Position paper on Controls in Organic Production and Processing

International Federation of Organic Agriculture Movements – EU Regional Group

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Introduction


In particular, that report includes the following. “The Commission recognises that the control system can be further improved, and will continue its work in this direction with the Member States.”

In response IFOAM EU group has developed suggestions for improvements in both controls and the import regime to make the operation of the regulation more robust and it more difficult for fraudsters to pass off products that do not comply with the organic regulations as organic.

In addition to the Report from the Commission IFOAM EU Group welcomes the publication of the European Court of Auditors Special Report No 9 “Audit of the control system governing the production, processing, distribution and imports of organic products.” This report was received after development of our views. We have however indicated in the following document where the findings in the ECA special report No 9 coincide with IFOAM EU Group views.

IFOAM EU group commends these suggestions to the Commission and requests that they be considered with other actions in the actions to be taken as a result of the report to council. IFOAM EU Group is available to present these suggestions and to provide any clarification necessary at any stage.

A further paper listing the areas of work and recommendations on import regimes will be published in a separate document.

1. Major actions and amendments to regulation recommended

1.1. Liability

There is a lack of clarity on how Article 30 of Council Regulation (EC) No 834/2007 and Article 91 of Commission Regulation (EC) No 889/2008 are interlinked. To harmonize the implementation of these articles it would be helpful to clarify the interaction of these 2 provisions. Especially on Article 30 of Council Regulation (EC) No 834/2007 there is also a lack of clarity over the extent to which products made with ingredients that are subsequently found to be non-compliant should be removed from sale as organic under restrictions of commensurability. This manifests itself sometimes in very different consequences in different member states in case of decertifications.

IFOAM EU Group also is of the opinion that there is a lack of clarity in regulations regarding liability in the case of action on irregularities. We believe that there should be modifications to the regulation

as certification bodies are in some cases be inhibited from taking action that could result in major liability for lost product. Major sanctions should be implemented by control authorities or supervision authorities rather than certification bodies in order to mitigate liability for certification bodies and to ensure consistent operation of major sanctions.

1.2. Accreditation

At the level of accreditation the current monopoly of accreditation in each member states and the various levels of involvement of the national accreditation bodies in accreditation for operations outside the EU leads to variations in accreditation processes, and uncertainty for CBs and operators. There should be clear strengthening of international accreditation outside the EU with a clear requirement that accreditation bodies operating outside the EU should have wide international experience dedicated to organic accreditation. Further there must be clear guidelines for accreditors to improve consistency. These must be adopted by all accreditors. Ideally COM should develop these guidelines with input from CBs and accreditors. Similarly there should be guidelines for the competent authorities to ensure consistency in their management of CBs. There must be a complaints and referral system publically available to enable operators and CBs to make complaints about accreditors and competent authorities. This system must be able to handle complaints at the European Accreditation level, so be managed by COM. Improvement of the workings of the accreditation bodies is recommended in the ECA Special report no 9. (Paragraph 29b)

1.3. Risk Based Inspection (RBI)

CBs have the obligation to operate risk based inspection systems. However there are clear differences in the ways that this provision is implemented at the MS level, meaning that the system is well adopted and working in some MS, but in others the system is rudimentary and inconsistent. Clear guidelines are needed which should be adopted by all member states to identify how this process should develop. The system should provide more flexibility for procedures within CBs to deliver the overall goal, of an inspection system that is flexible to the level of risk. Further support for CBs on how exactly risk analysis should be carried out is needed to harmonise the process. The IFOAM EU group position paper on RBI describes the main points. Better application of risk to allocations of inspections is a clear recommendation of the ECA special report No 9. (Paragraph 30)
1.4. Group Certification

Group Certification is operated in many third countries providing organic products that are exported to the EU. The IFOAM EU Group is currently considering whether the introduction of a group certification system could be beneficial for the European organic sector.

1.5. Traceability and Information

More transparency and information at all levels of the organic sector are essential to improve public trust, to ensure that operators have the confidence to develop markets and supply chains and to enable certifiers and authorities to spot potential for fraud.

In particular a clear and harmonised information system must be established between the involved Authorities to aid investigation and action in cases such as the fraud case detected in 2011 by Italian authorities and involving the organic supply chain in and between several member states.

IFOAM EU group welcomes the new requirements in Article 92a of Commission Regulation (EC) No 889/2008 for publication of a list of operators and products certified. We foresee the development of further information in this area, such as lists of decertified products and operators in case of infringements.

This point is also raised in the ECA Special report No 9 (Box 5 page 32).

A formalised cross check system at CB level is needed whereby CBs can cross check lots, volumes available, certificates, residue detections, financial documentation (Invoices etc) and traceability with each other. Standardised documentation would help this process. Response from CBs receiving requests for cross check information must be mandatory and within defined timescales. Responses of CBs should be monitored by accreditors or supervision authorities. There should be clearer and stronger requirements and abilities for CBs and CAs to investigate and trace financial transactions.

Cross checks may also be required at the operator level and operators must be more actively involved in monitoring the credibility of the system, for example by checking the conformity of ingredients that they purchase.

The need to use such a system in the case of suspicion may need to be included in the regulation, particularly with reference to Article 31 of Council Regulation (EC) No 834/2007.

The ECA special report no 9 mentions this point.

The ECA special report expressed concern over the fact that they found that there was a lack of traceability in a high (c40%) of the samples they took. Commission should consider additional means to ensure that traceability of ingredients is in place from farm to finished product.

Another example of information that should be publically available includes the 2012 audit reports for EU MS (Poland and Portugal for 2012) and for approved third countries (India).
1.6. Training and advice

It is clearly the responsibility of operators to train staff and managers in the requirements of the organic regulations and how to achieve them. Many small operators have limited access to advice and CBs are unable to deliver this due to the requirements of EN45011. Better trained operators will better understand how to avoid control problems and achieve desired quality without resorting to illegal use of inputs such as pesticides etc.

IFOAM EU Group believes that there should be an obligatory advice system for organic operators. Farmers should be benefitting from Agri-Environment schemes. This system could be developed within the existing training support schemes. As a first step there should be further promotion of existing advisory systems. Training should include techniques and best practice in organic farming and also the requirements of the regulations. Clarification on the ability of CBs to provide the latter, under EN45011 may help to make it more available.

There are clear variations in the levels and requirements for training and qualification of CB staff, including inspectors, and of competent authority and accreditation body staff. A detailed analysis of training levels and requirements is needed to identify best practice and to disseminate it more widely in order to improve training and qualification where needed.

2. Conclusions

IFOAM EU group makes the above recommendations to commission for improvement of control of the organic regulations. IFOAM EU Group welcomes comments and suggestions for development and improvement of this document and is available for discussion and consultation.