

EU ORGANIC FOOD REGULATIONS FROM JANUARY 2021

Consumers are becoming more aware of the importance of eating healthily. They want packaging and labeling that tells them what is in their food, where it comes from, and even how its production has impacted the environment. At the same time, authorities are introducing legislation that not only protects citizens but also helps them make better purchasing decisions.

In May 2018, the European Union (EU) passed Regulation 2018/848 covering organic production and the labeling of organic products. It aims to:

- Maintain consumer trust in organic foods
- Prevent fraudulent practices
- Ensure fair competition

To achieve this, EU rules will also be applied to non-EU producers. Regulation 2018/848 comes into effect on January 1, 2021.

Among the principles driving the EU's new organic regulation is the ideal of a non-toxic environment. To encourage long-term soil fertility and support for biodiversity, the regulation promotes local production and short distribution channels².

It also promotes the use of reproductive materials that:

- Improve natural disease resistance
- Extend genetic variety and longevity
- including the ability of plants to adapt to different climatic conditions, soil types, and cultivation practices.

The regulation stresses the importance of developing reproductive materials suitable for organic production – if possible, organic in origin. When that isn't possible, the regulation has well-defined conditions for conversion and reproductive material originating from conventional production (Article 10). It will also allow access to non-organic seeds and young animals for limited periods of time when organic reproductive material is not available, in a form of transit derogation.

Material retrieved from wild animals, either by hunting or fishing, will not be considered organic because its production has not been monitored or controlled (recital 13 and Article 3). However, the regulation does include labeling provisions for this product type to allow the identification of organic ingredients (recital 75)³.



Inspection & Certification

There are several changes being brought in by Regulation 2018/848 in the area of inspections and certification. These include group certification for smaller farms, registering as one entity, to make market entry easier.

Livestock farming is also required to use higher percentages of regional or own-farm sourced feed. Currently the levels are 60% for cows, sheep, goats, horses, deer, and rabbits, and 20% for pigs and poultry. By 2023, these will increase to 70% and 30% respectively⁴.

Compliance with the new regulation regarding food and feed will largely rely on Regulation (EU) 2017/625 and specific requirements in Regulation 2018/848. Stakeholders will be interested to note derogation from annual physical inspections is available to fully-certified low-risk farms and facilities – instead, inspections will be carried out biennially.

Furthermore, operators selling only prepacked organic products directly to the final consumer are not obliged to seek certification (Article 34, referred to in Articles 35(2)); they will still be subject to general controls. Instances of non-compliance will continue to be dealt with on a national level. Trade agreements will form the basis of import controls for non-EU organic products. If no trade agreement exists, the European Commission (EC) will establish a list of control bodies. After January 2021, non-EU organic products will have the same principles and rules applied to them as EU-originating products. There may, however, be some flexibility in regard to traditionally used PPPs/fertilizers in the countries of origin.

Amendments on Prohibited Uses

Prohibited uses are described as: “The use of ionizing radiation, animal cloning, and artificially induced polyploid animals or genetically modified organisms (GMOs), as well as products produced from or by GMOs, is incompatible with the concept of organic production and consumers’ perception of organic products. Such use should, therefore, be prohibited in organic production” (Recital 23). In addition, the use of nanomaterials in food production is prohibited in Article 7, section e.

Stakeholders should be aware there may be a further innovation if the EC activates Article 16(3) and Article 17(3). These articles allow the adoption of implementing acts in relation to the techniques authorized for use in the processing of food and feed products. In addition, Article 24 includes a list of authorized products and substances that can be used in organic production, including cleaning and disinfection⁵.

Article 7 covers the production of processed organic food and feed. It provides clear guidance on restricted food additives, non-organic ingredients with mainly technological and sensory functions, and micronutrients and processing aids. Their use should be minimized and only in cases of essential technological need or particular nutritional purposes.

Organic Products: Amendments to Categorization

According to the current regulation, the categories of products that can be organic certified are:

- Unprocessed plants and plant products, including seeds and other plant reproductive material
- Livestock and unprocessed livestock products
- Algae and unprocessed aquaculture products
- Processed agricultural products, including aquaculture products, for use as food, feed and wine

From January 1, 2021, products not covered by this categorization will be included. A list of products that can be considered organic has been included in Annex I – yeasts used as food or feed, maté, sweetcorn, vine leaves, palm hearts, hop shoots, and other similar edible parts of plants and products produced therefrom, sea salt and other salts for food and feed, silkworm cocoons (suitable for reeling), natural gums and resins, beeswax, essential oils, cork stoppers of natural cork (non-agglomerated and without any binding substances), cotton (un-carded or combed), wool (un-carded or combed), raw hides and untreated skins, and plant-based traditional herbal preparations.

It should be noted, as per Annex II, Part IV, the same ingredient cannot be present as both organic and non-organic simultaneously⁶.

Raw Material Origins

To identify as originating in a specific region or country, a product must contain a minimum percentage of ingredients farmed or produced in that place. Currently, this percentage is 98% but this will decrease under the new regulation to 95%⁷.

Article 32 contains detailed definitions of the statements that are allowed:

- 'EU Agriculture' – raw materials have been farmed in the EU
- 'non-EU Agriculture' – raw materials farmed outside the EU
- 'EU/non-EU Agriculture' – a combination of the above

The terms 'EU' and 'non-EU' may be replaced by 'Country' or 'Country and Region' if all the agricultural raw materials in the product originate in that country and/or region.

These statements must appear in the same visual field as the logo and be in the same font style and size. This will prevent it being more prominent than the product's name.

Recital 79 also states that the consumer should be informed about where the raw materials have been farmed or used as an ingredient, whenever the EU organic production logo is used⁸.



Promoting Organic Products: Using the 'EU Organic Logo'

This logo has been developed with the twin intentions of supporting consumers in their purchasing choices and helping farmers sell certified organic products. It should be placed on packaging with the control body's code number and the place of origin for the agricultural raw materials.

It can be used on:

- All pre-packaged EU food products, produced and sold as organic within the EU
- Imported products where the product conforms to the EU rules on the import of organic goods
- Non pre-packaged organic products
- EU organic products placed on non-EU markets
- Materials for information campaigns intended to educate the public⁹

Stakeholders should be aware that Regulation 2018/848 may have some impact on supply chains.

Food Production: Natural Flavors and Food Preparation

It contains strict guidance on flavoring substances and the use of additives and processing aids. According to Regulation (EC) No 178/2002, supplements also fall within the definition of food as a "substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans."¹⁰ It has, however, some limits in respect to defining flavorings, supplements and other food products as organic. It requires at least 95% by weight of the product's agricultural ingredients to be organic. In the case of organic flavorings, only natural flavoring substances and natural flavoring preparations can be certified.

Regulation 2018/848 also seeks to limit the use of additives and processing aids to produce food and feed. Only certain products and substances will be authorized for use in the production of processed organic food and feed, alongside yeast. It also provides specific rules for multi-ingredient products – only those containing 95% organic certified agriculture ingredients (excluding water, salt and certain additives) can be defined as 'organic'.

Stakeholders should be aware that, while today all natural flavors are allowed, from 2021 only natural flavors originating from the mentioned ingredients can be used in organic processing. For example, only 'natural lemon flavoring' will be allowed, meaning it contains at least 95% flavoring from a lemon. The rules for obtaining organic flavors are also highly detailed in Regulation 2018/848¹¹.

The Standard is used internationally and does permit pest management to be undertaken by the site where suitably trained individuals are available.

We have discussed pest control with a number of organizations, including the BPCA (British Pest Control Association) and agree and support their current advice and position.

Source: European Commission, Food, Farming, Fisheries

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