Brussels,

FINAL MINUTES

Meeting of the Civil Dialogue Group "Organic Farming" Date: 16 October 2019

Chair: Mrs Lone ANDERSEN (COPA) up to the elections, Mrs Marian BLOM (IFOAM EU) from the elections on.

Organisations present: All Organisations were present.

1. APPROVAL OF THE AGENDA AND MINUTES OF THE PREVIOUS MEETING

Adoption of the minutes of the previous meeting (07/05/2019) and approval of the agenda.

2. ELECTION OF THE CHAIRMAN OF THE CDG ON ORGANIC FARMING

Three applications were presented:

- Marian Blom: IFOAM EU vice president was elected as chairwoman (2 abstentions)
- Norbert Kolb: SACAR vice president was elected as vice chair (3 abstentions)
- Luigi Tozzi: Copa and vice-chair of Copa-Cogeca's working party on organic farming was elected as vice chair (3 abstentions)

3. NATURE OF THE MEETING

The meeting was non-public.

4. LIST OF POINTS DISCUSSED

4.1. State of play of the discussion on delegated acts (DA) and implementing acts (IA) of the new organic regulation (EU) 2018/848

The Commission (from now on COM) informed about the process of the DA/IA. The work time schedule remains unchanged just a postponement on the adoption of the IA on production rules. Good tracks for control rules likely the commission will stick to the calendar. Discussions on trade rules will start during the COP Meeting of November 2019.

4.1.1. Production rules

COM presented the following points on Production Rules:

- Implementing act (IA) covering all production rules.
 - Scope: animal production, aquaculture, retroactive recognition of conversion, food and feed production and other issues.
 - Format: One Implementing act and several annexes
 - State of play: Inter-services consultation (ISC) until 08.10 is over. Feedback mechanism for 4 weeks will be launched at the beginning of November. Then comments will be read by DG AGRI and presented to the Committee on Organic Production (COP). Vote on January 2020, not before.
- Delegated act (DA) amending
 - Scope: bees feed, aquaculture, sprouts:
 - Comments addressed during the public consultation regarding production rules of sprouts have been taken into account in the final draft.
 - State of play: ISC done feedback done. The text is ready to be sent to the Council and to the Parliament. They will have two months to react. Either they approve it, either they reject it: no possibility to amend the text at that stage. In case of refusal, the whole process should restart.
- Technical annexes of current organic regulations are currently being revised and will be transferred to the new Organic Regulation in June 2020.

SACAR asked the commission if public concerns sent earlier in this year have been taken into consideration and if it would be possible to have the copy of the most recent act.

COM answered that the draft regarding production rules of sprouts should be made available on CIRCABC.

IFOAM EU asked for further clarification on the structure of the new organic regulation. How many different texts will be there?

COM answered that it is no clear yet, but the sector might work to make a consolidated version quite easily.

COPA mentioned that farmers need to be informed about the timing for adopting the secondary regulation and in particular the production rules, because they need legal security when it comes to deciding on new investments in particular in buildings. Is the calendar going to be complied with as there is time pressure now? What about the transitional period?

COM ensured that acts will be ready on time despite the long lasting discussion mainly due to the plurality of stakeholders.

He clarified two aspects related to transition period: No transitional period if it is a requirement from the basic act. Transitional period can only be foreseen when there are new rules through the implementing act. He added that the most updated version will be uploaded in Better Regulation website in few weeks, there is no final version so far.

COPA stressed that the length of open-air areas should be extended to 350 meters provided that the birds use the entirety of the outdoor area. This, because the sector has a positive experience with birds using the whole outdoor area of up to 350 meters thanks to suitable tools and an updated landscape. In addition, when a "veranda" is an integral part of the poultry house system and benefits from the same conditions as the indoor building, it should be considered as being part of the indoor area of a poultry house and then included in the usable area. The commission took note.

IFOAM EU asked some information about the development of the requirement on group of operators under IA/DA. The commission informed that the topic is under discussion within the committee and welcomes any proposal that will be then presented to MS.

4.1.2. Controls (including group of operators, certificate and Art. 29) and Trade

COM presented the following points:

- Delegated act supplementing on exception production rules (catastrophic circumstances).
 - Intention: The aim of the revision is to clear up the derogation.
 - ISC done. Feedback mechanism ended on8 October.
- DA on labelling:
 - First draft will be presented during COP Meeting November.

EOCC asked for clarification on the implementability of the new EU Organic Regulation at the level of EU-Control Bodies since they need to be accredited with the scope 2018/848. EOCC added that in case of publication of annexes by end of 2020, it will be difficult for Accreditation Bodies to accredit Control Bodies.

COM confirmed that EOCC contacted COM on the part of trade rules (last package to be discussed as it requires that control rules should be fixed) and this topic was never communicated. Therefore, COM asked to EOCC to send an input to the COM on this issue.

IFOAM EU stated that there are many details stipulated in the actual draft texts which will require a lot of work. It would be better to start with minimum requirements.

COM reminded the intentions: to reach the best versions and a consensus among Member States. For the control, it is just a first draft and COM is considering all stakeholders' remarks and comments.

EURO Commerce commented that specific retailers are exempted from the obligation to have certificate (the seller of unpacked food), he added that in Finland, retailers are considered as low risk operators (as organic regulation in Finland is integrated in Food regulation). Therefore, EURO Commerce fears huge control burden for operators and authorities with the requirements of the new organic regulation.

COM notified that the organic sector is subject to the horizontal legislation "Official Control regulation" (2017/625), but the organic regulation can add requirements. The individual certification of retailers is in the basic act and the discussion already took place.

SACAR indicated that articles 34 and 36 should be properly considered to avoid a burden of certifications, in particular with regard to definition of pre-packed products of fruit and vegetables. **COM** will consider all legal remarks.

COPA asked about the type of annual control for small retailers which are exempted from the obligation to be in the possession of a certificate. **COM** clarified that the notification concept is different from control.

IFOAM EU expressed the fear for requirements on group of operators which are being discussed with Member States as they might harm millions of operators in non-EU countries and the supply of certain products to the EU. Everyone agrees that the situation needs to be improved, but it is needed to find the right answers to the questions.

COM informed that rules are first made for Group of operators located in EU. With the compliance system, they will also apply to third countries (TC). The audits made on Control Bodies of the last period attest that the situation sometime can be critical with groups of 10.000 operators. The issue should be addressed: Group of operators is a mean to spare some certification costs aiming to have a control system of quality.

COGECA said that classifying group of operators by geography area could be interesting for attracting local micro enterprises.

EOCC added that the size limit could be understandable, but what it is not clear is whether export companies are eligible members. If not, there will be quite an impact.

COM mentioned that groups can 'only be composed of members who are farmers', and this is stipulated in the basic act. Therefore, traders are not eligible for group certification.

4.1.3. PRM and heterogeneous material

COM presented the following points:

- DA on organic heterogeneous material in progress. DG SANTE leads:
 - State of play: Preliminary draft, not revised by legal services yet.
 - Aim: to finalise it in the first months of 2020
- DA on seeds: (work with DG SANTE)
 - State of play: first draft. Preliminary draft not revised by legal services yet.
 - Aim: to finalise it in the first months of 2020

EUROSEEDS stated that the current definition for Organic Heterogeneous Material is too vague and this will make it more difficult to trace and therefore, properly enforce. In addition, the current breeding for grasses and clovers is very similar to the proposed one, which may lead to unfair competition as OHM has lower requirements than other PRM.

IFOAM EU informed that IFOAM EU supports **COM**'s draft acts on plant reproductive material and the use of heterogeneous material which is one of the most interesting additions brought by the new organic regulation.

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COGECA asked a question about the definition of heterogeneous material and mentioned that Copa-Cogeca will soon send to the **COM** a position on this matter.

IFOAM EU urged the COM to have a consolidated version of the texts otherwise difficulties to make the trainings to inspectors and to implement the regulation will be faced.

COM answered that the structure will be with a Basic Act and Delegated and Implementing Acts. Consolidation is a copy-paste task that anybody could do. Moreover, some guidelines could be drafted but the COM is not keen since such tools have no legal basis.

4.2. Presentation of the TRACES database for Certificate of Inspection for imports of products from organic production into the EU (CoI)

COM presented the latest development of Traces. It is the only system used to issue and endorse the certificate of inspection for importers of organic products intended to be used in the EU. The new model of certificate became compulsory in 2017. However, the process is not finalized yet, still need to put in place the e-signature.

The different phases of the certificate of inspection were listed as following:

- 1. Initiation: by the certifiers (importer/exporter/control body/control authority)
- 2. Issuance: equivalent Control Body/Control Authority signs before the goods leave the third country
- 3. Box 20: Member State relevant competent authority verifies the consignments and endorses the certificate of inspection for a free circulation.
- 4. 1st consignee acknowledges reception

The specific requirement of CoI after the new amendments were mentioned:

- Reg. 834/2007 Art. 33. (1) CoI has to be issued in TRACES before the product leaves the 3rd country to accompany the goods
- Reg. 1235/2008 Art. 13. (2) All actors verify the CoI on paper and in the electronic system when the e-signature is in place
- Reg. 1235/2008 Art. 13. (4) Control Body of the export is responsible for the issuance of the CoI

Possibilities to change before the endorsement (in box 20.):

- Box. 9. country of clearance (can be changed by the issuer/importer)
- Box 12. 1st consignee (by border control post/importer).

▶ If box 9. and 12. changes, it should be accepted by the customs.

- Possibility for the importer to insert a RFL after issuance (but it has no impact on the paper)
- Addition of documents in the module later in the lifecycle which cannot be done after the signature in box 21 by 1st consignee
- Box. 12. 1st consignee: possibility to insert several addresses

Traces future development:

- Tick box for CN code only for food and feed and excluding products intended for other purposes (cosmetics and technical use)
- Release of the product: to give importers the possibility to split the batches
- Notifications in office if it concerns only a part of the consignment
- Automatic link between OFIS and TRACES

EOCC presented the EOCC Task Force Traces which aims to prepare Control Bodies to use the tool. Two years after that TRACES became mandatory, EOCC would welcome the opportunity of a bilateral meeting with the Commission to address the following issues: exceptional derogations to the requirements of CoI issuance before the goods leave the Third Country. Possibility to extract Traces' data at Control Body's level for its own statistics and Definition of exporter and first consignee.

COM informed that before the goods leave the third country, the Control Body shall take the responsibility to issue a CoI which allows the traceability, especially in case of non-conformities.

4.3. Presentation of OFIS (Organic Farming Information System) – notification of irregularities related to organic products (EU and Third Countries)

COM presented the Organic Farm Information System (OFIS) which is a tool to exchange the irregularities of the organic products inside the EU and of imported goods. The tool is divided into two sectors for EU Member States and for international notification.

Working methods: if a detection of non-irregularity occurs, the Member State notifies the specific irregularity. The notified Member State communicates the information to the Control Body in charge. The EU commission monitors the system, stimulates discussion between actors and develops statistics in vu to reinforce the meaning of the organic logo in terms of harmonization of the sector and fair competition.

The first reasons of notification are the presence of non-authorized substances with 91%, then irregularities linked to control followed by GMO detection. The reason is mainly linked to pesticide residues.

For international notification, the number of irregularities per notification is 578 (not per weight)

EOCC, reminded that OFIS does not only contain confirmed cases but also suspicions which might originate from variety of other issues like contamination.

COM said that the targets are irregularities not fraud, example: findings are from contamination, not from bad willing of the operators. COM added that an irregularity does not necessarily lead to an automatic decertification of the products.

EOCC asked the commission if they are looking for solutions regarding multi-origin substances like anthrachinone (resulting from the drying process of tea).

COM confirmed that the commission is working more in depth to find out the causes of contamination for specific substances.

COGECA asked the commission if the OFIS is public.

COM answered that OFIS data are not public to avoid comments out of the context since data might be wrongly interpreted.

COM added that several discussions with Member States took place on making OFIS public. This report does not reflect the reality of irregularities, only the notified ones. **COM** prefers the wording 'Non-Compliance' to 'irregularity'.

FoodDrink Europe, understood the commission's concerns but recommend taking into consideration that industry needs to know the risks of importing. More public information would be helpful.

COM notified that one consignment for a certain third country is not enough to create concerns.

IFOAM EU agrees with the commission position on OFIS and alerted that media might use misinterpreted date for selling a scandal on organic. He added that the use of right terminology is crucial in particular with the view of discussions on the new organic regulations: in OFIS there are not "irregularities" but "established and suspected noncompliances".

COM informed that IFOAM EU's comment will be taken into consideration during the development of the IA/DA and to have a better adapted terminology. **EOCC** added that in the real world, some pesticide contaminations cannot be avoided by organic farmers, e.g. Pendimethalin or Chlodane. For OFIS, it is important to use the right terms as the COM usually does. OFIS is about confirmed irregularities and/or infringements according to Article 30 834/2007, but mostly about suspect cases according to Article 91 of Reg. (EU) No 889/2008. "Irregularities" as title in presentations is not correct.

SACAR asked for the irregularities time limit.

COM informed that the deadline is 30 days for the OFIS to reply and that the investigation can take longer.

COM said that in case of suspicion, the product should be blocked. COM is trying to improve the system. For the first notified suspicion in the system, an answer from the Control Body should be mandatory and take place within the following 30 days of the notification. The answer should be substantial. In case of a supplementary investigation, the process should be accelerated and pressure on all actors should be stressed out. For further information there are guidelines on often addressed questions in OFIS.

COGECA asked if the COM has any percentage of confirmed cases through studies or statistics.

COM said that those cases have not been studied so far.

4.4. State of play of the discussion on the revision of technical annexes including biocidal products

COM proposed to the Member States a draft document on certain annexes of Reg. 889/2008 and received unanimous positive feedback. The document will be officially published in the official journal.

SACAR highlighted an issue with unavoidable traces of chlorate on organic products originating from drinking water. Is there a plan to deal with this issue?

COM said that if there is a finding, the authority has to do an official investigation. If it is linked to drinking water than it should not be any infringement to the law. But an investigation is needed in this case.

IFOAM EU asked about the plan for annex IX.

COM confirmed that there is something that needs to be clarified by the Commission legal services and informed the reception of IFOAM EU previous comment.

4.5. State of play of the activities of EGTOP

COM presented the following points:

- 6 EGTOP meetings took place in 2018.
- Next Group will be on food and feed. Meeting date 5-7 November
- Plenary meeting: 3-5 December.
- Subgroup on cleaning and disinfection is established.
- Member States request the evaluation of more than 1200 substances for Cleaning and disinfection

SACAR asked if it is true that the Commission is considering including Phosphonic acid (given that the substance can naturally occur in Fruit &Vegetables in some countries) in Annex II.

COM informed that no conclusion has been taken so far and that EGTOP should discuss only if it can be used as substance. The issue of naturally occurring substances is not discussed by the EGTOP.

EOCC said that its Task Force on residues has drafted Factsheet on Phosphonic Acid and Fosetyl Aluminium to better identify the different sources (Public on EOCC website).

COPA asked about the situation of Vitamin B 2. COM clarified that the issue is to find out whether the product is seen as feed additive or feed component. DG SANTE committee has to take the decision.

IFOAM EU asked if any other approach on cleaning and disinfection list is foreseen.

COM answered that the commission is prioritizing the evaluation of these substances, will consult the Member States on this process. Only 150 substances can be evaluated by EGTOP before 01.01.2021. And some products will have to be taken off the list. If some products are missing after 01.01.2021, it might be considered reintroducing them.

4.6. Update on Horizon Europe and the role of Organic and Agroecology in the Cluster "Food, bioeconomy, natural resources, agriculture and environment" and the role of the Commission expert group: Mission Board for soil health and food (E03668)

COM Unit B2 Research and Innovation, presented an update on Horizon Europe.

Two main novelties of the Programme as compared with Horizon 2020 are partnerships and missions. There are eight partnership candidates under Cluster 6 on "Food, bioeconomy, natural resources, agriculture and environment". The one on "Towards more sustainable farming: agro-ecology living labs and research infrastructures" is particularly relevant for the organic sector. The aim is to support the transition towards more sustainable agricultural practices in the EU. It will include organic, mixed farming and agroforestry. The partnership is proposed to start in 2023. One of the reasons why a partnership approach proposed is to ensure a long-term approach of the activities.

For the mission on soil health and food, a board has been set up : M. Cees Veerman, former Dutch Agriculture Minister. Ongoing discussion on targets. The legal basis of Horizon EU has been approved. Timeline:

- 2019 -2020 adoption of strategic plan including intensive consultation with stakeholders. The strategic plan will be the basis to define the multiannual work program of Horizon Europe 2021-2024, including the key strategic orientations for R&I support and the partnerships and the missions. Organic farming is relevant for the six targeted impacts under Cluster 6. Ongoing identification of key R&I areas for organic. Inputs from the sector are welcome.
- 2021: Start of Horizon Europe.

The aim is to support implementation of Primary production more agricultural practices in the EU including organic, mixed farming and agroforestry. The partnership will start in 2023 and the length is not defined yet we only know that it is for a long period.

IFOAM EU, invited the commission to the Organic Innovation days which will take place in December to continue the discussion on possibilities for organic research in the future of Horizon Europe.

4.7. Overview of the market for organic products (FIBL)

FiBL gave a presentation of the actual trends of the organic sector with a focus on the latest data (2018 for some countries). Moreover, several other projects from FiBL are currently on the development process:

- Organic Farm Knowledges
- European Input List: 5000 products authorised.
- Organic Xseeds
- Database on animal species

4.8. Update on trade agreements

COM informed that 13 third countries are recognized as equivalent to the EU. Meetings took place with some countries recognized as equivalent where the commission explained the change of the new regulation and checked their willingness to negotiate international bilateral agreement. Australia, New-Zeeland, Israel are interested to start the negotiations as soon as possible. Meeting with Japan in July, Argentina, USA and Canada: first week of December).

IFOAM EU, asked if the USA and CANADA are willing to continue the equivalency agreements.

COM recognized big changes for US. The mechanism is to establish exploratory talks without any underestimation. The EU exports more organic to US than the other way around. They are sensitive to fraud, but we have some elements to push for international agreements.

IFOAM EU, asked if any other negotiation based on the current legislation is taking place

COM confirmed that negotiations based on the current regulation are still open with Mexico (progressing well) and Colombia (their national legal framework is not very stable). For plurilateral agreements: international standards could be a long-term perspective. But for the time being, the focus will only be on fraud prevention. A meeting is foreseen in the first week of December with Canada, USA, Japan, Chile concerning: irregularities, how we deal with Non-Compliances and better exchanges on frauds.

4.9. Update on guidelines on additional official controls on products originating from Ukraine, Kazakhstan, Russia and China

COM started the first discussion on COP meeting in October for the renewal of the guideline. **COM** would like to streamline the list of products, but this will depend on the discussion with Member States. Next week, first draft will be communicated to Member States. The aim is to have an agreement in November and to publish them in December. From the commission's side there is no proposal for new countries.

EOCC presented an initiative based on High Risk Supply Chain approach instead than on countries of origin and products.

4.10. Update on Brexit

COM informed about the extension of the decision to 31st October, further information of the result will take place the coming days. Ireland remains the key issue since there is a lack of certainty for Irish boarders. Three solutions are foreseen:

- A deal before 31.10
- An extension for technical deal
- A no deal at 31.10. UK has issued its own no deal document, available on UK government website.

IFOAM EU asked about the transitional rule in case of further extension. He added that UK Control Bodies have prepared their dossier in case of no deal and reported that UK will accept EU organic product on the UK market.

COM clarified that during the possible transitional period the UK will be considered as EU Member State and everything will remain the same. The transitional period is expected until December 2020 but can be extend for extra 2 years. In case of no deal, the UK will be considered as third country.

SACAR asked if it will be possible to import organic food products from third countries transiting via the UK in case of no-deal scenario.

COM explained that the Commission has published notices which explain what Regulations will apply in case of no-deal scenario. The import of organic products transiting via the UK will be based on TAXUD transit rules.

4.11. AOB

Guidance

This part of the minutes should list all points discussed, one by one, and be drafted as to allow for a thorough comprehension of:

- The topics on the agenda and any other topic discussed at the meeting;
- The positions expressed by participants in relation to each of the topics discussed, including references to possible participants' submissions and other relevant documents. The name of Type C¹,D² and E³ members' and observers' representatives may be included in the minutes only subject to their prior freely given, specific, informed and unambiguous consent, in compliance with Article 3(15) and Article 7 of Regulation 2018/1725.⁴
- Possible conclusions or vote on <u>each</u> topic discussed, as appropriate (e.g. resolution)

A verbatim⁵ is not required.

1. Conclusions/recommendations/opinions

Guidance

This part of the minutes should include comprehensive information on possible <u>general</u> conclusions reached or recommendations/opinions delivered by the group, including the outcome of a vote.

2. Next steps

Guidance

This part of the minutes should provide comprehensive information on next steps, as agreed during the meeting, including on the issues to be discussed in future meetings, the tasks to be performed by the group and the general timeline.

¹ Organisations in the broad sense of the word (C(2016) 3301, art. 7.2 (c)).

² Member States' authorities (C(2016) 3301, art. 7.2 (d)).

³ Public entities other than Member States' authorities (C(2016) 3301, art. 7.2 (e)).

⁴ See point 7 for more information.

⁵ *Verbatim* can be described as a 'word for word' report.

3. Next meeting

Guidance

This part of the minutes should include information on the date of the next meeting(s).

4. List of participants - Annex

Guidance

DGs should ensure that all participants in a given group are informed that the Commission would be processing their personal data. They should do this via the Privacy Statement that is not only published online, but is also provided individually to each participant (e.g. as part of the email where the DG first contacts the individual concerned).

The name of Type A^6 and B^7 members and observers should always be included in the list of participants pursuant to Article 23 of Commission Decision C(2016)3301.

The name of Type C, D and E members' and observers' representatives may be included in the list, subject to their prior freely given, specific, informed and unambiguous consent (e.g. given in a consent form that they sign for that purpose at each meeting), in compliance with Article 3(15) and Article 7 of Regulation 2018/1725.

DGs have to be able to demonstrate that consent was obtained subject to conditions of Regulation 2018/1725 (i.e. keep a record that shows how the consent was obtained and whether it was valid).

Disclaimer

"The opinions expressed in this report represent the point of view of the meeting participants from agriculturally related NGOs at community level. These opinions cannot, under any circumstances, be attributed to the European Commission. Neither the European Commission nor any person acting on behalf of the Commission is responsible for the use which might be made of the here above information."

⁶ Individuals appointed in a personal capacity (C(2016) 3301, art. 7.2 (a)).

⁷ Individuals appointed to represent a common interest shared by stakeholders (C(2016) 3301, art. 7.2 (b)).

List of participants- Minutes

Civil Dialogue Group "Organic Farming" Date: 16 October 2019

#	DELEGATION	LAST NAME	FIRST NAME
1	AREPO	MALDONADO BORREGO	Juan Lluis
2	AREPO	SCAGLIONI	Giulia
3	CEJA	DE FALCO	Osvaldo
4	CEJA	FÉNIX	Tomáš Ignác
5	CEJA	LETINA	Doris
6	CEJA	SPIJKERMAN	Auke
7	CELCAA	HOLDENSEN	Lars
8	COGECA	BENITES	Cynthia
9	COGECA	VETEMAA	Airi
10	COGECA	JAKOVICKIS	Raimonds
11	COGECA	FORSSTRÖM	Elvira
12	СОРА	SCHINDECKER	Sylvia Maria
13	СОРА	MARCHINI	Federico
14	СОРА	ANDERSEN	Lone
15	СОРА	ELO	Jaana
16	ECVC	EMILIE	Guillaume
17	ECVC	SEVÓN	Aira
18	EEB	KIKOU	Olga
19	EEB	SLABE	Anamarija
20	EFA	DI CONCETTO	Alice

21	ELO	MADEIRA	João
22	ELO	MATOUŠEK	Karel
23	EOCC	NEUENDORFF	Jochen
24	EOCC	QUINTIN	Aurelie
25	ERPA	LAMAISON	Melanie
26	EURAF	PANTERA	Anastasia
27	EURAF	ROMBOUTS	Piet
28	EuroCommerce	SÖDERSTRÖM	Merja
29	FoodDrinkEurope	LAVA	Paul-Henri
30	FoodDrinkEurope	MACURA	Jelena
31	FoodDrinkEurope	GONZÁLEZ	César
32	FoodDrinkEurope	LOCH	Annie
33	IFOAM	ATKINSON	Christopher
34	IFOAM	BAUER	Lea
35	IFOAM (Chair)	BLOM	Marian
36	IFOAM	BUSACCA	Emanuele
37	IFOAM (Note Taker)	GHEDIRA	Meriam
38	PAN Europe	YACOUB	Paule
39	SACAR	BAECKE	Egle
40	SACAR	BINARD	Philippe
41	SACAR	VORSS	Romans
42	WWF	FRATILA	Mihaela