



**COUNCIL OF
THE EUROPEAN UNION**

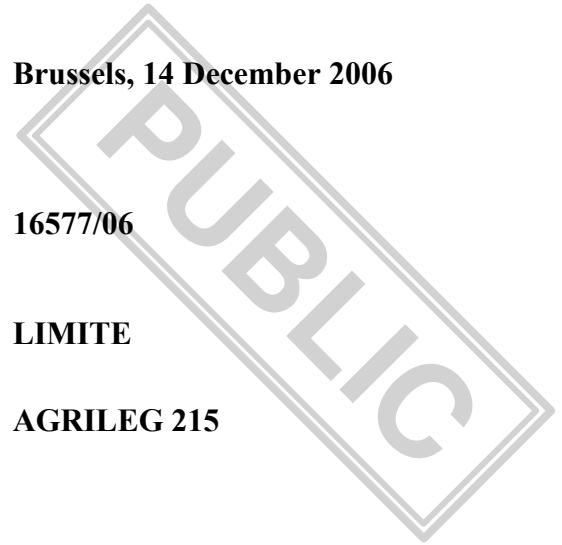
Brussels, 14 December 2006

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REPORT

from : Special Committee on Agriculture
to : COUNCIL

No. prev. doc. : 15824/06
No. Cion prop. : 5101/06

Subject : Proposals for Council Regulations on organic production and labelling of organic products

I. INTRODUCTION

In January 2006 the Commission presented to the Council the above Proposal.

The proposal aims at simplifying the provisions of the current Regulation, introducing a certain amount of flexibility to take account of regional differences in climate and conditions as well as promoting a "common concept" of organic production by imposing restrictions on labelling and advertising claims. The Commission proposal also aims to improve the free circulation of organic produce and strengthen controls through recourse to the official food and feed control system.

During the Austrian Presidency the first reading of the proposal was completed. In addition, a policy debate took place at the Council level on the main issues of the proposal in May 2006. This paved the way for the Austrian and Finnish Presidencies to prepare a joint compromise text. This joint text was examined intensively at the technical level. The main issues (GMO thresholds, labelling, EU logo, controls and imports) were fully debated in the Special Committee on Agriculture. In addition, a policy debate on labelling provisions took place in the Council in October.

II. OUTCOME OF THE WORK WITHIN THE COUNCIL

In concluding its work on this file, the Special Committee on Agriculture has decided to submit the draft Regulation as set out in the **Addendum to document 16577/06** to the Council for approval as a general approach¹.

This text has already received the support or *préjugé favorable* of a large number of delegations and the Commission. However, at this stage, one important issue still needs to be resolved (see point 1 below). In addition, a certain number of delegations continue to raise questions that they consider important (see point 2 below).

1. MAIN ISSUE (Article 7aa)

This issue concerns the adventitious presence of genetically modified organisms (GMOs) in organic products.

Article 7aa of the draft Regulation bans the use of GMOs and their derivatives in organic production and thus maintains the status quo. As to the adventitious presence of GMOs, the draft Regulation retains the current threshold and relies on labelling rules to allow operators to determine the absence of GMOs in food and feed. For other types of products (e.g. fertilisers and processing aids), the vendors should be required to confirm that their products are GMO-free.

Six delegations (AT, BE, CZ, EL, HU and IT) cannot accept this solution as they consider that it does not guarantee that organic products are GMO free.

¹ "General approach" means a political agreement pending the European Parliament's opinion. In the present case this opinion is expected in March 2007.

2. OTHER ISSUES

a) Mass catering (scope, article 1):

Draft Regulation does not cover mass catering but allows Member States to regulate this sector at national level. However, several delegations (AT, DE, LU, PT, SE and SI) preferred to include mass catering within the scope in order to control the entire food chain.

b) Labelling (article 17):

DE and FR considered that the products containing less than 95 % of organic ingredients should be defined more strictly. SE, for its part, considered the current definition too strict. CY maintained a scrutiny reservation on this issue.

c) Indication of origin (article 18):

AT, CZ and DE felt that indication of origin for composite products in article 18(1)(c) should be voluntary, CZ expressing the view that it could accept that this issue be addressed in the implementing rules. EL objected that indication of origin should be voluntary for products imported from third countries and called for it to be mandatory.

d) EU logo (article 19):

The draft Regulation provides for an obligatory EU logo for products containing at least 95 % organic ingredients. The EU logo can be accompanied by national and private logos. However, DE and LT were still of the view that the EU logo should be voluntary.

e) Controls (articles 22 - 23):

DE maintained a reservation on the formulation of these articles on the grounds that private control bodies and their tasks should be better defined. In addition, it felt that the requirements set out by EN 45011 Standard should also apply to competent authorities.

UK supported by NL saw a need for a provision on marks of conformity and consequently maintained a reservation on the deletion of article 24 of the Commission proposal.

f) Other issues:

- DE and SE called for either deletion or better drafting of the definition of "equivalent" (article 2(t));
- DE maintained a reservation on article 7(2) considering that non-organic and organic fish cannot be grown in the same site;
- NL and UK were of the opinion that the frequency of the controls should be based on risk assessment (article 22(2));
- DE, FR and PT called for the harmonisation of penalties in the EU (article 25).
