

Overview of the implementation of the EU organic regulatory system

The Council Regulation (EEC) No 2092/91 (referred to as EEC 2092/91 in the text) has been in existence for more than ten years. Nevertheless, in the European Union many people in the organic sector still have little knowledge about how it is managed in the Member States. Outside the EU it is commonly thought that the EU Commission is more active in the implementation than it is in reality. Frequently, certification bodies are referred to (or refer to themselves) as being accredited by the EU. This occurs despite the fact that the EU does not accredit or approve certification bodies within the EU. While there are some specific requirements laid down in the EEC 2092/91 for how inspections should be organised, the implementation of the EU system is largely in the hands of the competent authorities in the EU Member States.

The regulation, EEC 2092/91, is directly applicable in the fifteen EU Member States. As a result of the European Economic Area Agreement the Regulation is also directly applicable in Iceland, Norway and Lichtenstein. Switzerland has its own separate regulation but also maintains a close relationship with the EU.

Competent Authorities

The competent authority, in this context, refers to the authority in each EU Member State that is responsible for a number of functions as laid down in the EEC 2092/91. This includes responsibilities for certain derogations as indicated in the regulation, approval and supervision of certification bodies and approval of imports under article 11.6. Only the role of the competent authorities with regard to the approval and supervision of certification bodies will be covered in this article.

The EU system for import approval will be dealt with in a future issue of *The Organic Standard*.

In most Member States the compe-

tent authority is the Ministry of Agriculture (or its equivalent), or a designated agency under the Ministry. Competent authorities are delegated at different levels. In Spain, Italy, Austria and Germany the competent authority is delegated to the regional, state or province level. In these cases the federal (central) government only plays a co-ordinating role. Some regions in Finland and Portugal also have their own competent authority, but the remainder of these countries are handled by central government agencies.

In many countries the responsibility of the organic regulation is divided along the same lines as other public food regulations. Typically farm production is handled by one authority and processing by another (Belgium, Denmark, Sweden, Finland, Austria, Norway).

See page 10 for the list of competent authorities for each country.

Terminology

The EEC 2092/91 uses the term 'inspection bodies'. It states that these bodies shall fulfil the requirements of

the EN 45011, which is a set of general requirements for certification bodies. There is a difference between an inspection body and a certification body, but the difference is not recognised under the EEC 2092/91. In this article the term 'certification body' is used in accordance with internationally agreed (ISO) terminology. EN 45011 is the European edition of the ISO guide 65. These norms are identical.

General system for inspection and certification

The table on page 4 shows an overview of how certification is organised.

Private certification dominates

Most countries have chosen the model of government-approved private certification bodies. Across the EU there are a total of 78 such private bodies. The EEC 2092/91 does not give specific guidance on how the competent authorities should approve and supervise these certification bodies. Consequently, there are considerable differ-

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standards & regulations

Country	Inspection authority	Number of Private bodies*	EN 45011 accreditation mandatory	Comments
Austria	–	8	Yes	–
Belgium	–	2	Yes	–
Denmark	Plant Directorate Food Directorate	–	n/a	–
Finland	15 rural departments (farms) and municipal food control (processing)	–	n/a	–
France	–	6	Yes	–
Germany	–	23	No	The Länder approve certification bodies. Some certification bodies are EN 45011 accredited but it is not compulsory.
Greece	–	3	No	One of the certification bodies is EN 45011 accredited.
Iceland	–	2	Yes	
Ireland	–	3	No	Arrangements are under review.
Italy	–	9	No	7 out of 9 certification bodies are EN 45011 accredited.
Luxemburg	–	3	Yes	The certification organisations are two from Germany and one from Belgium.
Norway	–	1	Yes	
Netherlands	See comment	1	Yes	The private organisation Skal has a legally defined delegation for certification, and could also be seen as an inspection authority.
Portugal	–	2	No	One certification body is EN 45011 accredited.
Spain	19 regional bodies	1	Yes (1)	The 19 bodies in Spain are ‘autonomous public organisations’, <i>i.e.</i> a kind of semi-governmental structures. Only the private organisation is EN 45011 accredited.
Sweden	–	2	No	Accreditation issue under consideration for several years.
Switzerland	–	3	Yes	–
UK	UKROFS	9	No	Some certification bodies are EN 45011 accredited but it is not compulsory.

* See box on page 7 for the names of the private certification bodies.
An explanation of the column headings is given on page 5.

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ences in intensity and approach of the supervision between the Member States. An odd feature of the EU system is that private certification bodies are not free to operate across the European Union, something that seems to be contrary to the free movement of services that is supposed to apply in the EU.

In some countries, including Norway, Iceland, Switzerland and four EU countries, the certification bodies have to be accredited to the EN 45011 by the country's national accreditation body.

This is not the case in Germany, Greece, Ireland, Portugal, United Kingdom, Sweden or Italy. Most Italian certification bodies are accredited according to EN 45011. In France, as well as being under the supervision of the two competent authorities and the EN 45011 accreditation, certification bodies are supervised by a special commission for labels and certification (CNLC). Governmental inspection authorities do not have to fulfil the EN 45011 according to the EEC 2092/91, and although it would be possible for a government body to obtain EN 45011 accreditation should

they apply, none of them are accredited.

Spain and the UK have mixed systems. In Spain almost all certification is carried out by the 'semi-governmental' organisations, and there is only one private body, which operates in one of the regions. In the case of the UK, the responsible authority, UKROFS, does accept certification applications from individual operators, but that is not common and most certification is done by one of the nine private organisations.

In Germany, Austria and Spain, which all have a strong regional structure, the certification bodies need separate approval by each region or state in which they operate. The Spanish certification bodies are unique to each region, while in Austria and Germany, most certification bodies are approved in most regions.

The Netherlands have a different system again: the private body Skal has by law been given the status of a governmental inspection authority, and thereby maintains a certification monopoly. The Ministry of Agriculture appoints the Chair of the Board as well as the Manager of Skal. The Dutch system is currently under re-

view.

Norway also has only one private certification body, Debio, but in this case it does not have a legal monopoly. KRAV in Sweden certifies 95% of all Swedish operators.

In the governmental control systems of Denmark and Finland, organic inspection is basically integrated into the normal food inspection systems. There are no dedicated organic authorities and in Finland the municipalities are responsible for inspection of organic food processing. Denmark has a special unit in the food directorate that cross checks the information from the inspection of farms with the results from the processors.

Cost for government service and accreditation

In most countries the authorities do not charge private certification bodies for approval and supervision. Austria and the United Kingdom are the exceptions, and in these countries the certification bodies have to pay an application fee for approval as well as an annual fee. The UK fees are: Application Fee £339, Annual Fee £339, and for bodies that certify more than a hundred operators there is an additional charge of £3.40 for each operator over 100 (£1 = US\$1.5).

When national accreditation bodies carry out accreditation, fees are charged according to their respective fee schedule. The fees for such accreditation ranges from under US\$5,000 per year in some countries, to considerably higher rates in others. The Swiss accreditor charges an Annual Registration Fee of CHF 1,800, Annual Royalty 1.0% of the turnover and CHF 190/hour + expenses for the work (1 CHF = US\$0.6). RvA, the Dutch accreditor, charges a registration fee of 1,200€ + annual fee of 3,000€ + 1,050€ per day of work. (1

Explanation of the column headings in table on page 4

Inspection authority:

Indicates whether inspections are carried out by a government authority/government agency, and if so the name of the authority.

Private bodies:

Indicates whether inspections (certifications) are carried out by private bodies, and gives the number of organisations involved.

EN 45011 Accreditation:

Indicates whether formal accredi-

tation by the national accreditation body is mandatory. According to the EEC 2092/91 private certification bodies shall fulfil the requirements of the EN 45011, but it is not explicitly required that they should be accredited. If they are not accredited the responsibility to ensure that they fulfil the requirements rests with the competent authority.

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NORTH AMERICAN ORGANIC FIBER STANDARDS

The revised fourth draft of Organic Trade Association's (OTA) organic fiber standards is now posted on OTA's web page for comment (www.ota.com/maos_revisions.htm). The draft is relatively similar to the IFOAM standards for textile processing. Guidelines identifying the differences between the standards is currently under production. The North American Standards are an OTA-led, private sector, standards that should not to be confused with the National Organic Program, which are the public standards. ■

DO YOU WANT TO DIE QUICKLY OR SLOWLY?

There are heated discussions within the EU about the use of nitrates and nitrites in organic products. Currently, neither of them is officially permitted under the Regulation EEC 2092/91, however in several Member States they are *de facto* used in some organic meat products. In a recent meeting at the Commission one of the Member States put the question 'Do you want to die quickly or slowly?'

Some Member States are clearly against any permission, while others claim that the risks of botulism should not be underestimated. There were

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€= US\$0.9). With such fees the cost for accreditation can easily amount to US\$ 20,000 per year.

Financial support for certification costs

Austria, Belgium, Germany, United Kingdom, Italy and Switzerland have, or did have (1999), some form of financial support for certification costs. In some of these countries this support is managed through regional schemes and so they may not be universally available. The beneficiary also differs between the countries; for instance, subsidies are directed to the operators in some countries, while in others they go to the certification bodies. In Denmark the government inspection is free.

Application by operators

In most countries it is sufficient that the operators apply to the certification body for the registration as a producer according to the regulation. Portuguese and Italian operators, though, have to apply to their competent authority. No fees are applied for this registration in Portugal, while the operators in Italy have to pay approximately US\$10.

Sanctions

The Belgium and Danish competent authorities have set a scale of sanctions for violations by certified operators. The Belgium scale of sanctions is laid down in a confidential document that is only distributed to authorities and certification bodies. In contrast, the Danish scale is not laid down in any public document. In Switzerland the competent authority

has developed a scale of sanctions for just a proportion of violations, while Germany has guidelines, developed by LÖK (see page 10), which list some categories of sanctions that have to be included in the catalogue of the certification bodies. In the other countries the development of a scale of sanctions is delegated to the certification bodies. Irrespective of which organisation sets the sanctions it is the responsibility of the certification bodies to police for violations and apply sanctions.

Agency responsible for fraud

The competent authorities are responsible for dealing with violations by the certified operators. While the purpose of the EEC 2092/91 is to protect the term 'organic' in the market place, it does not specify any clear responsibility for cases when a non-certified operator falsely claims a product to be organic. When the Member States were asked which agency deals with such violations, it was apparent that in a number of countries the responsibility is unclear, although, in most cases it lies with the general food inspection authorities. Some countries referred to the private certification bodies as having the responsibility, even though there are no legal possibilities for them to act on claims made by producers that are not within their certification system.

When asked about action taken by the responsible agency in the last twelve month period, most countries gave no reply, or were vague with answers like 'a few'. Several countries indicated that there had been no public action in this period. The Italian

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Food Police has recently conducted more than 2,000 inspections (see *The Organic Standard*, issue no. 8, page 8). Four countries, Italy, Belgium, France and Denmark, indicated that some cases have been brought to court in the last twelve months. In France several very large fraud cases have been brought to trial (see *The Organic Standard*, issue no. 6, page 1).

Extra standards

Some countries have additional public standards that impinge on the countries' organic standards. This occurs particularly in animal production,

where the EEC 2092/91 specifies a number of areas where such national standards can be formulated. There are also differences in regard to inputs as some countries may not authorise the use of certain inputs that have been approved in the EU regulation. An example of this is in Denmark where the use of copper as a fungicide is prohibited in all farming and thus also in organic systems. However, other EU producers can still sell their products in Denmark even if they have used copper.

Belgium, Denmark, Ireland, Austria, UK and France have special live-

stock and animal product regulations. The French authorities have developed very extensive (88 pages) live-stock standards.

Some countries have also developed governmental standards for production categories like textiles and fish, which are not fully covered by the EEC 2092/91. Fish standards are specified in Austrian rules and UKROFS, the competent authority in the UK, has approved private sector standards for farmed fish. Denmark has also developed standards for non-food agricultural products, such as Christmas trees.

The names of the private certification bodies that operate in each country

Austria

Austria Bio Garantie; BIOS - Biokontrollservice Österreich; Lacon; Salzburger Landwirtschaftliche Kontrolle; BIKO; LVA Lebensmittelversuchsanstalt; SGS Austria Controll; O. Univ. Prof. Dr. Ing. Werner Pfannhauser KEG

Belgium

Blik; Ecocert

France

Aclave; Agrocert; Certipaq; Ecocert; Qualité France; Ulase

Germany

AGRECO R. F.Göderz GmbH i.G; Agro-Öko-Consult Berlin GmbH; Alicon GmbH; BCS Öko-Garantie GmbH; BiLaCon GmbH; BIOZERT GmbH; Ecocontrol; QC&I; EG-Kontrollstelle Kiel; Skal GmbH; Fa. Dr C. Lüllmann; Fachverein DE-034-Öko-Kontrollstelle; Fachverein für Öko-Kontrolle e.V.; GfRS

Gesellschaft für Ressourcenschutz mbH; Grünstempel e.V.; INAC GmbH; Kontrollstelle für ökologischen; IMO Institut für Marktökologie GmbH; ÖKOP; Landbau GmbH; Lacon GmbH; Kontrollverein ökologischer Landbau e.V.; Prüfverein Verarbeitung Ökologischer Landbauprodukte e. V.; Landwirtschaftskammer Rheinland-Pfalz

Greece

DIO; SOYE; Physiologik

Ireland

Organic Trust; Demeter; IOFGA

Italy

AIAB (ICEA); Suolo e Salute; Bioagricert; CCPB; Codex; Ecocert Italia; IMC; QC&I; BIOS

Luxemburg

Prüfverein Verarbeitung ökologische Landbauprodukte; Kontrollstelle Ökologischer Landbau; Ecocert

Norway

Debio

The Netherlands

Skal

Portugal

Sativa; Socert

Spain

Sohiscert

Sweden

Demeter; KRAV

Switzerland

IMO; Bio.inspecta; SQS

United Kingdom

OF&G; Scottish Organic Producers Association; SA Certification; Organic Food Federation; Biodynamic Agricultural Association; Irish Organic Farmers and Growers Association; Food Certification (Scotland); Organic Trust; CMI Certification

The European Union publishes an updated list of the certification bodies. The most recently updated list is published in the Official Journal of the European Communities C 354/22, 12 September, 2000.

Labeling — as confusing as ever
Austria, Finland, Denmark, France, Spain and Germany have public labels. There are no licensing fees for the use of the labels, but the rules on how they are used do differ between the countries. In many cases there are restrictions for producers outside the EU and even for producers in other Member States. There is also an EU logo for organic products. It can only be used for products originating within the European Union, and is currently used most by producers in the Southern part of the EU.

The Danish label can only be displayed if the final stage of production, which could be just packaging, takes place in Denmark. For plant products to display the label it is sufficient for the EU standards to be complied with, animal products, though, must have been produced to the Danish standards.

The Austrian label is licensed through Agrarmarkt Austria Marketing. The label exists in two versions, one black without any indication of the country of origin and one red where country of origin must be displayed.

In Spain there are sixteen public regional labels. They are almost identical in design except the label from Andalucia.

The new German label (see *The Organic Standard*, issue 6, page 16) is applicable for products with at least 95% organic ingredients and produced according to the EEC 2092/91. It can also be used for imports.

France has a national logo for or-

ganic products, the AB Logo (AB stands for Agriculture Biologique), owned by the French state. More detailed rules are given in the box below.

Private labels play an important role.

Private sector certification organisations, with their own standards, play an important role in many of the EU Member States. And, to fully understand all aspects of organic certification within the EU, the role of private sector organisations and IFOAM Accreditation need to be taken into account.

The private certification bodies in most countries have their own standards and labels that may be more or less known to the public. The following countries have one certification body that is either the only certification body or whose market position is so strong that their labels is recognised by most as *The Organic Label* in the country:

Bio Suisse – Switzerland
Debio – Norway
KRAV – Sweden

Skal – The Netherlands
Soil Association – UK (this has been weakened lately by increased competition within the UK and huge imports.)

To be granted approval to use a private label, producers need to have an agreement with the respective certification body and to be certified by it. Normally producers must fulfil the standards set by the organisation, however, for the Skal label – the Eko mark – there are no extra standards above those laid out in the EEC 2092/91 Regulation. Where the label is used for products not covered by the Regulation, Skal's own standards apply. This system is currently under revision.

In Switzerland Bio Suisse is not an approved certification body according to the Swiss Organic Regulation. In this context it can be seen as a private labeling scheme. Naturland in Germany is another certification organisation that is both EN 45011 accredited and IFOAM Accredited, although it is not an approved inspection body according to the EEC 2092/91. In both



Rules for the use of the French AB logo

1. Organic products can be labeled with this logo when they contain more than 95% organic components.
2. For plant products the raw materials must be produced within the European Union according to the EEC 2092/91. However, if the raw materials are unavailable or cannot be produced within the EU, they may come from elsewhere, though they must still conform to EU Regulation.
3. For animal products the raw materials must be produced within the European Union according to the EEC 2092/91 and the French animal standards for organic.
4. The operators wishing to use the AB logo must be inspected by an inspection body that is approved by the French Ministry of Agriculture, and have signed an agreement with the Ministry



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concerns that if these additives were prohibited, producers would not risk producing organic dried or cured products. These are often traditional products that consumers want to buy in organic form. There was no agreement achieved in the meeting. The Commission may draw up a new proposal. Nitrates and nitrites are not permitted in the IFOAM Basic Standards. ■

EXPORTS TO ITALY HARMED BY OFFICIAL PAPERWORK

Italy is a fast-growing market for organic food but excessive official paperwork is choking business opportunities, the FAO says. 'Organic farming growth in Italy is rapid and the domestic organic market is taking off,' said an FAO report entitled World markets for organic fruit and vegetables. It said Italy was a promising market for organic produce grown in developing nations, particularly around the Mediterranean rim, including pre-processed products such as concentrated juices and processed foods like canned tomatoes. But, it warned, Italian bureaucracy is stifling trade opportunities. The FAO report referred to difficulties in obtaining organic import certificates from the Italian Agriculture Ministry – operators reported delays of more than six months. ■

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these cases the producers have a special agreement to use their label and must also be approved by an inspection body for the regulatory approval.

The two certification bodies in Belgium, Blik and Ecocert, have a joint private label called 'Biogarantie'. It can be used by operators certified by either organisation.

In most countries, private certification bodies that have their own standards are also legally obliged to certify producers according to the EEC 2092/91 should they request it. In this case the producer cannot use the label of the certification body, but the can use a public label and the EU label.

Within the framework of the EU Regulation there is no specific role for IFOAM Accreditation. Despite this there are eight certification organisations in the EU that are IFOAM accredited or have applied to be so. It is notable that these organisations are in the countries where EN 45011 accreditation is not mandatory. Member States may chose to accept IFOAM Accreditation as further proof that the certification body is operating according to the EN 45011.

The interaction between the Member States and the EU Commission.

The development of the EEC 2092/91 Regulation is under the responsibility of the Directorate for Agriculture (DG AGRI), which is based in Brussels. Collaboration between the Commission and the Member States is mainly ensured by the Standing Committee, set up under Article 14 of the Regulation (see *The Organic Standard* issue 8, page 13). This committee develops

opinions on drafts of the implementing legislation or updates for which the Commission is responsible. It, or the working groups it set up, also regularly discuss matters arising in the context of applying the Regulation. Each year Member States must send the Commission a description of the measures taken to implement the Regulation.

The Food and Veterinary Office of the DG SANCO (based in Dublin) is in charge of supervision of the implementation of the EEC 2092/91 by the Member States, and also by the countries on the list of the approved third countries. This is mainly carried out by visits to the countries. The reports are publicly available (see below). So far five of the EU countries have been subject to a mission from the Food and Veterinary Office. ■

Sources of information

Most of the information in this article was collated from a survey questionnaire sent out in September 2001 to all EU Member States. Additional information was derived from the following:

Reports from DG SANCO on Netherlands, Spain, France, Austria and Germany and the responses from the respective competent authorities to these reports (europa.eu.int/comm/food/fs/inspections/fnaoi/reports/index_en.html).

The Policy and Regulatory Environment for Organic Farming in Europe, Hohenheim University 1999.

Web sites of the competent authorities or other public information sources.

Organic Farming – Guide to Community Rules from the EU, 2000. Published by the European Commission.

Interviews with competent authorities and certification organisations.

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The competent authorities

The competent authority refers to the authority in each EU Member State that is responsible for a number of functions as laid down in the EEC 2092/91.

Austria

Nine state governments and the Regional Food Authorities coordinated by the Ministry for Social Security and Generations.

Belgium

Ministry of Small Enterprises, Trade and Agriculture with the two services: Quality and Crop Protection Service (*crop production*). Breeding and Meat Service (*livestock production and processing*).

Denmark

Plant Directorate, Ministry of Food, Agriculture and Fisheries (*agriculture units*). Food Directorate and 11 regional Food Control Units (*processing and preparation of food*).

Finland

Plant production inspection centre under the Ministry of Agriculture and Forestry (*agriculture production*). National Food administration under the Ministry of Trade and Industry (*processing and marketing*). National Product Control Agency under the Ministry of Welfare and Health (*alcoholic beverages*). Provincial government of Åland.

France

Ministry of Agriculture, Fisheries and Food: General Directorate of Food. Ministry of Economy, Finance and Industry: General Directorate of Competition, Consumer affairs and Repression of fraud.

Germany

In Germany the 16 Länder (states) appoint their respective competent authority. All the states have one competent authority, except Rhineland-Palatinate and Mecklenburg-Western Pomerania which have four and two, respectively. In total, therefore, there are 20 competent authorities in Germany. The competent authorities of the states co-operate with a coordinating body called LÖK. LÖK has no legal status as such, but agreements made within LÖK are generally carried out by all the states. The Federal Ministry of Food has a communications role and acts as an intermediary between the EU and the states. The organisation of the German system is under review (see *The Organic Standard*, issue 8, page 2).

Greece

Ministry of agriculture with the O.P.E.G.E.P (Agrocert) as implementing body.

Ireland

Department of Agriculture, Food and Rural Development.

Italy

Ministry of Agriculture: a special national commission of Ministry and Regional governments.

Luxemburg

Ministry of Agriculture.

The Netherlands

Ministry of Agriculture.

Norway

Ministry of Agriculture with the two services: Food Control Authority (*food processing, import and sale*). Agriculture Inspection Service (*agricultural food production*).

Portugal

In Continental Portugal: the General Directorate of Rural Development from the Ministry of Agriculture, Rural Development and Fisheries. In the Azores and Madeira: I.A.M.A. and D.S.A.I.C.A., respectively.

Spain

19 competent authorities in the autonomous communities (regions). Ministry of Agriculture, Fisheries and Food at the central government level acts as co-ordinator.

Sweden

Swedish Board of Agriculture (*farming issues and general issues*). National Food Administration (*issues within the food legislation*).

Switzerland

Federal Office for Agriculture.

United Kingdom

UK Register of Organic Food Standards (UKROFS), sponsored by the Department for Environment, Food and Rural Affairs.

In most Member States the competent authority is the Ministry of Agriculture (or its equivalent), or a designated agency under the Ministry.