

The proposed regulation aims to create a framework for ecological farming within the Community and for the importation of ecological products. There is thus a need for rules on production, processing and trade. The regulation must allow the products of ecological farming to be traded freely, ensure fair competition for producers and provide consumers with guarantees that they are buying products which have in fact been ecologically produced.

The Commission of the European Communities takes the view that the proposal is consistent with the reorientation of the common agricultural policy since it will help achieve a better balance between the supply of and demand for agricultural products by promoting less intensive use of land and the conservation of the countryside.

CONCLUSIONS

1. The Committee on the Environment, Public Health and Consumer Protection regrets that the regulation covers only plant products and urges the Commission of the European Communities to complement this legislation with a regulation on products of animal origin as soon as possible.

2. The inspection measures provided for in Article 9 should be tightened up and made as least as stringent as the arrangements provided for in Article 8 and Annex III.

This is particularly important since Article 9 covers all imported ecological products. From the point of view of fair competition and consumer protection, inspection of such products must be just as strict as for producers in the Community.

3. In Annex II the Commission should itself propose a list of the substances covered by Article 7 (list of synthetic chemicals that may be used in certain circumstances).

4. The costs of national agricultural inspection bodies for conventional farming and for ecological farming shall be subject to the same arrangements.

5. The regulation should be evaluated after two years, and if necessary, revised.

The Committee on the Environment, Public Health and Consumer Protection also proposes the following amendments:

Commission proposal

Amendments tabled by the Committee
on the Environment, Public Health
and Consumer Protection

Amendment No. 1

Title

On organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

On ecological production of agricultural products and indications referring thereto on agricultural products and foodstuffs

Amendment No. 2

(Twelfth recital)

whereas, to ensure compliance with the rules of production, all stages of production and marketing should normally be subject to inspection;

whereas, to ensure compliance with the rules on production and preparation, all stages of the production, preparation and marketing of organic products should normally be subject to statutory, uniform inspection procedures;

Amendment No. 3

(Thirteenth recital)

whereas all operators producing, preparing, importing or marketing products bearing indications referring to organic production methods must be subject to certain particular inspection arrangements;

whereas all operators producing, preparing, importing or marketing products bearing indications referring to organic production methods must be subject to regular inspection procedures;

Amendment No. 4

(Fourteenth recital)

whereas, in this connection, encouragement should be given to initiatives by operators to comply with a system of regular inspection of their undertakings and their production; whereas if such inspection meets minimum Community requirements and is carried out by bodies approved and supervised by the Member States, such initiatives should be rewarded by entitlement to use a Community indication of inspection on the labelling of the product concerned;

This amendment does not apply to the English text.

Amendment No. 5

(Fifteenth recital)

whereas, after a trial period, the possibility of extending the regular inspection arrangements compulsorily to all operators engaged in the production and marketing of products obtained organically should be reviewed in order to arrive at a single control system for all operators concerned;

delete

Amendment No. 6

Add the following introductory sentence:

Whereas there is a need for standard regulations on labelling which can be easily recognized by consumers;

Amendment No. 7

(Article 1(1)(a))

(a) unprocessed agricultural crop products; also animals and unprocessed animal products, to the extent that principles of production and specific inspection rules for them are introduced into Annexes I and III;

(a) unprocessed agricultural crop products; also animals and unprocessed animal products for which the principles of production and specific inspection rules are to be introduced in Annexes Ib, II and III by means of an amendment to this Regulation within one year of its publication;

Amendment No. 8

(Article 2)

For the purposes of this Regulation a product shall be regarded as bearing indications referring to organic production methods where, in the labelling, advertising material or commercial documents, such a product or its ingredients is described by:

- the term 'organic' or 'biodynamic', unless such terms clearly have no connection with the method of production,

- indications referring to farming without the use of synthetic chemical pesticides, soil conditioners or fertilizers,

For the purposes of this Regulation a product shall be regarded as bearing indications referring to organic production methods where, in the labelling, advertising material or commercial documents, such a product or its ingredients is described by:

- the term 'organic' or 'biodynamic', unless such terms clearly have no connection with the method of production,

- trademarks, brands or other indications implying to the purchaser that the product or its ingredients have been obtained in accordance with the production rules set out in Articles 6 and 7, for example by terms commonly used such as 'biodynamic', 'natural', 'alternative' and prefixes such as 'bio', 'eco', 'natural', 'original', unless such terms clearly have no connection with the method of production and/or preparation,

- indications referring to farming without the use of synthetic chemical pesticides, soil conditioners or fertilizers,

- other indications suggesting or implying to the purchaser that the product or its ingredients have been obtained in accordance with the rules of production laid down in Articles 6 and 7.

delete

Amendment No. 9

(Article 3, first paragraph)

This Regulation shall apply without prejudice to other Community provisions governing the production, preparation, marketing, labelling and inspection of the products specified in Article 1.

This Regulation shall apply without prejudice to other Community provisions governing the production, preparation, marketing, labelling and inspection of the products specified in Article 1, without prejudice to other statutory requirements that must be met for the use of the indications set out in Article 2.

Amendment No. 10

Article 4(1)

For the purposes of this Regulation:

1. 'Labelling' means any words, particulars, trademarks, brand names, pictorial matter or symbols appearing on any packaging, document, notice, label, band or collar accompanying or referring to a product specified in Article 1;

For the purposes of this Regulation:

1. 'Labelling' means any words, particulars, trademarks, brand names, pictorial matter or symbols appearing on any packaging, document, notice, label, advertisement, band or collar accompanying or referring to a product specified in Article 1;

Amendment No. 11

(Article 5(2)(c), new indent)

(c) the product contains no synthetic chemicals as ingredients;

(c) the product contains no synthetic chemicals as ingredients;

- the method of production has not involved the introduction of genetically altered micro-organisms;

Amendment No. 12

Article 5(3)

unchanged

Notwithstanding paragraph 2, ingredients not satisfying the requirement in paragraph 2(b) may be used in the preparation of certain products as referred to in Article 1(b) where:

- such ingredients are of agricultural origin and are not produced in the Community in accordance with the rules laid down in Articles 6 and 7;

unchanged

- the ingredients in question do not exceed 5% of the content of the final product;

- the ingredients in question do not exceed 5% of the content of the final product, with the exception of products for which the committee provided for in Article 14 has fixed the figure of 10%.

- the labelling indications referring to organic production methods clearly relate exclusively to those ingredients which have been obtained in accordance with the rules laid down in Articles 6 and 7 or imported from a third country under the arrangements laid down in Article 11.

- the labelling indications referring to organic production methods clearly relate exclusively to those ingredients which have been obtained in accordance with the rules laid down in Articles 6 and 7 or imported from a third country under the arrangements laid down in Article 11. The presence of ingredients not produced organically must be clearly indicated on the label.

Amendment No. 13

(Article 6a (new))

6a. Within a period of five years a comprehensive product assessment scheme shall be devised for the complete production cycle of each organic product (environmental acceptability assessment).

The scheme shall involve testing at each stage, from production of the raw materials, storage, transport, processing and marketing to waste disposal, on the basis of ecological, socio-economic and health criteria (criteria to be listed in Annex III).

Amendment No. 14

(Article 7(2))

2. Synthetic chemicals may be included in Annex II where it is shown:

(a) that they are essential for the production, at farm level, of certain plants, animals or agricultural products, in particular because of the unavailability of suitable products not containing synthetic chemicals; and that

(b) the manner of their use precludes any contact with the soil, plants, farm animals or agricultural products.

2. Synthetic chemicals may be included in Annex II where it is shown (in each case) that they are essential for the production, at farm level, of certain plants, animals or agricultural products. (rest deleted)

Amendment No. 15

(Article 7(3))

3. The following may be specified in Annex II:

- conditions of use and compositional requirements of certain synthetic chemicals,
- particular labelling requirements for products as referred to in Article 1 where such products are obtained with the aid of certain synthetic chemicals.

3. The following must be specified in Annex II:

- conditions of use and compositional requirements of certain synthetic chemicals,
- particular labelling requirements for products as referred to in Article 1 where such products are obtained with the aid of certain synthetic chemicals.

Where a Member State considers that a substance should be added to Annex II or that amendments should be made thereto, it shall ensure that a dossier giving the reasons for the inclusion or amendments is sent officially to the other Member States and the Commission. Substances and processes whose use is covered by this Regulation may not be used in the Member States until their use has been authorized pursuant to this Regulation.

Amendment No. 16

(Article 7(5)a (new))

5a. The European Parliament shall be informed and consulted on the substances included in Annex III. This provision shall also apply to any amendment to Annex III.

Amendment No. 17

Article 7a (new)

The packaging of biological products shall be environmentally friendly.

Article 18

(Article 7b (new))

7b. The criteria for organic agricultural products shall gradually be extended to the subsequent stages of production, processing or marketing, thus creating a product-line environmental acceptability inspection scheme.

Article 19

(Article 8(1))

Regular inspection system

This amendment does not apply to the English text.

Article 8

1. The Member States shall designate one or more inspection authorities and/or set up an inspection system operated by approved private bodies which the operators producing or preparing products as referred to in Article 1 may entrust with the task of setting up the regular inspection system referred to in paragraph 2.

Article 8

1. The Member States shall designate one or more inspection authorities and set up an inspection system operated by approved private bodies; each operator producing, preparing, importing from a third country or marketing products as referred to in Article 1 shall be required to undergo regular inspections by such bodies as referred to in paragraph 2.

Amendment No. 20

(Article 8(2))

2. The regular inspection system shall comprise at least the application of the precautions and inspection arrangements specified in Annex III.

2. The regular inspection system shall comprise at least the application of the precautions and inspection arrangements specified in Annex III and shall constitute the uniform inspection procedure to be applied in all Member States before the Community indication of inspection is issued pursuant to Article 10.

There shall be regular testing for residues, sampling and publication of the residue values, particularly in the case of

- pesticides,
- nitrate, nitrite, nitrosamine,
- heavy metals,
- disinfectants, tensides,
- radionuclides.

Amendment No. 21

(Article 8(4)(d))

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| (d) the independence of the inspection body <i>vis-à-vis</i> the operators subject to its inspection. | (d) the <u>economic and administrative independence</u> of the inspection body <i>vis-à-vis</i> the operators subject to its inspection. |
|---|--|

Amendment No. 22

(Article 8(6)(a))

- | | |
|--|---|
| (a) ensure that at least the inspection arrangements and precautions specified in Annex III are applied to undertakings subject to their inspection; | (a) ensure that at least the inspection arrangements and precautions specified in Annex III are applied to undertakings <u>and firms</u> subject to their inspection; |
|--|---|

- | | |
|--|---|
| (c) send regularly and at least once a year, a list of operators subject to their inspection to the competent authority of the Member State. | (c) send regularly and at least once a year, a list of operators subject to their inspection <u>and a brief annual report</u> to the competent authority of the Member State. |
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Amendment No. 23

(Article 9(3), first paragraph)

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| 3. Member States shall take the necessary measures for the inspection, <u>at least on a sample basis</u> , of operators and of products as specified to in Article 1 not subject to the regular inspection arrangements referred to in Article 8, as regards compliance with this Regulation. | 3. Member States shall take the necessary measures for the inspection of operators and of products as specified to in Article 1 not subject to the regular inspection arrangements referred to in Article 8, as regards compliance with this Regulation. |
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Amendment No. 24

(Article 9(3), second paragraph)

Precautionary measures similar to those specified in Annex III may be laid down in respect of such operators in accordance with the

Precautionary measures similar to those specified in Annex III must be laid down in respect of such operators in accordance with the procedure laid down in Article 14.

Amendment No. 25

(Article 10(1))

Indication that products are covered by the regular inspection scheme

In the German text replace the word 'routinemäßigen' with 'regelmäßigen'; this amendment does not apply to the English text.

Article 10

1. The Community indication that products are covered by the regular inspection scheme, shown in Annex V, may appear on the labelling of products as specified in Article 1 only where such products:

- (a) satisfy the requirements of Articles 5, 6 and 7, as well as any provisions adopted pursuant to these Articles;
- (b) have been subject to the regular inspection arrangements referred to in Article 8(2) throughout the production and preparation stages;
- (c) have been produced or prepared by operators whose undertakings are subject to inspection by the inspection authority or an inspection body as referred to in Article 8(1) and have been awarded the right by that authority or body to use the indication shown in Annex V;
- (d) are packed and transported to the point of retail sale in closed packaging;

Article 10

1. The Community indication that products are covered by the regular inspection scheme, shown in Annex V, may appear on the labelling of products as specified in Article 1 only where such products:

- (a) satisfy the requirements of Articles 5, 6 and 7, as well as any provisions adopted pursuant to these Articles;
- (b) have been subject to the regular inspection arrangements referred to in Article 8(2) throughout the production and preparation stages;
- (c) have been produced or prepared by operators whose undertakings are subject to inspection by the inspection authority or an inspection body as referred to in Article 8(1) and have been awarded the right by that authority or body to use the indication shown in Annex V;
- (d) are packed and transported to the point of retail sale in closed packaging;

(e) carry a label showing the name and any registered mark of the inspection body, the name and address of the producer or processor, and, where Council Directive 79/112/EEC¹ applies, the indications required thereby.

(e) carry a label showing the name and address and any registered mark of the inspection body, the name and address of the producer or processor, and, where Council Directive 79/112/EEC¹ applies, the indications required thereby.

Amendment No. 26

(Article 10(6))

6. Member States shall take whatever action is required to prevent fraudulent use of the indication shown in Annex V.

6. Member States shall take whatever action is required to prevent fraudulent use of the indication shown in Annex V and of any labelling of products as referred to in Article 1 within the meaning of Article 2.

Amendment No. 27

(Article 11(1)(a))

(a) they originate in a third country appearing in a list to be drawn up by Commission Decision in accordance with the procedure laid down in Article 14, and were produced in a region or a production unit, or under the inspection of an inspection body specified in the decision concerning the third country in question, and

(a) they originate in a third country appearing in a list to be drawn up by Commission Decision in accordance with the procedure laid down in Article 14, and were produced in a region or a production unit, or under the inspection of an inspection body, which must be specified in the decision concerning the third country in question. The competent authority shall thus be able to exercise the same control over the foreign inspection body as provided for in paragraph 5 of Article 8.

¹ OJ No. L 33, 8.2.1979, p. 1

¹ OJ No. L 33, 8.2.1979, p. 1

Amendment No. 28

(Article 14, first paragraph)

The Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States and chaired by the representative of the Commission.

The Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States who are acceptable to the various organic farming associations and organizations, and chaired by the representative of the Commission. In addition the committee shall include an equal number of representatives of organic farming and nutritional science designated on a proposal from the organic farming organizations and associations, and who, in addition to their role as laid down in this Article, shall also advise the Commission on all matters pertaining to organic farming and the processing of organic foodstuffs.

The advisory committee may, if it so wishes, call on the assistance of experts.

Amendment No. 29

(Annex II)

Annex II should include:

- List of authorized substances.
- Purposes for which they may be used.

Amendment No. 30

Annex III, A.7

Apart from unannounced inspection visits, the inspection body must make a full physical inspection, at least once a year, of the unit. Where the use of products not authorized under this Regulation is suspected, samples must be taken in order to test for traces of such products. An inspection report must be drawn up after each visit.

Apart from unannounced inspection visits, which must be made at least twice a year, the inspection body must make a full physical inspection, at least once a year, of the unit.

(rest unchanged)

Amendment No. 31

Annex III, B.5

Apart from unannounced inspection visits, the inspection body must make a full physical inspection at least twice a year of the unit. Where the use of products not authorized under this Regulation is suspected, samples must be taken in order to test for traces of such products. An inspection report must be drawn up after each visit.

Apart from unannounced inspection visits, which must take place at least twice a year, the inspection body must make a full physical inspection at least twice a year of the unit.

(rest unchanged)

Amendment No. 32

Annex V

The indication that a product is covered by the regular inspection scheme must be shown in the same language or languages as those used for the labelling.

The indication that a product is covered by the regular inspection scheme must be shown in the same language or languages as those used for the labelling and should be sealed with a logo or symbol.

The indication 'organic' should be changed to 'ecological'.

