

**Short Report**  
**International Workshop on the new EU Organic Regulation and its Application  
in EU and non-EU Countries**  
**MOAN 10<sup>th</sup> Network Meeting**

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**1. Place, date, participants**

**Place:** Hotel Monroe - Beirut

**Date:** 6-7 November 2018

**Participants:**

- Ministry representatives of 14 Mediterranean EU member states and non-EU Countries:
  - EU Member States: France, Greece, Italy, Malta, Portugal
  - Non-EU Countries: Bosnia and Herzegovina, Egypt, Jordan, Lebanon, Macedonia (FYROM), Montenegro, Palestine, Tunisia, Turkey
- CIHEAM Bari - MOAN Secretariat
- IFOAM EU office

**2. Agenda**

**06 November 2018**

- 15:00 – 15:45 **Introduction to the Workshop and Presentation of the New Organic Regulation (legislative process, secondary legislation and next steps)**
- 15:45 – 16:00 **Short exercise on Delegated and Implementing acts**
- 16:00 – 16:30 **Presentation and discussion on the differences between the new organic regulation and the current organic regulation with a focus on production rules**
- 16:30 – 18:00 **Presentation and Workshop : the Organic Control System**

## **07 November 2018**

09:30 – 10:45 **Presentation and workshop: Management of Residues**

10:45 – 12:00 **Presentation and workshop: Group of Operators**

12:00 – 12:40 **Presentation and discussion: the new import regime**

12:40 – 13:00 **Roundtable for feedback on the overall workshop**

### **3. Objective and Methodology**

The main objective of the workshop was to make participants familiar with the structure and the content of the New Organic Regulation. Therefore, to make them able to easily look for what they need in the new legal text.

A second objective was also to allow the exchange of experiences and practices in the different countries.

MOAN members were asked in advance which topic they preferred to discuss. The majority identified as important topics the control system, the import regime and the group of operators.

The first session was a presentation of the legislative process for the new organic regulation from 2012 to 2018, including a short explanation on how the EU works and makes laws. Also the most critical discussions during the process were reported.

A part on the next steps and the development of the secondary legislation followed.

A short exercise to make participants familiar with the Delegated and Implementing Acts.

The second session was a presentation of the main expected changes in the production rules (crop, livestock, food and feed).

Then, three workshops on the control system, the management of residues and the group of operators were carried out with a sort of world café methodology. Each workshop consisted of 2 rounds, therefore each participant discussed the same topic twice in two different tables.

Every table identified a moderator/rapporteur which reported the main discussions and outcomes.

In the final session a presentation and discussion on the future organic Import Regime took place.

Presentations were prepared to introduce and facilitate discussions.

The Presentation is attached to this document.

### **4. Outcomes of the discussions**

#### **4.1 Workshop on the Control System**

The workshop session focused on developing the secondary legislation on the Control System, basing the activities on what it is already written in the Basic Act (Article 38).

The participants identified the areas where the Commission will/may develop further details:

- Documentary accounts to be checked by the organic inspector such as:
  - o Documents to allow a mass balance evaluation (e.g. production vs sales),
  - o Documents for all the inputs used (e.g. for farmers: seed, plant protection products, fertilisers; for livestock operators: young animals, feed, veterinary treatments, for processors/traders: ingredients, import documents),
  - o Results of possible laboratory tests.

- Certificates of suppliers
  - Follow up of previous non-compliances
- When the controls have to be carried out depending on the category of operators, e.g.:
- For farmers: during the production period
  - For processors: during the organic processing activities
- The frequency of the physical on-the-spot inspections should be decided based on a harmonised risk evaluation.
- The minimum percentages of unannounced inspections, additional inspections, number of samples to be taken should be also based on the risk evaluation.  
Most of the participants agreed on leaving the percentages as they are in the current regulation.  
Other participants proposed to have a harmonised approach depending on the risk evaluation. It means for example that for low risk operators there will not be unannounced or additional inspections while for high risk there will be automatically unannounced and additional inspections.
- The minimum number of operators that have to be inspected by the Third-Party Control Body should also be based on evaluation of the risk.  
An example can be:
- Low-risk group of operators: 5%
  - Medium-risk group of operators: 10%
  - High-risk group of operators: 20%

## 4.2 Workshop on Residue Management

The second workshop session focused on actions that follow the findings of residues of non-allowed substances in organic products. The procedure is not harmonised neither at EU level nor outside the EU.

In the EU and outside the EU there are mainly the following approaches:

- Case-by-case process oriented
- 0.01 mg/kg (or other) automatic decertification threshold
- 0.01 mg/kg (or other) orientation/action level
- Zero tolerance

From the discussions, it came out that outside the EU the zero-tolerance approach is the preferred one: when residues are detected, no matter the amount (even traces), the organic products are decertified and, in some cases, even financial penalties apply.

This non-EU approach can be justified by the fact the non-EU countries are mainly exporting to the EU and presence of residues can easily lead to rejection of all the imported organic lot by EU countries.

Some non-EU participants were surprised that in the EU it can be possible, under certain conditions, to put on the market organic products, even if residues were detected.

The discussions confirmed the biggest challenge of the new organic regulation: to get to a harmonised approach on the actions to be carried out in case of detection of residues. At the same time, the aim is to have a fair system for organic producers that do not use non-allowed substances but are contaminated by neighbours or by contaminants in the environment.

### 4.3 Workshop on Group certification

In 2020, group certification will be allowed also in the EU countries. Currently it is only allowed in developing non-EU Countries.

The implementation of the new requirements is of crucial importance for all MOAN members, the EU ones that have to start implementing it from 2021 and the non-EU ones that have to adapt their current systems.

As already identified at the 9<sup>th</sup> MOAN Network meeting, the critical issues lay in the new definition for 'group of operators'. There is a number of criteria that may be very difficult to implement:

- 1) The group has to be managed exclusively by farmers (today the exporter or the processor organise the groups)
- 2) the group has to have legal personality
- 3) The identification of the precise turnover of the members of the group

These criteria might represent an obstacle to the development of group certification.

Additionally, in the EU the requirement for which the non-compliance of one operator can lead to the withdraw of the certificate for the whole group might be an obstacle. This would pose problems to farms that receive payments from the Rural Development Plans in the context of the Common Agriculture Policy.

## 5. Discussions on the new Import Regime

The differences between the current system and the future EU import regime that will enter into force in 2021 were presented.

In particular, the import system will change towards Trade Agreements with 'equivalent' countries and Control Bodies applying full 'compliance'.

The import regime will give much less flexibility compared to today and MOAN members highlighted the problems with the use on input that are not authorised by the EU general law. Non-EU farmers will not be allowed to use own preparations on their farm, because all the substances and products used need to be listed in the EU Pesticide Register.

The process of registration for each natural substance used e.g. as fertiliser or for plant protection requires money, resources, technical dossiers and time.

Some non-EU countries stressed the importance of organising the National organic sector and to develop the local market instead of largely relying on export. To this aim, capacity building projects are needed.

## 6. Conclusions and Considerations

It was the second time that MOAN members meet with IFOAM EU on the future implementation of the new EU Organic regulation which will apply from 2021.

The MOAN members showed interest on this topic and are interested in following up the issue since the new organic regulation heavily affects their daily work.

In the final roundtable, feedback on the workshop was collected.

The methodology resulted to be much appreciated by everybody, as it allowed discussions and exchange in small groups.

The main outcome is that the participants got familiar with the new legal text and it is now much easier for them to find what they look for.

Some suggestions for improvement was also presented:

- More detailed questions to be answered in the world café session might improve the outcome
- Sessions in every table can be sometime shorter

The MOAN members were also asked about their priority topics. They are mainly interested in:

- Group of operators
- Import regime and Trade Agreements
- Management of Residues
- Harmonisation of practices, in particular in the event on non-compliances