

With support from



Federal Ministry
of Food
and Agriculture



by decision of the
German Bundestag



Agricultural Policy Dialogue



Draft Law on Organic Production

challenges in the transposition of the EU Regulation 848/2018

Structure of Law

CHAPTER I - Subject matter, scope and definitions

CHAPTER II - Objectives and principles of organic production

CHAPTER III - Production rules

CHAPTER IV - Labelling

CHAPTER V - Certification

CHAPTER VI - Official controls and other official activities

CHAPTER VII - Designation of official laboratories

CHAPTER VIII - Trade with EU and non EU countries

CHAPTER IX - Procedural, transitional and final provisions

ANNEX I — Other products

ANNEX II — Model of certificate



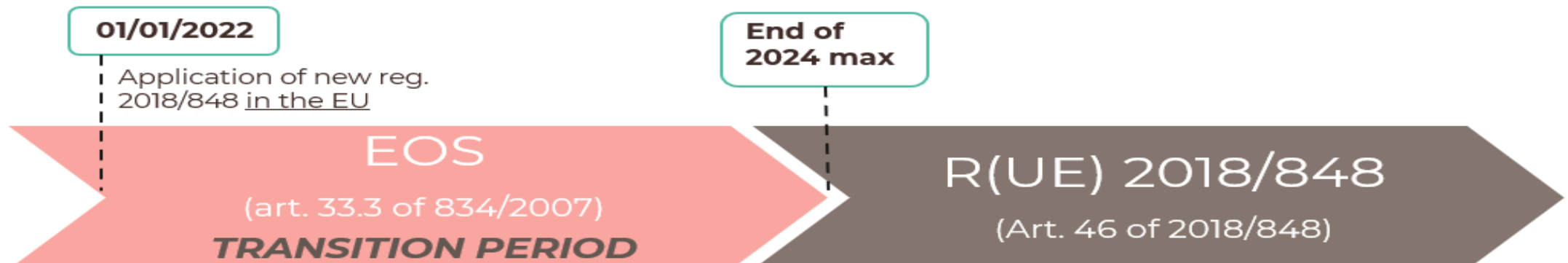
What is the aim of the regulation?

It aims to revise and strengthen the rules concerning organic production and the labelling of organic products in relation to:

- production rules
- the control system
- the trade regime

In this way, it seeks to:

- create a level playing field for operators; moved from the principle of equivalence to the principle of conformity.
- harmonise and simplify rules;
- improve consumer confidence in organic products and in the organic logo.



Scope

Eligible products for certification:

- live or unprocessed agricultural products, including seeds and other plant reproductive material;
- processed agricultural products for use as food;
- feed.

Apply to all entities involved at any stage of production, preparation, labeling, distribution, marketing, import or export in activities related to the products.

Catering operations i.e. restaurants and canteens are outside of scope of Law.

The Law regulation will allow the certification of new products:

- **wool** (not carded or combed),
- **cotton** (neither carded or combed),
- **silkworm cocoons***,
- **raw and untreated skins**,
- all **essential oils**, even those not intended for human consumption,
- **cork stoppers** of natural cork, not agglomerated, and without any binder;
- **beeswax**,
- sea or mining **salt***,
- natural gums and resins,
- **rabbits and cervids**.

*rules that have not been set yet by the EU Commission.

Organic reform - Production rules

Production rules cover:

- conversion;
- plant production;
- plant reproductive material;
- livestock production and aquaculture animals;
- processed food and feed;
- wine;
- collection, packaging, transport and storage; and
- authorization of products and substances.



Production rules - conversion

- The entire farm must be managed organically in the future, except under certain conditions.
- The regulation also allows parallel farms (i.e. non-organic, in-conversion and organic), provided that these activities are clearly separated:
 - in the case of animals, they are different species;
 - in the case of plants, they are different varieties that can be easily distinguished.
- Thus, a producer cannot grow the same crop/variety in both the conventional and organic systems on the same farm.
- Rules for retroactively recognizing previous periods become more stringent.



Retroactive recognition of the conversion period

- Operator shall submit to the MoA following documents proving that the land parcels have not been treated with products or substances that are not authorized for use in organic for a period at least three years:
 - Google (or similar) map of plots, including geolocation;
 - analysis by CB of the risks of treatment and/or contamination of land over the last 3 years;
 - pesticide analysis reports from accredited laboratories;
 - an inspection report from the CB following a physical inspection of the operator ;
 - any other relevant documents (e.g. written statement by extension services, NGO,...) confirming that the plots have not been under cultivation /or that no prohibited inputs were applied over the past years.;
 - a final written statement of the CB indicating whether the request by the operator a retroactive recognition of a previous period is justified or not.



Production rules - plant production

- Crop rotation
 - crop rotation will now be required to include mandatory leguminous crops as a main or cover crop, as well as other green manure crops.
 - in the case of greenhouses and perennial crops - to include short term green manure crops and legumes and introduce plant diversity.
- Hydroponics are still prohibited
 - plant productions must have a link to the soil to be certified.
- Use of untreated non-organic Plant Reproductive Material
 - if a derogation is granted & no in-conversion material available (not after 2035).
- Wild collection : No changes



Livestock production rules

- Except for beekeeping, landless livestock production is prohibited
- Strengthening feed autonomy
 - The proportion of feed coming from the farm itself or, if not possible, produced in regional cooperation remains at 60% initially but will increase to 70% as from 1 January 2024.
- Less in-conversion feed not from the farm
 - The percentage of 2nd year conversion feed (C2) not coming from the farm is reduced to a maximum of 25% compared to 30% currently.
- End of indoor fattening
 - It will no longer be possible to carry out the final fattening phase of adult cattle for meat production exclusively indoors.
- Derogations for exceptional situations
 - Derogations granted in this type of situation could concern the use of non-organic animals in case of high mortality, of pasture, or non-organic feedstuffs



Production rules for processed food

- Flavourings

- only substances classified as «Natural Flavouring of xxx»* may be authorized.
- flavouring component obtained by at least 95% of the xxx, «natural flavourings» (without flavouring specification) will no longer be usable.

Natural strawberry flavouring, Natural apple flavouring YES

Natural flavourings NO

- Regulated authorized cleaning products

- Currently, products for cleaning equipment for the handling of food and feed are all authorized, provided they comply with the general regulations. In the new regulation, a list of authorized cleaning products is planned.



Expert Council for organic production

- Expert Council discusses professional issues, provides expert opinion, and participates in implementation of the project tasks related to:
 - plans and specific programs in the area of organic production;
 - giving recommendations for professional training of the personnel;
 - giving recommendations for creation of regulations in the area of organic production;
 - giving recommendations in order to improve organic production;
 - performing other necessary tasks related to organic production.



Labelling

- The compulsory indications
 - code of the control body, organic production logo of the RS, origin of the product, etc.

Certified by RS-154



SRB Agriculture

- Indication of the place of origin
 - from now on 5% of the ingredients may not be taken into account, instead of 2% as in the previous regulation.

- A company name that refers to organic...
 - as with brand names, if company name refers to organic farming, it will not be able to put that name on the label of conventional products if you produce some.
- Foods that contain organic ingredients less than 95%
 - a product with less than 95% of its agricultural ingredients as organic cannot use the term organic on the front of the packaging but can indicate which ingredients are organic in the list of ingredients.

Dual certification is no longer allowed

- Products belonging to the same category will have to be certified by the same certification body.
- The categories of products are:
 - Unprocessed plants and plant products (including seeds and any other plant reproductive material)
 - Unprocessed livestock and livestock products
 - Processed agricultural products, provided they are intended for human consumption
 - Feed
 - Wine
 - The other products listed in Annex I of Law (yeasts, essential oils, beeswax, etc.)
- If you are currently certified by two different CBs for the same product category you will need to choose one of them and surrender your contract with the other CB.



Official controls and certification

- Operators (i.e. producers, processors and distributors) must notify the MoA of their activities to become officially certified that they comply with the organic production and labelling rules.
- Only operators that sell prepacked organic products directly to the final consumer shall be exempted from the notification obligation and from the obligation to be certified.
- The control system is strengthened by means of stricter precautionary measures and more robust risk-based controls of the supply chain.
- In principle, there are on-the-spot checks on operators once a year. However, where previous controls have not revealed any instance of non-compliance over the previous 3 years, the period between physical on-the-spot inspections may be extended to up to 2 years.
- If a control body suspects an operator of trying to place a non-authorized product on the market as 'organic', it must formally investigate and temporarily ban the placing on the market of that product pending the investigation's outcome.
- Specific controls on organic farming will be complemented by the general rules on official controls along the agri-food chain.



Designation of official laboratories

- The Minister in their area of competencies shall designate official laboratories to carry out the laboratory analyses on samples taken during official controls and other official activities.
- The MoA will specify which pesticides are to be included in the laboratory analyses.
- Public call shall include specific requirements:
 - Types of laboratory analysis or monitoring programs in the field of organic production (pesticide residues, heavy metals, antibiotics,...)
 - Evidence on fulfillment of requirements regarding experience, results and timeliness in previous performance of laboratory testing activities,....
- The list of official laboratories selected through the public call shall be defined by the Minister.



Farmer Groups

- The EU requirements for farmer group:

- Group members must be farmers, processors/exporters with affiliated farms will no longer be accepted as certifiable legal group entities;
- Each holding must be 5 ha or less (0.5 ha for greenhouses);
- The farmer group must have its own legal entity;
- Each group must operate a joint marketing system; and must implement its own Internal Control System.

- Impact on Serbia

- Many small-scale organic fruit growers in Serbia currently operate in groups run by processors/traders (and benefit from their administrative and technical support). These will also have to separate and run their own independent groups.
- New groups must also put in place and implement their own Internal Control System (ICS), and nominate a person or body who will be responsible for ensuring compliance.
- As a new rule, a minimum 5% of the farmers who are part of a group need to be inspected by the CB (instead of a risk-based square root approach).
- CB also needs to sample and analyse products/soil/leaves from 2% of the farmers who are part of a group.



Trade rules – Import/Export

- Import

- An organic product may be imported into the Republic of Serbia provided that the product is produced according to rules that are harmonized or equivalent to the provisions provided by law:
 - from a EU countries - a certificate issued by the CB confirming that the product complies with EU standards;
 - from a non-EU countries - that product complies with the conditions laid down in the relevant trade agreement.
- Prior to placing on the market, the CB shall verify the certificate and documents relating to each consignment of imported products. Based on the risk assessment, the CB shall carry out a physical check of the consignment, including sampling if necessary.
- An importer of organic products is obliged to state on customs documents that the products are organic.

- Export

- The entity exporting organic products is obliged to state the required data on the exported organic product in the single customs document.





Thank you for your attention