

New European rules regarding organic production and certification

As of 1 January 2022, new rules related to organic production and certification of organic products will apply in Europe. This will apply both to European farmers but also to farmers in other countries who want to sell their organic products in Europe¹. In this short note, we will focus on rules that may impact imports of organic food into the European Union.

The current legal framework governing organics in the EU is the Council Regulation (EC) No 834/2007. This regulation outlines the objectives and principles of organic agriculture in the EU, fixes general production rules, and describes the EU's organic production standards, control system and labelling requirements. In 2018, the European Union formally adopted a new regulation on Organic Production and Labelling of Organic Products (Regulation (EU) 2018/848).

The new organic regulation introduces regulatory changes both for production of organic products in the European Union and

for imports of organics. As part of the legislative process, the European Union organised a public consultation that allowed – among others – organisations representing producers in non-European countries to express their views and concerns.

-
- 1) The original date for the entry into force of the new rules was 1 January 2021. However, it was decided in October 2020 to delay this entry into force by one year. The reasons for this postponement are – in part – the delay in adopting necessary implementing legislation but also the need to address the challenges it poses to operators in Europe and in third countries – not least in developing countries.





New products included

The scope of the organic rules is enlarged to cover a wider list of products than the previous legislation. New products include: salt, cork, beeswax, maté, vine leaves, essential oils and palm hearts. The full list can be found in Annex I of the regulation.

New rules for some types of production

The new rules are designed to simplify some production rules and include the phasing out of a number of exceptions. For example, exemptions for production in demarcated beds in greenhouses will be phased out. As another example, hydroponic production, which is a method of growing plants which do not naturally grow in water, will now be prohibited.

Stricter rules for imported organic products

To be exported to the EU, a product will need to comply with all production rules defined in this new regulation (2018/848) and will have to be subject to controls by control authorities or control bodies recognized by the European Commission.

The Commission will establish an updated list of recognized control bodies/authorities that will be authorized to perform controls and certification in non-EU countries according to the new rules.

In practice, the current list of recognised control authorities and control bodies in third countries will expire on 31 December 2024 to give those control authorities and control bodies and their certified operators in third countries the

time to overcome the impacts of the COVID-19 pandemic and to get ready for the new provisions.

Farmers in non-European countries will continue to obtain organic certification via the same certification bodies until the end of 2024 but should adapt already now to these new rules (such as or adapting to new production rules) as they will start applying on 1 January 2022.

Unique organic standard

Until now, the European Union considered that other organic standards in non-European countries could be considered as “equivalent” to the European standard. In limited cases, products organically produced according to non-European standards could still be marketed as “organic” in the EU using the EU organic logo.

This principle of equivalence is now replaced by the requirement of strict conformity with EU rules for organic imports from non-EU countries (as laid down in Regulation (EU) 2018/848).

In practice, this means that for countries with an Equivalence Agreement with the EU (in Latin America, Argentina, Chile and Costa Rica), these agreements will stop applying and will need to be renegotiated. Under equivalency agreements, the EU and parties to these agreements recognize



The EU organic logo



each other's standards and control measures as equivalent.

For imports from other countries (most countries in fact), a product will need to comply with all production rules defined in the new regulation (2018/848) and will have to be subject to controls by control authorities or control bodies recognized by the European Commission.

Some flexibility will be allowed for the use of plant protection products and fertilizers traditionally used in non-EU countries. Indeed, the European Commission will have the possibility to grant specific authorizations for the use of products and substances in non-EU countries "taking into account differences in the ecological balance in plant or animal production, specific climatic conditions, traditions and local conditions in those areas."

New rules concerning group certification

Rules on group certification will change with the new regulation. This might impact the capacity for groups of small farmers to obtain organic certification.

According to IFOAM², the most important changes regarding group certification are:

- Need to form a new legal personality for each group consisting only of small organic farmers
- New limit on the number of small farmers allowed in each group (today there is no size limit)
- Higher external control rates and residue sampling requirements.

It is expected at this stage that the new rules, which for example limit the number of growers in a group, will impact negatively local cooperatives and groups of small farmers forcing them to create new legal structure, creating additional administrative burden and costs.

These changes led many countries and organisations representing small holders in non-European countries to react and express concerns.

Reactions

Two issues in particular have been raised by representatives of small holders in non-European countries.

The first one concerns the maximum of 2000 agricultural producers that can obtain group certification. This provision may place at a disadvantage cooperatives that often exceed more than 2000 members characterized by being small producers who have come together to grow and develop, precisely to generate economies of scale.

The second one relates to the new requirement of sampling of residues for 2% of group members. Such requirement would generate extra costs for large groups.

These reactions are public and can be consulted on the following webpages:

[Organic farming – new rules on official checks of organic production \(europa.eu\)](https://ec.europa.eu/organic/farming-new-rules-on-official-checks-of-organic-production)

[Organic production – new rules for official checks \(europa.eu\)](https://ec.europa.eu/organic/production-new-rules-for-official-checks)

2) IFOAM – Organics International <https://www.ifoam.bio>

Next steps

The new organic regulation (EU) 2018/848 is now expected to enter into force on 1 January 2022 (the initial entry into force date was 1 January 2021).

The current rules will apply until then, giving operators in Europe and in third countries more time to adjust to these new rules.

Certain rules, relating to the implementation of this new regulation, are still being discussed and will be adopted in the course of 2021.

One element that is good to know is that the date of expiration of the recognition of control

authorities and control bodies in third countries will be extended by one year to 31 December 2024 to give those control authorities and control bodies and their certified operators in third countries the time to overcome the impacts of the COVID-19 pandemic and to get ready for the new provisions.

In practice this means that farmers and other operators in developing countries will continue to obtain organic certification via the same certification bodies until the end of 2024. As of 1 January 2022 however, organic certification will be based on these updated rules.

