

# **EU Organic Import Guidelines from a German Länder authority's perspective**



**Hans-Georg Borowski-Kyhos,  
Regierungspräsidium Karlsruhe  
(Baden-Württemberg)**

# Overview



- 1) Distinguishing EU-food & feed-law from EU agricultural product quality schemes like organic production (regulation No 834/2007)
- 2) Work-sharing structure of the organic control system (authorities & control bodies)
- 3) Control systems for organic imports  
Methodical-structural approaches
- 4) Guidelines as newest approach amending the organic import control system

# Distinguishing **EU-food & feed-law** from **product quality schemes** (1)

## EU-food & feed-law main aspects:

- Composition: baby food, compound feed
- Labeling: nutritional value, health claims
- Hygiene

## EU agricultural product quality schemes essential aspects:

- **Geografic origin:**  
protected designations of origin (PDOs) and protected geographical indications (PGIs)
- Origin from an **organic production unit**

# Distinguishing EU-food & feed-law from product quality schemes (2)

EU-food & feed-law requirements:

- Mainly materially defined (food/feed chemistry)
  - Limits for unwanted substances  
e.g. contaminants, residues
- Hygiene: Processually defined regarding temperature (heat treatment, cold chain)
  - comply with microbial (material) parameters
  - Check: Sampling and analysis for substances

# Distinguishing EU-food & feed-law from product quality schemes (3)

## EU-quality scheme requirements:

- Mainly geografically & process-related defined
  - No extra limits for undesirable substances  
e.g. contaminants, residues
  - Comply with process-related parameters  
e.g. origin of seeds & animals, housing conditions,  
no use of GMO
  - Main check: On site visits, documentation
  - Only supplementary check: Sampling and analysis  
for unallowed substances

# Distinguishing **EU-food & feed-law** from **product quality schemes** (4)

## EU quality scheme characteristics:

- Participation is voluntary
- Notification of activity and submission to control system needed
- Use of protected designations in labelling of products is restricted to operators and products involved

# Distinguishing EU-food & feed-law from product quality schemes (5)

## EU Organic production scheme characteristics:

- “organic” production requirements for use of renewable resources and recycling only for agricultural production, not for stock holder, processor or trader
- Requirements on „conversion“-period only for agricultural production, justification missing

# Distinguishing EU-food & feed-law from product quality schemes (6)

## EU Organic production scheme

Minimum control requirements (Art. 63 Reg.889/2008):

- Operator has to sign a declaration:
  - Full description of unit/premises/activities
  - describe practical measures to ensure compliance
  - describe precautionary measures to reduce risk of contamination

and commit himself to

- perform operations in accordance with rules
- accept enforcement of measures in case of infringement
- Inform in writing the buyers → removal of indications



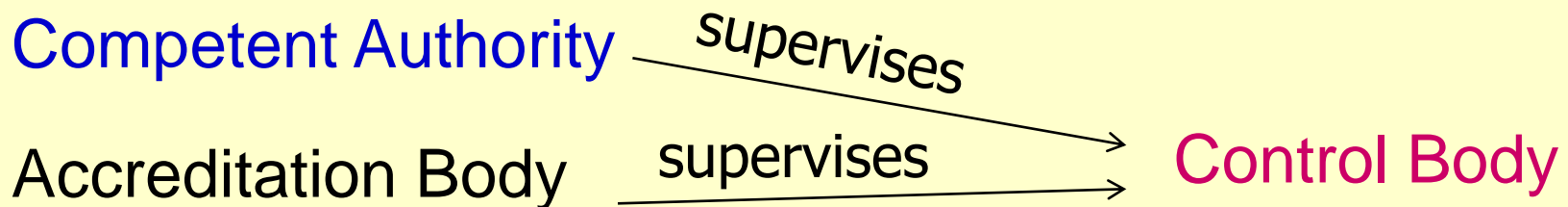
# Distinguishing **EU-food & feed-law** from **product quality schemes** (7)

EU Organic production scheme characteristics:

**Minimum & specific control requirements are necessary,**  
as compliance with the  
**process-related production rules**  
cannot be sufficiently checked by  
**sampling and analysing material**


# Work-sharing structure of the organic control system

- Art. 27: Member State has to
  - set up a **national control system** and
  - designate one or more **competent authorities**
- Competent authority may
  - Confer control competences to **control authorities**  
CAu
  - Delegate control tasks to one or more **control bodies**  
CB



# Control systems for organic imports

Methodical-structural approaches (1)




Import of products providing equivalent guarantees:

## 1) Third Country (TC) with national control system and competent authority and CBs (Art. 33 (2))

- Third Country requests for recognition
- COM examines requests and recognizes
- List since 1993 grown from 6 to only **12 TC**  
(Annex III: AR AU CA CR IN IL JP CH TN US NZ KR)
- major exporting countries not listed (CN, TR,)
- COM assisted by MSs ensures appropriate supervision:  
In 2016: **1 Audit** in CR

# Control systems for organic imports

## Methodical-structural approaches (2)



Import of products providing equivalent guarantees:

### 2) Importer authorised for specific source (1993 - 2014)

- Importer provided evidence of equiv. Production rules and CB with equiv. control measures in TC and their application
- MS authority examined requests (inspection reports) and authorised
- Several CBs established themselves around the world
- Thousands of single temporary authorisations
- MS authorities were increasingly overwhelmed
- No workload for COM

# Control systems for organic imports

Methodical-structural approaches (3)

Import of products providing equivalent guarantees:

## 3) CB in Third Country without national control system and competent authority (Art. 33 (3))

- CB requests for recognition
- COM examines requests and recognizes
- List of 54 CBs in >125 TC not listed (Annex IV)
- COM assisted by MSs shall ensure appropriate supervision: Audits in 2016: **5 CBs**
- **For comparison:** ~ 180 CBs in MS to be audited annually

# Control systems for organic imports

Methodical-structural approaches (4)




Import of products providing equivalent guarantees:

## 3) CB in Third Country without national control system and competent authority (Art. 33 (3))

- Deficiencies became very obvious in 2014: large amounts of field crops with pesticide residues imported from Ukraine
- systematic malfunctioning of the control measures applied
- CB ETKO was withdrawn from the list

# Control systems for organic imports

Methodical-structural approaches (5)



Import of compliant products:

## 4) CB in Third Country without national control system and competent authority (Art. 32)

- Still theory

# Guidelines as newest approach amending the import control system



- “Shot from the hip” within short time
- Applicable from 1.1.2016 – 31.12.2016
- emphasize one-sidedly **sampling and analysis for unallowed substances**
- neglect inspection and reporting on **process-related** parameters of organic production (crop rotation, soil organic matter) and chain of custody in export country
- promote a misunderstanding of “**organic**” as “**residue tested**”
- do not promote intentions to build up a national control system with competent authority



# **Guidelines as newest approach amending the import control system**



Sampling and analysing is a complex matter:

- Sampling at which stage of the import process?
- Does “conveyed by the same means of transport” include several trucks?
- Which intensity of sampling of bulk goods?
- Counter-productively favour transports with risky transshipment of bulk commodities against transports with big bags
- Which analyses regularly to be included into scope?

**If we buy **organic**,  
we mostly get,  
what we deserve**



**Thank you  
for your attention**

**Hans-Georg Borowski-Kyhos**