

**I) EU-Legislation on Organic Agriculture  
(Reg. (EC) No. 834/2007 & 889/2008)**

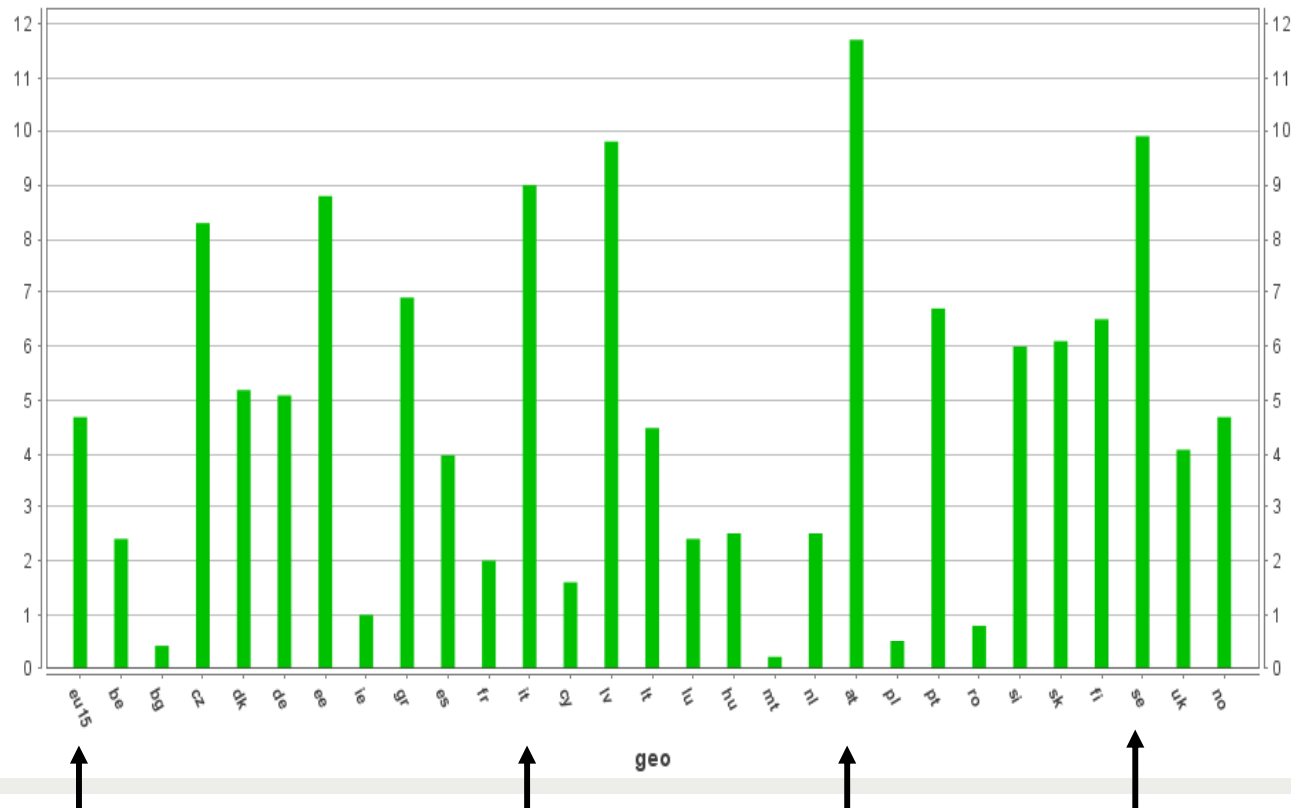
**II) Third Country Access (Reg. (EC) No.  
1235/2008)**

Dipl.-Ing. agr. Margit Backes  
Federal Office for Agriculture and Food,  
Bonn, Germany  
margit.backes@ble.de

## I-1 Development of Organic Farming (OF) in Europe - History

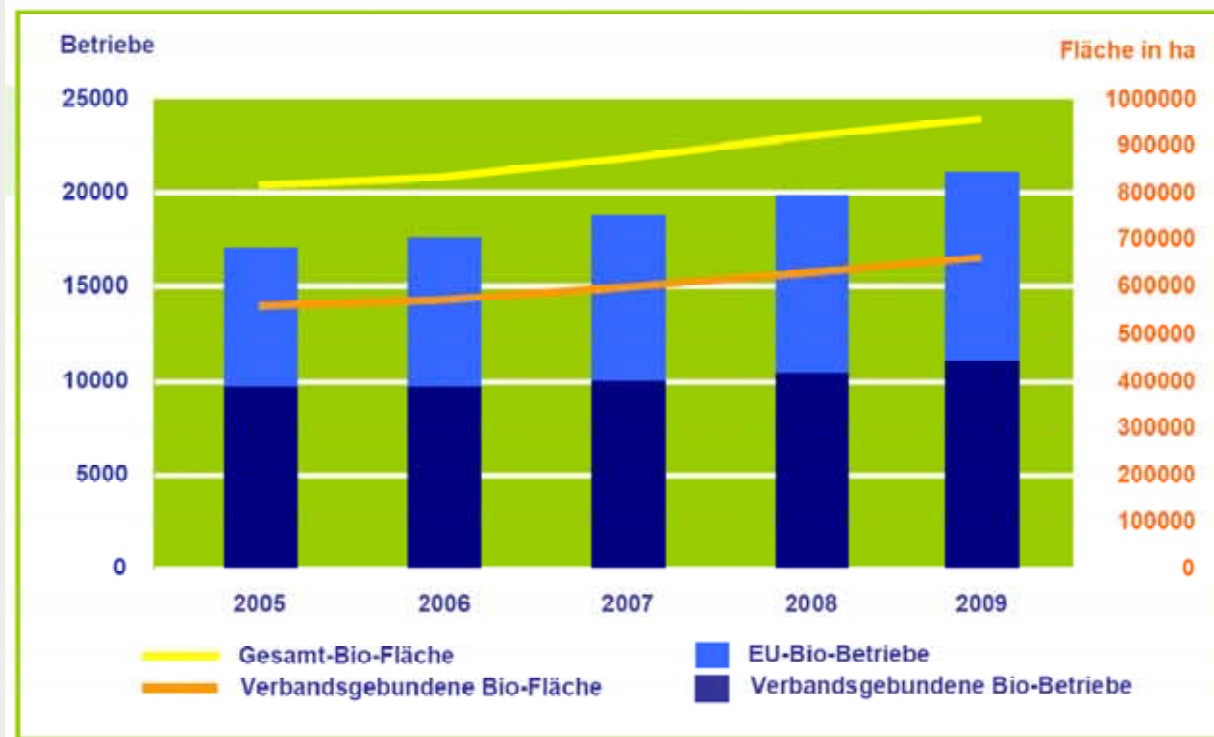
- **1920th -1930th**: First Ideas of organic farming (OF) in Europe (Demeter: R. Steiner) → Antipole to industrialization, less chemicals, better food quality
- **1950th -1960th**: Slow development, growing interest of farmers
- **1980th/1990th**: Growing development → soil protection, animal welfare, first associations for OF
- **1986**: First discussions with the EU-Commission
- **1991**: First regulation Reg. (EEC) Nr. 2092/91
- **2007**: Second regulation - two parts:
  - ⇒Reg. (EC) Nr. 834/2007 = Council-Reg: Basic principles
  - ⇒Reg. (EC) Nr. 889/2008 = Commission-Reg.: Details on production, labelling, controls and 1235/2008 Com.-Reg.: Details on imports from third countries

## I-2 Development of OF in Europe -Area Under Organic Farming (in % of total farming area - 2007 - Eurostat)



## I-3 Development of OF in Europe

### - Number of Farms and Organic Area in Germany 2005 - 2009 (BOELW)



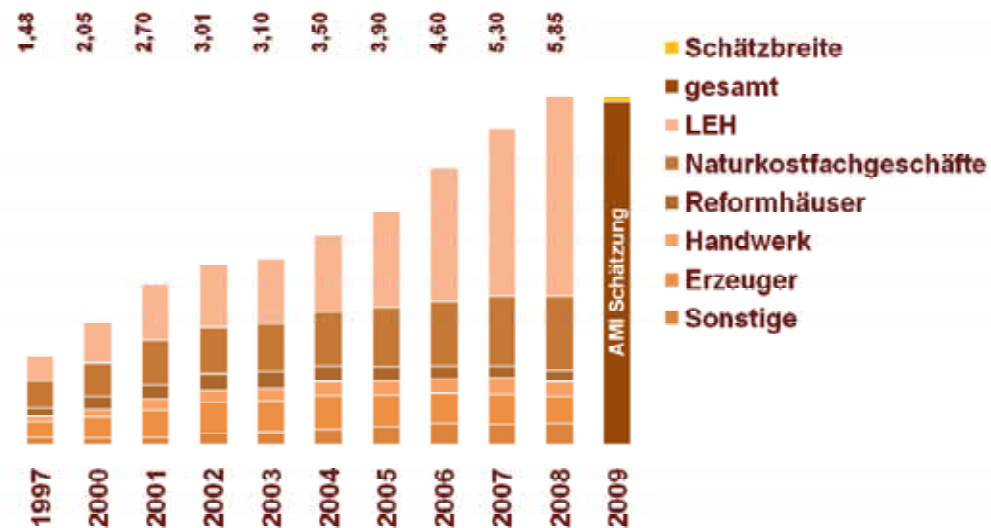
Quelle: BÖLW und BLE; EU-Bio für 2009 geschätzt

## I-4 Development of OF in Europe - Transaction Volume Organic Trade 1997 - 2009 in Germany (AMI)

### Bio-Umsatz in Deutschland 2009 stabil

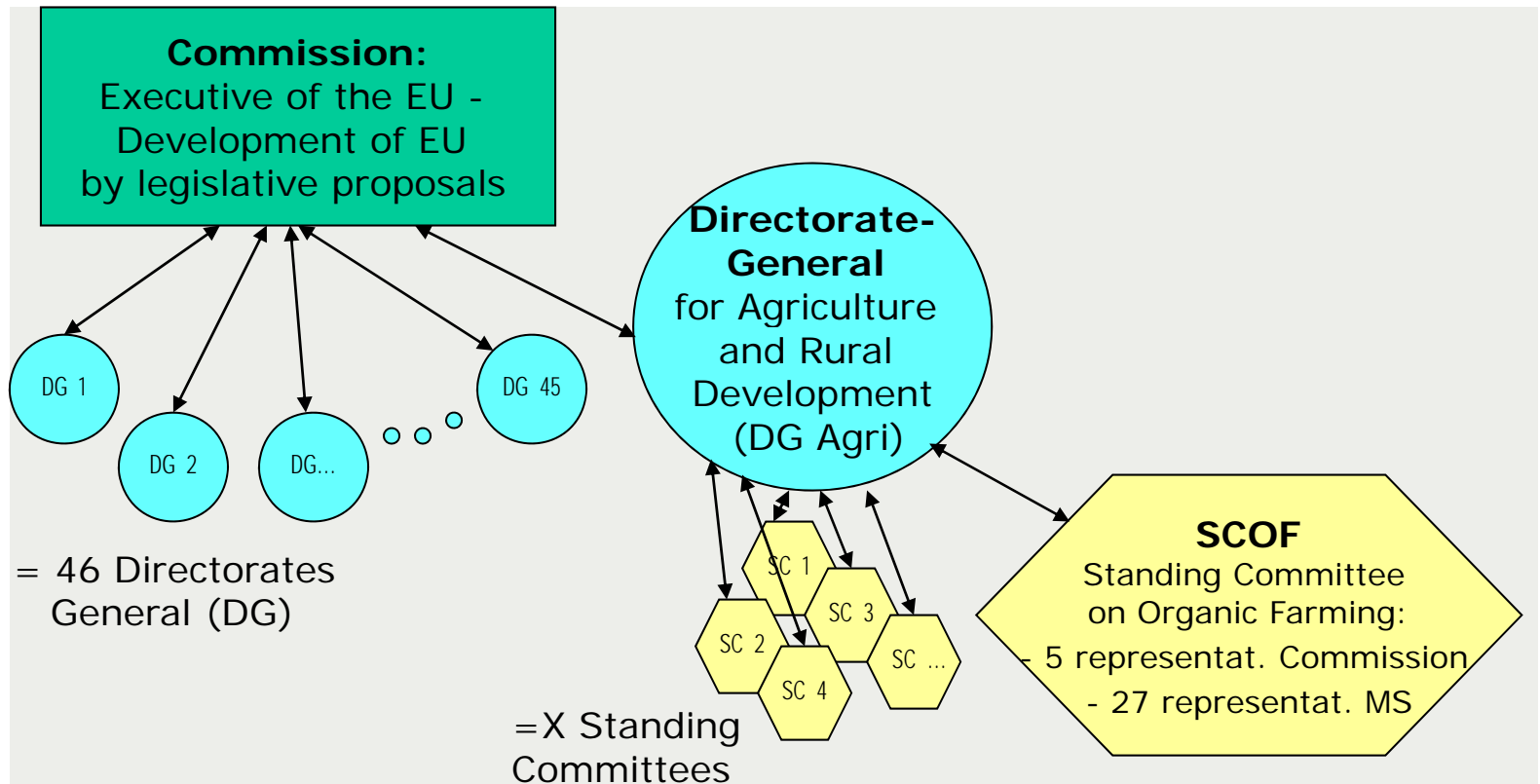


Umsatz in Mrd. EUR

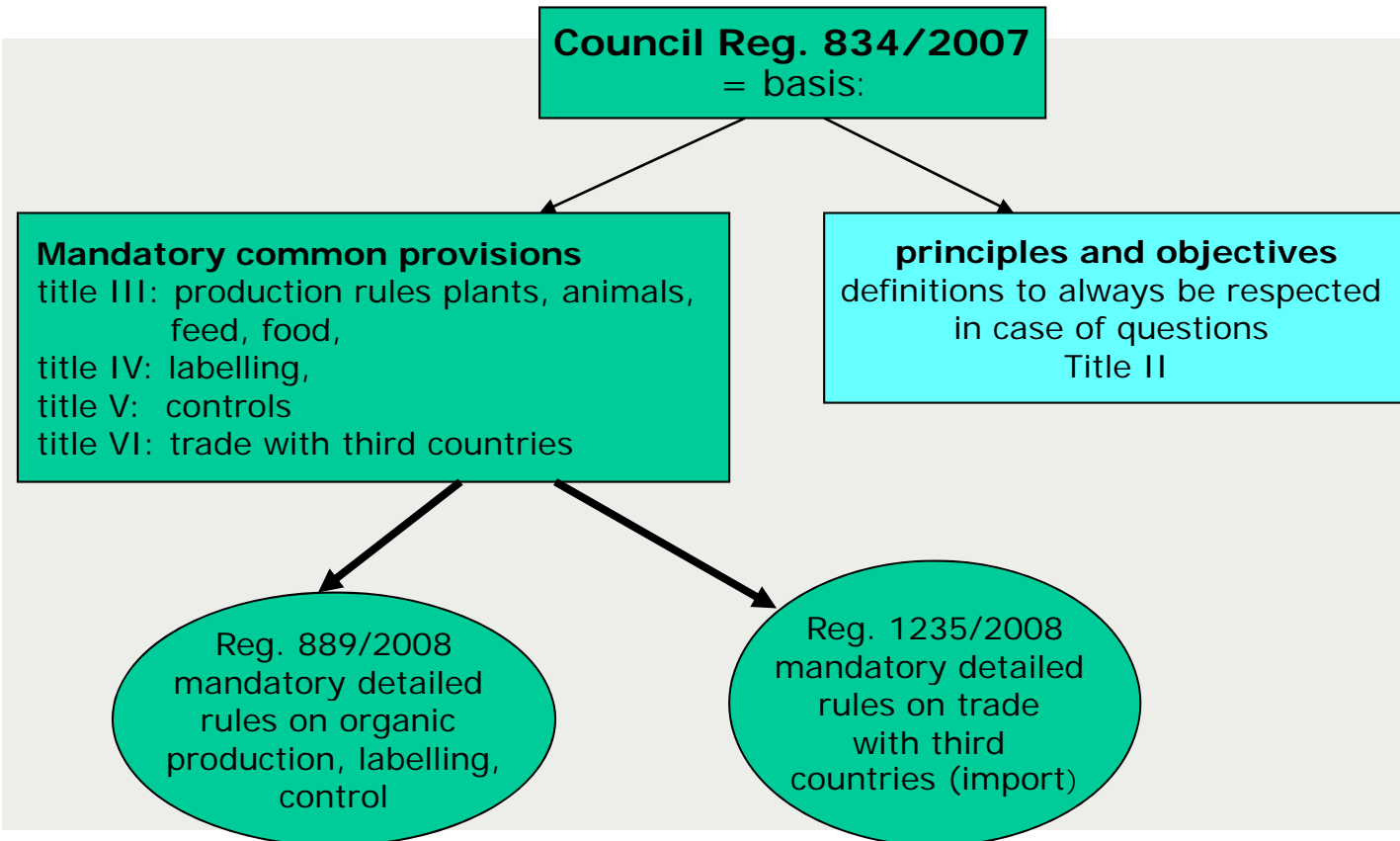


Quelle: Hamm, Universität Kassel, Foppin, Agromilagro, 2009 AMI Schätzung

## I-5 Development of OF in Europe: OF-Legislation in the EU



## I-6 EU-Regulation on OF - Reg. 834/2007 and 889/2008 - Overview on Structure



## I-7 EU-Regulation on OF - Reg. 834/2007 - Common Objectives and Principles

- Main **objectives and principles** (e.g.):
- Save environment:
  - Best environmental practices, respecting nature´s cycles:
  - preservation and protection of natural resources (water, air, soil), of plants and animals
  - use of natural substances and processes
  - no genetically modified organisms (GMO) and ionising radiation
  - restricted external inputs and inputs of chemically synthesised substances (plant protection means, fertilizer,..)..
- Preserve biodiversity
- Guarantee animal welfare standards
- Objectives and principles are to be taken into account in interpreting provisions of regulation!

## I-8 EU-Regulation on OF - Common Objectives and Principles → Intention

- **Intention:**

Define explicitly the objectives, principles and rules applicable to organic production -

- - to ensure

**reliance** of consumers in the production methods,

**fair competition**, harmonized view on organic production processes,

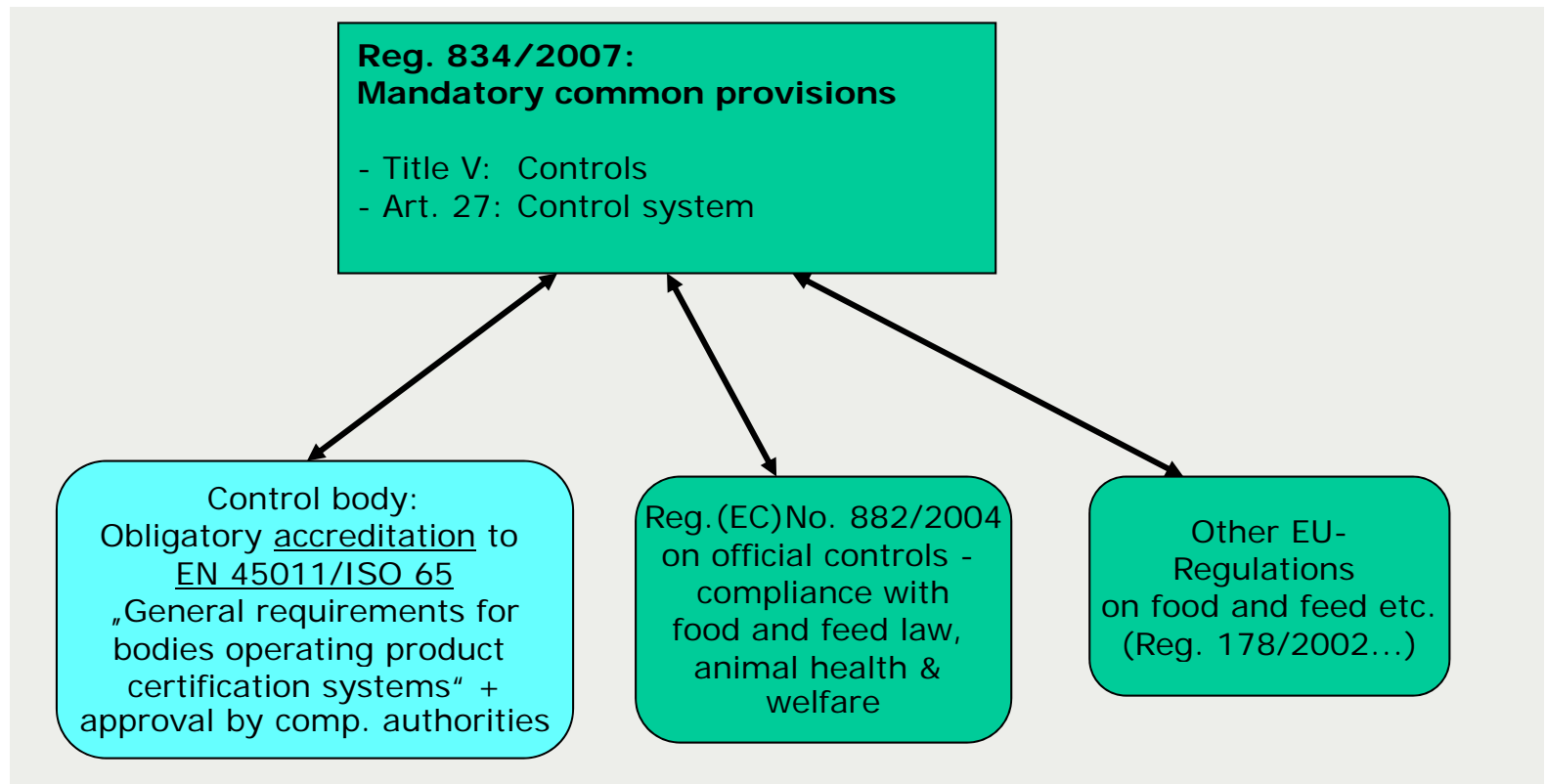
import of products to the EU as organic only under

**equivalent or compliant control systems** assuring organic production methods,

**healthy food,**

**unstressed environment**

## I-11 EU-Regulation on OF - Reg. 834/2007 - Control System and ISO 65



## I-9 EU-Regulation on OF - Mandatory provisions - Scope

- **Scope:**
  - All stages of production, preparation and distribution of organic products and their control and
  - Use of indications referring to organic production in labelling and advertising
- **Applied to:**
  - live or unprocessed agricultural products
  - processed agricultural products for use as food incl. aquaculture products and seaweed
  - feed
  - vegetative propagating material and seeds for cultivation
  - yeasts used as food or feed
  - wine
  - petfood
- **Excluded:**
  - products of hunting and fishing of wild animals

## I-10 EU-Regulation on OF - Reg. 889/2008 - Detailed Rules on Production

**Means of production:** Only products listed in the annexes shall be used - under special conditions where required

e. g.:

Annex I: Fertilizers and soil conditioners

Annex II: Pesticides and plant protection products

Annex III: Minimum surface areas indoors and outdoors for animals

Annexes V & VI: Feed materials and feed additives

Annex VIII: products and substances for use in production of processed organic food

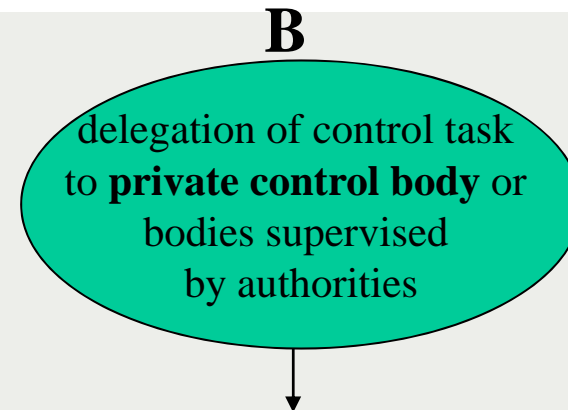
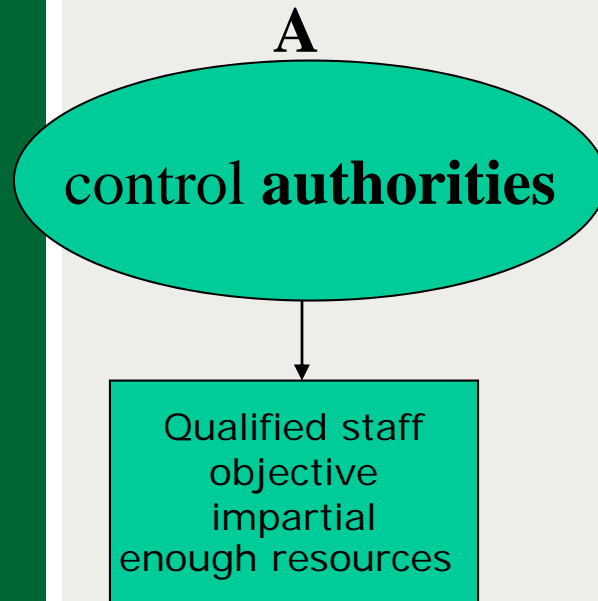
Annex XII: Model of documentary evidence to the operator

Annex XIII: Model of a vendor declaration (Art. 69)

## I-12 EU-Regulation on OF - Reg. 889/2008 - Detailed Rules on ...Controls

Control system: Title V of reg. 834/2007 and title IV of reg. 889/2008

two control-systems:



**Proof that:**

- 1 expertise, equipment, infrastructure for tasks
- 2 staff: enough, suitable qualified & experienced, impartial, free from conflict of interest
- 3 **accreditation to EN 45011 or ISO Guide 65**, approved by competent authorities
- 4 coordination / working together with competent authority - good flow of information
- 5 standard control procedure - control measures & measures in case of irregularities/infringem.

## II-1 EU-Regulation on OF - Reg. 1235/2008 - Detailed Rules on Imports of Organic Products from Third Countries

See also: Guidance Notes for imports of organic products acc. Art. 19 Reg. (EC) 1235/2008

### 3 possible procedures :

#### ① Possibility:

##### Import of **compliant products**

- see Art. 32 of Reg. 834/2007
- Commission of the EU compiles a **list of control bodies/control authorities**, recognized as being able to certify organic products in third countries, produced fully compliant to the EU-rules
- accreditation ISO 65 obligatory for CB



## II-2 EU-Regulation on Organic Farming - Reg. 1235/2008 - Detailed Rules on Imports of Organic Products from Third Countries

### ② Possibility:

Import of products providing **equivalent guarantees** -  
see Art. 33 of Reg. 834/2007

- **two cases:**

#### a) „**equivalent country**“:

Import from a third country with equivalent organic production and control system - application for inclusion on a list of the EU (*third country list*: Argentina, Australia, Costa Rica, India, Israel, Newsealand, Switzerland, Tunisia)

- no import licence of the importer in Europe needed

#### b) „**equivalent control body or control authority**“:

Import of organic products controlled by a recognized control body or control authority - application for inclusion on a list of the EU

## II-3 EU-Regulation on Organic Farming - Reg. 1235/2008 - Detailed Rules on Imports of Organic Products from Third Countries

### ③ Possibility:

= practise at the moment :

Import with **import authorisation** delivered by the home country of the importer in Europe

validity of licence:

max. until 2 years after publication of list of recognized control bodies or control authorities by the EU

## II-4 EU-Regulation on OF - Reg. 1235/2008 Art. 19 - Import with Import Authorisation

Company of importer in the EU is obliged to:

- be inspected and certified by an approved inspection body (Art. 28 of Reg. 834/2007)
- be registered by the competent authority
- import and market organic products acc. Art. 19 only with a valid authorisation from BLE and approval from customs authorities

## II-5 EU-Regulation on OF - Reg. 1235/2008 Art. 19 - Import with Import Authorisation

- The authorisation to market in the EU can be granted, if the company and the third country inspection body have verified, that the products to be imported and marketed:
  - » were produced acc. to the production rules **equivalent** to those laid down in Title III and IV of Reg. 834/2007
  - » were subject to inspection measures **equivalent** to those laid down in Title V of Reg. 834/2007
  - » and that these inspection measures are permanently and effectively applied

## II-6 EU-Regulation on OF - Reg. 1235/2008 Art. 19 - Import with Import Authorisation

### Survey regarding factual aspects and content:

- applied products have to be produced and processed according to the scope of Reg. 834/2007, Art. 1
- involved farmers, processors and exporter (all participants in the organic chain) have to be mentioned in the application form
- participants have to be inspected by an accredited competent inspection body
- traceability of products to farmers must be possible

## II-7 EU-Regulation on OF - Reg. 1235/2008 Art. 19 - Import with Import Authorisation

### Supporting documents:

- inspection reports
- master certificates
- if applicable description of internal control system
- if applicable annex A of application form (multi-ingredient-list)
- accreditation certificate of IB acc. ISO 65 and EU organic standard
- if applicable chemical analysis of pesticide residues

## II-8 EU-Regulation on OF - Reg. 1235/2008 Art. 19 - Import with Import Authorisation

### Imported product covered by:

- One original of certificate of inspection acc. Art. 13 of 1235/2008 for each consignment (delivery) issued by CB or CA in the third country (certificate of inspection for import of products - see next table)
- Declaration in field 16 of certificate of inspection:
  - fulfilled by CA in EU-MS granting the authorisation

or

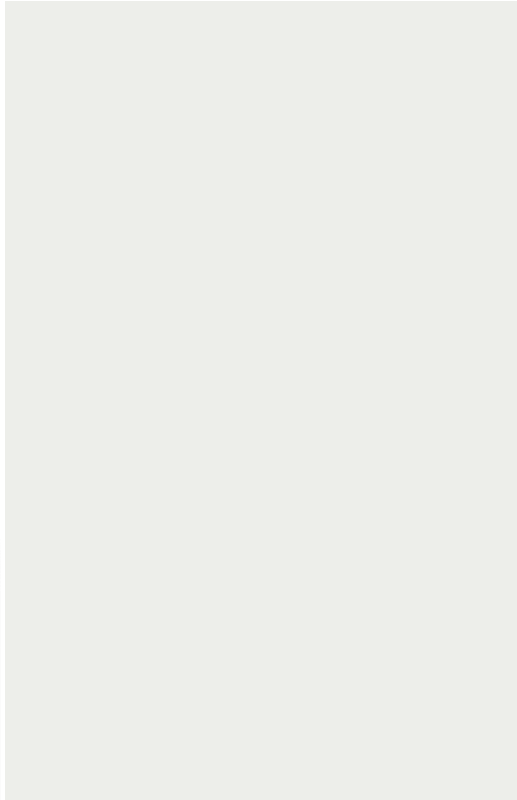
  - Original document (OD) according Reg. 1235/2008 (Art. 13, 7 c)



# II-9 EU-Regulation on OF - Reg. 1235/2008 Art. 19-Import with Import Authorisation

**CERTIFICATE OF INSPECTION FOR IMPORT OF PRODUCTS FROM ORGANIC PRODUCTION INTO THE EUROPEAN COMMUNITY**

1. Issuing body or authority (name and address)		2. Council Regulation (EC) No 834/2007, Article 33(2) <input type="checkbox"/> or Article 33(3) <input type="checkbox"/> or Commission Regulation (EC) No 1235/2008, Article 19 <input type="checkbox"/>	
3. Serial number of the certificate of inspection		4. Reference No authorisation under Article 19	
5. Exporter (name and address)		6. Control body or control authority (name and address)	
7. Producer or preparer of the product (name and address)		8. Country of dispatch	
		9. Country of destination	
10. First consignee in the Community (name and address)		11. Name and address of the importer	
12. Marks and numbers. Container No(s). Number and kind. Trade name of the product	13. CN codes		14. Declared quantity
	15. Declaration of body or authority issuing the certificate referred to in box 1. This is to certify that this certificate has been issued on the basis of the checks required under Article 13(4) of Regulation (EC) No 1235/2008 and that the products designated above have been obtained in accordance with rules of production and inspection of the organic production method which are considered equivalent in accordance with the provisions of Regulation (EC) No 834/2007.		
Date			
Name and signature of authorised person		Stamp of issuing authority or body	





## II-10 EU-Regulation on OF - Reg. 1235/2008 Art. 19-Import with Import Authorisation

16. Declaration of the competent authority of the Member State of the European Union who granted the authorisation or its designate.

This is to certify that the products designated above have been authorised for marketing in the European Community in accordance with the procedure of Article 19 of Regulation (EC) No 1235/2008, under the authorisation number mentioned in box 4.

Date

Name and signature of the authorised person

Stamp of the competent authority or its designate in the Member State

17. Verification of the consignment by the relevant authority of the Member State.

Member State: .....

Import registration (type, number, date and office of the customs declaration): .....

Date: .....

Name and signature of authorised person

Stamp

18. Declaration of the first consignee.

This is to certify that the reception of the goods has been carried out in accordance with the provisions of Article 34 of Regulation (EC) No 889/2008.

Name of the company

Date

Name and signature of the authorised person

## Links

- [www.bmelv.de](http://www.bmelv.de) : German Ministry for Food, Agriculture and Consumer Protection (REG EC 834 and 889, German national law for organic agriculture, List of approved inspection bodies)
- [www.ble.de/Kontrolle und Zulassung/Ökologischer Landbau](http://www.ble.de/Kontrolle%20und%20Zulassung/%C3%96kologischer%20Landbau)
- [www.oekolandbau.de](http://www.oekolandbau.de)
- <http://ec.europa.eu/agriculture/organic/home>
- [www.ioas.org](http://www.ioas.org) - International organic accreditation services
- [www.iaf.nu](http://www.iaf.nu) - International accreditation Forum



**Thank you for your attention!**