



**European Organic Certifiers Council**

# **Downgrading of organic products : proposals for a harmonised approach**

**Civil Dialogue Group meeting  
European Commission  
Brussels, Belgium  
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# 1. What the Regulation says

Regulation 834/2007 : Measures in case of infringements and irregularities (Art 30) :

1. §1 Where an irregularity is found as regards compliance with the requirements laid down in this Regulation, the control authority or control body shall ensure that **no reference to the organic production method** is made **in the labelling and advertising of the entire lot or production run affected by this irregularity**, where this would be **proportionate** to the **relevance of the requirement that has been violated and to the nature and particular circumstances of the irregular activities.**

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This is what we call

DOWNGRADING

# 1. What the Regulation says

Regulation 834/2007 : Measures in case of infringements and irregularities (Art 30) :

2. Information on cases of irregularities or infringements affecting the organic status of a product shall be immediately **communicated between the control bodies, control authorities, competent authorities and Member States concerned and, where appropriate, to the Commission.**

The level of communication shall depend on the severity and the extent of the irregularity or infringement found. The Commission may, in accordance with the procedure referred to in Article 37(2), lay down specifications regarding the form and modalities of such communications.

# **1. What the Regulation says**

What does the Regulation say about communication between operators ?

# 1. What the Regulation says

Regulation 889/2008 : Art 63 :

2. The description and the measures referred to in paragraph 1 shall be contained in a declaration, signed by the responsible operator. In addition, this declaration shall include **an undertaking by the operator:**
  - (a) to perform the operations in accordance with the organic production rules;
  - (b) to accept, in the event of infringement or irregularities, the enforcement of the measures of the organic production rules;
  - (c) to undertake **to inform in writing the buyers of the product in order to ensure that the indications referring to the organic production method are removed from this production**

## 2. What the reality learned us

The sunflower cake (**SFC**)  
as a symbolic example...

## **2. What the reality learned us : a little recap...**

15.000 tons of sunflower cake/expeller, a by-product of sunflower oil production is used as ingredient in compound feed (poultry) containing fungicides, insecticides and herbicide were sold to feed processors in 9 MS, NO and USA which resulted in an estimated amount of 900.000 tons of organic feed partially consumed between Sep '14 and Nov '14



## 2. What the reality learned us : Downgrading...

CA decision:  
Art 30.1§1



Exporter



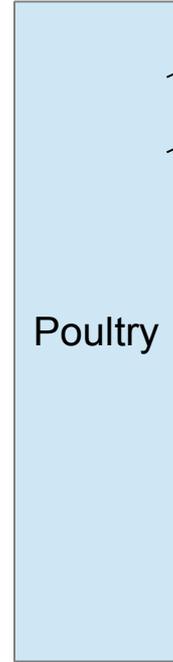
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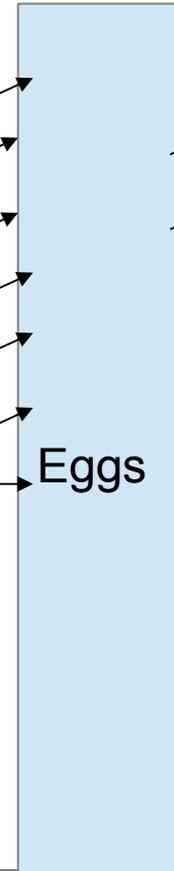
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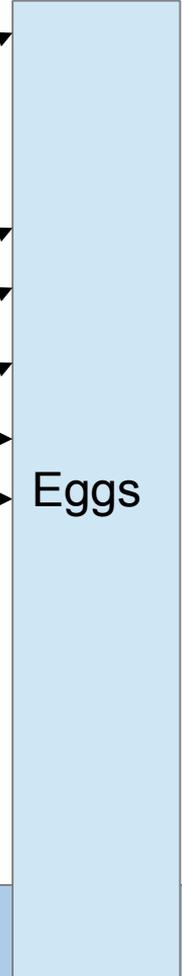
Farmers



Distributor



Retailers



## 2. What the reality learned us : Downgrading... and then ?

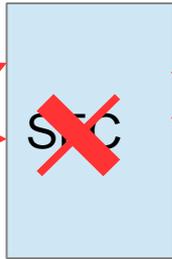
CB decision:  
Art 30.1§1



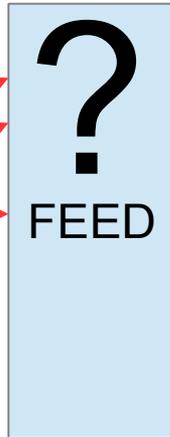
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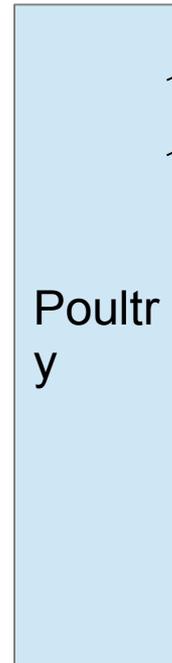
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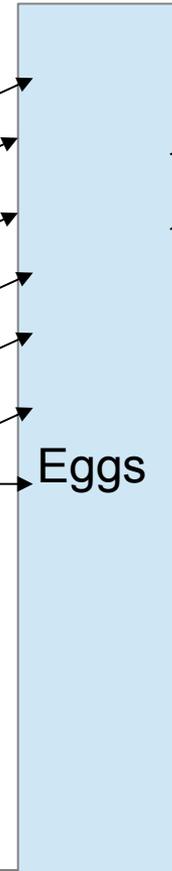
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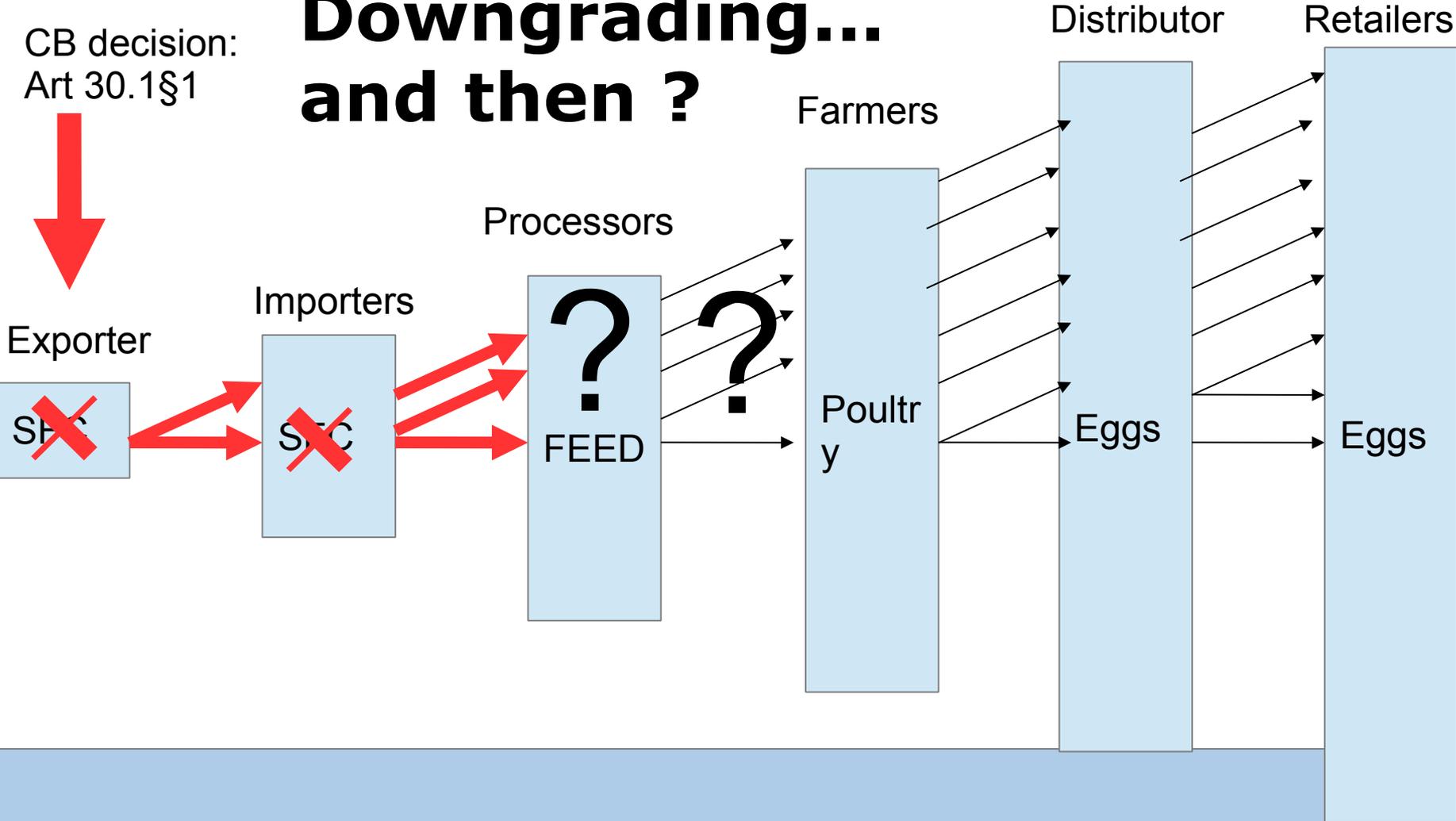
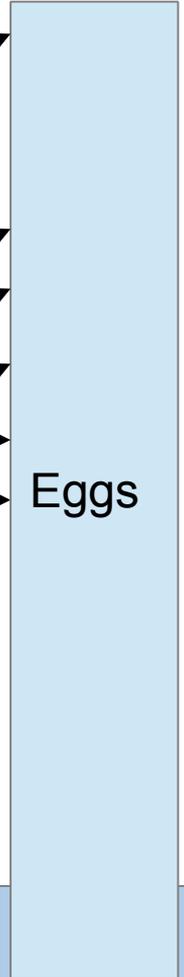
Farmers



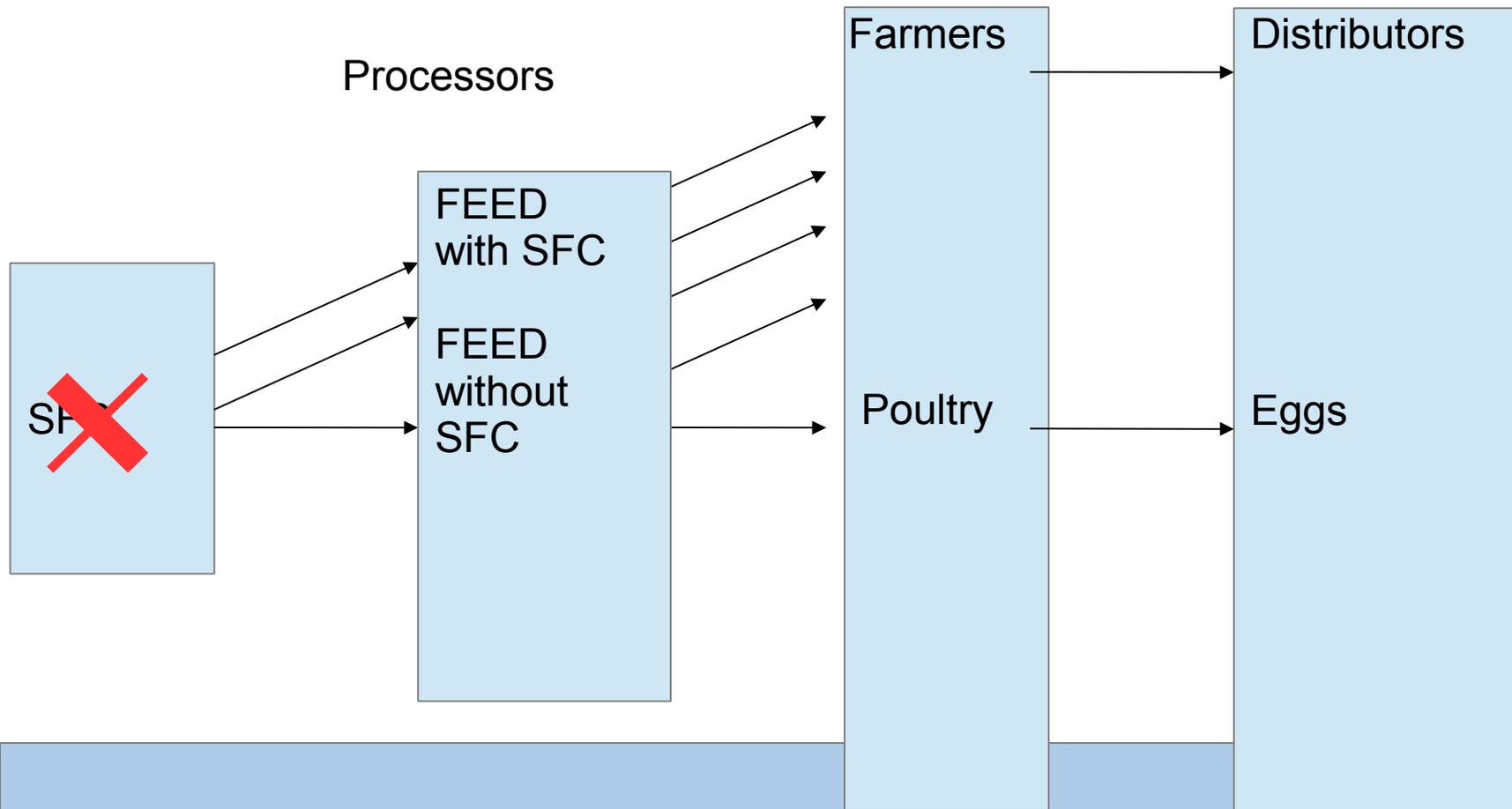
Distributor



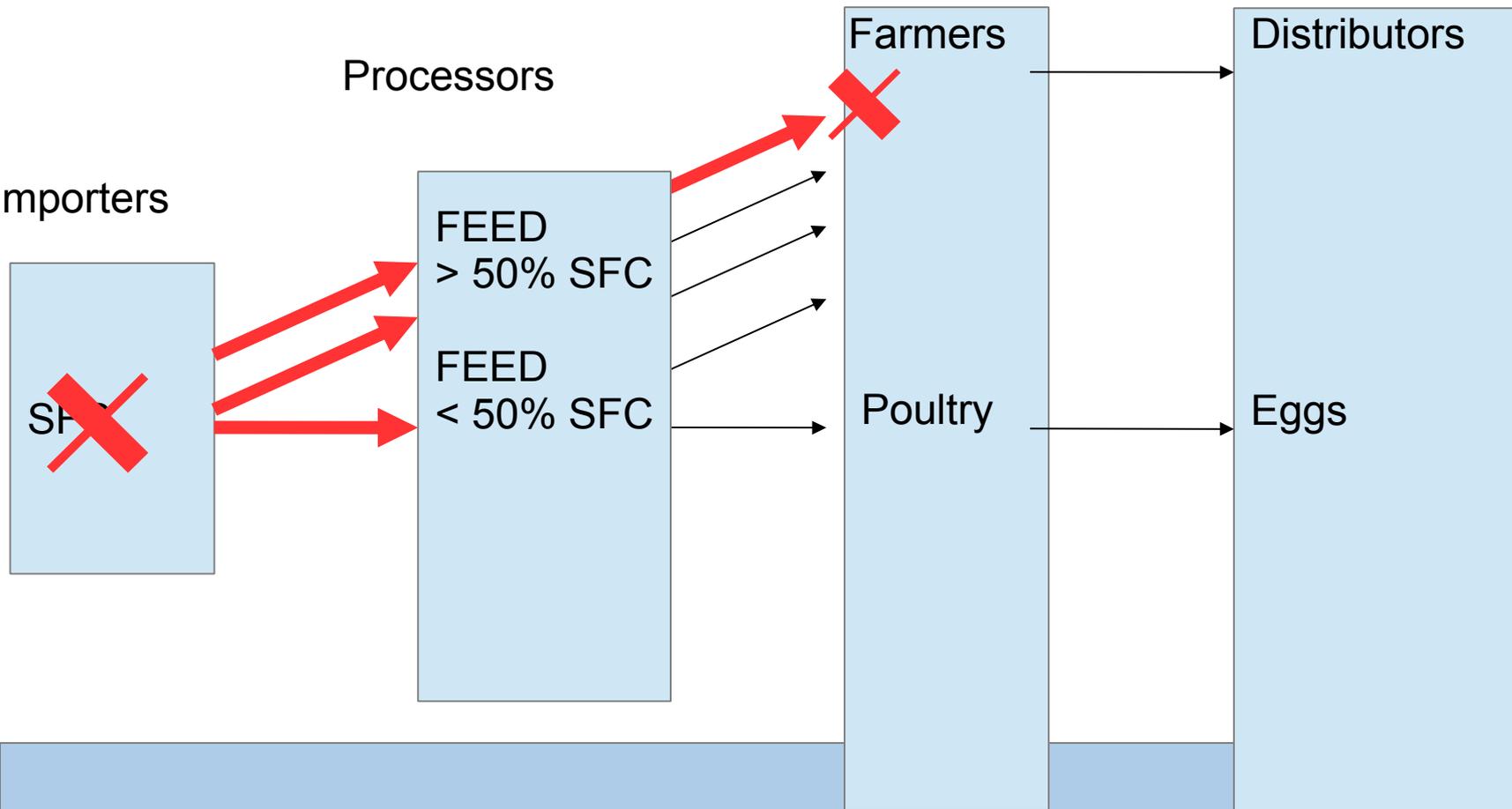
Retailers



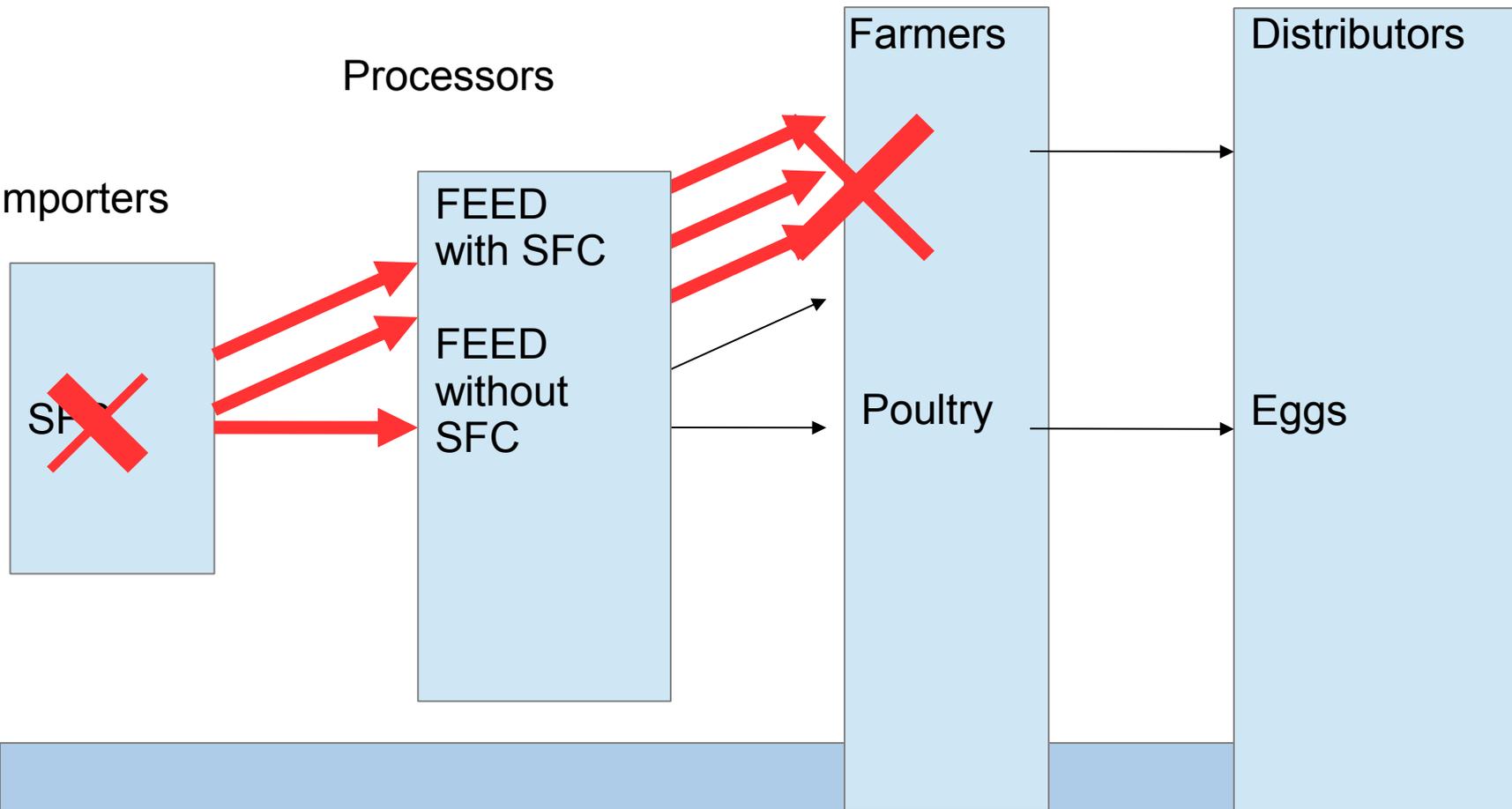
## 2. What the reality learned us : ES+UK



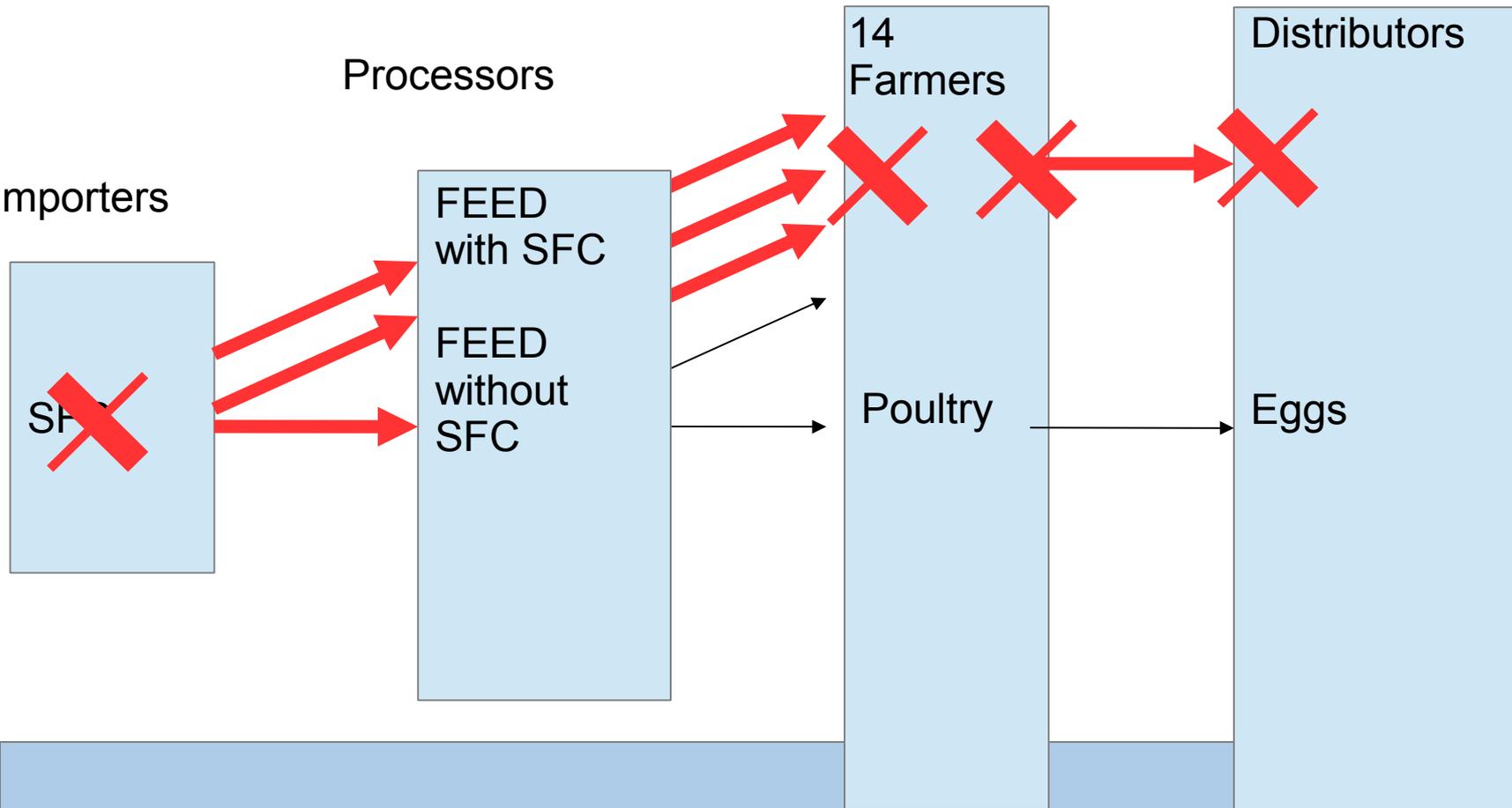
## 2. What the reality learned us : NL+BE



## 2. What the reality learned us : FR+DK



## 2. What the reality learned us : DE



## **2. What the reality learned us :**

- Some MS are informed by others and start their own investigations (sampling), obtain contradicting results and “act” only according to their own investigation results.
- Other MS continue on investigations of other MS and act pragmatically by downgrading the cases in the downstream part of the supply chain
- Few MS prioritise consumer protection to the end of the supply chain by downgrading all affected products, livestock and livestock products in the downstream part of the supply chain.

## 2. What the reality learned us :

There is no harmonised approach among MS regarding the following two aspects:

1. A product containing an ingredient which has lost it's organic status after use, may or may not lose it's organic status.
2. An operator who has sold products of a batch which is no longer organic, may or may not be obliged to inform his clients.

## 2. What the reality learned us :

Other “similar” situations:

- mixing in-conversion cacao beans with organic beans because of insufficient separation measures
- plant oil used in mayonnaise production at 12% was downgraded because of lack of traceability at the level of the supplier of the plant oil
- due to a falsified certificate, non organic cereals were stored together with organic cereals and flour was produced from all cereals
- organic pasta was downgraded by the operator because it contained 1% of milk powder which was no longer organic due to presence of prohibited AB

### **3. EOCC proposals for harmonised approach in international cases**

### **3. EOCC proposals for harmonised approach**

EOCC would like to invite Commission and MS to work together with EOCC on this topic to reach a « downgrading methodology » and during this process, allow the CDG to comment.

Thank you for your kind attention

Comments and feedback on this presentation  
can be sent anytime  
to  
[representative@eocc.nu](mailto:representative@eocc.nu)