

**NEW EU LEGISLATIVE FRAMEWORK FOR  
THE ORGANIC AGRICULTURE –  
OPPORTUNITIES AND CHALLENGES.  
A LEGAL AND ECONOMIC PERSPECTIVE**

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**Abstract**

*Considering the current European context and changing legislative EU framework we are going to try and emphasize within this article the main challenges and also opportunities driven from this new set of norms set in place by the Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products.*

**Keywords:** organic agriculture, EU Regulation, standards, organic production and labelling, organic market

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## Introduction

During recent years the most developed countries, the emerging market economies governments and also agricultural policies have more and more sustained and also encouraged the development of sustainable agriculture and from this perspective the organic agro product can be seen as a mean to reach and promote a healthier and eco-friendly environment.

To underline all the above mentioned, at this wary moment we count that globally 1.4 % of the farm land is organic. Moreover, what is quite impressive and important to be noticed and stated is the constant and rapid growth of this sector with 11.7 million hectares in 2017, representing an increase of around 20%, the largest ever recorded (for the Europe statistical data indicates a growth rate of 7.6% for the same year, representing a growth of almost 1 million hectares), fact that does not show the same path characteristic for the entire agricultural sector.<sup>1</sup>

Moreover, our brief analysis of the organic farming current data showed that a process of institutional strengthening and development is currently undergoing for the organic agriculture in order for the European Single Market to be able to promote this type of agriculture as one of the most important tasks for the agricultural sector sustainable future development in accordance with a more responsible consumer protection and environmental friendly means of production.

## The current status of the organic agriculture – facts and figures

The current state of the global organic agriculture indicates us that this market has reached in 2007 around 97 billion US dollars, the entire organic area representing an overall of 70 million hectares (Australia as a country takes the largest share followed by Argentina and China all gathering a quarter of the entire organic global surface and 87% of the total sum of the organic producers, while Europe as a region gains 21 percentage of the overall surface with 14.6 million hectares and 2.9% of its total agricultural

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<sup>1</sup> Helga Willer, Julia Lernoud, The World of Organic Agriculture Statistics and Emerging Trends 2019, 2019, FiBL, IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], pp.25-27, 10 Jun 2019;

land – in the case of the EU this figure changes to 7.9%) managed globally by almost 2.9 million organic farmers.<sup>2</sup>

As we can easily observe from the recent notable data, the constant increasing and at high speed development of the organic production encourages us into believing that this type of agriculture not only that is able to offer more profitable alternative solutions for the suppliers on this market but also can generate alternative more responsible solutions for the long term future prospects developments for the global economy of this sector.

At a more detailed analysis, to sustain what was previously stated we can underline the fact that for instance in the case of the European Union the countries with the largest agricultural land area are Spain (2.1 million hectares), Italy (1.9 million hectares) and France (1.7 million hectares). Moreover in ten of the European countries the organic agricultural land reaches at least 10% of the overall agricultural land (Liechtenstein, 37.9%, Austria-24%, Estonia 20.5%).<sup>3</sup> This presented data, suggests the fact that there are a lot of European countries trying to exploit the opportunities and market comparative advantages offered by of this sector of activity to its highest potential.

In terms of trade, we can easily count 115 countries registering exports to the EU.<sup>4</sup> From this perspective EU imported in 2018 bio food in the amount of 3.4 million tons (the biggest supplier being China with more than 415,000 tons representing up 12.7% of the total market).<sup>5</sup> However, there are a few countries that should be nominated here as important actors, countries that have supplied important amounts of goods mainly

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<sup>2</sup> Helga Willer, Julia Lernoud, *The World of Organic Agriculture Statistics and Emerging Trends 2019*, 2019, FiBL & IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], p.15-25, 10 Jun 2019;

<sup>3</sup> Helga Willer, Julia Lernoud, *The World of Organic Agriculture Statistics and Emerging Trends 2019*, 2019, FiBL & IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], p.29, 10 Jun 2019;

<sup>4</sup> EC, *Organic Imports in the EU. A first analysis –year 2018.*, No14, March 2019, p.2, [[https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/market-brief-organic-imports-mar2019\\_en.pdf](https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/market-brief-organic-imports-mar2019_en.pdf)], 2 July 2019.

<sup>5</sup> EU, *Organic sector on the rise as both organic production and imports see large increases*, [[https://ec.europa.eu/info/news/organics-sector-rise-both-domestic-production-and-imports-see-large-increases-2019-mar-07\\_en](https://ec.europa.eu/info/news/organics-sector-rise-both-domestic-production-and-imports-see-large-increases-2019-mar-07_en)], 2 July 2019.

because of their specificity or temporary gap in the market (tropical fruit and nuts – the first category of imported products within the EU -24% of the total imports<sup>6</sup>, cereals and oil cakes). Such countries are: Ecuador, the Dominican Republic, Ukraine and Turkey.

### **Brief diagnosis. Policy in retrospective**

Even though the organic agriculture is not a new concept, we should mention here the fact that the legislative framework for this sector of activity has its roots only in the mid - 80's when we can note the first group of private organic farmers as organized groups trying to set common policy ground for collaboration within this organizations. From this point forward, policies and programs to stimulate and support the development of the organic agriculture were set in many countries and organic standards have become in the 80's part of the legislative process mainly in order to facilitate and encourage foreign trade with this category of goods.

Commonly the most well-known policies were those referring to subsidies schemes and direct support for the farmers acting in this sector of agriculture, investments to enhance market and research sustainable capacities, quality assurance or consumer protection, etc.

Trying to investigate the current state of the legislative framework for the European organic agriculture we have identified the fact that forty-two countries in Europe have their own legislation on organic production context that indicates quite a good state of facts due to the global framework that shows us a total of 93 countries implying in 2008 standard regulations.<sup>7</sup>

Analysing the previous European legal framework in the matter (before 2018), we can easily notice that it set to incorporate a mixture of norms and derogations, which conferred a certain degree of uncertainty and insecurity upon this sector of the European agriculture. As such, to Council Regulation No. 834/2007 on organic production and labelling of

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<sup>6</sup> EC, Organic Imports in the EU. A first analysis –year 2018., No14, March 2019, pp.2-3, [[https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/market-brief-organic-imports-mar2019\\_en.pdf](https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/market-brief-organic-imports-mar2019_en.pdf)], 2 July 2019.

<sup>7</sup> Helga Willer, Julia Lernoud, The World of Organic Agriculture Statistics and Emerging Trends 2019, 2019, FiBL & IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], pp.29-32, 10 Jun 2019;

organic production<sup>8</sup>, were added at least 10 other regulations adopted in 2007-2016, namely:

-Council Regulation (EC) No. 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries<sup>9</sup>,

-Commission Regulation (EC) No. 501/2008 laying down detailed rules for the application of Council Regulation (EC) No. 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries<sup>10</sup>,

-Regulation (EC) No. 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products<sup>11</sup>,

-Commission Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control<sup>12</sup>,

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<sup>8</sup> Council Regulation (EC) No. 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No. 2092/91, published in Official Journal L 189/1. For more details about European Organic Regulations, see IFOAM, EU Group, European Organic Regulations (EC) No 834/2007, 889/2008 and 1235/2008. An Evaluation of the First Three Years. Looking for Further Development, available at [[https://www.ifoam-eu.org/sites/default/files/page/files/ifoameu\\_reg\\_regulation\\_dossier\\_201204\\_en.pdf](https://www.ifoam-eu.org/sites/default/files/page/files/ifoameu_reg_regulation_dossier_201204_en.pdf)], 2 July 2019.

<sup>9</sup> Council Regulation (EC) No. 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries, published in Official Journal L 3/1

<sup>10</sup> Commission Regulation (EC) No. 501/2008 of 5 June 2008 laying down detailed rules for the application of Council Regulation (EC) No. 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries, published in Official Journal L 137/3

<sup>11</sup> Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93, published in Official Journal L 128/30.

<sup>12</sup> Commission Regulation (EC) No. 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control, published in Official Journal L 250/1.

-Commission Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries<sup>13</sup>,

-Commission Regulation (EC) No. 537/2009 amending Regulation (EC) No. 1235/2008, as regards the list of third countries from which certain agricultural products obtained by organic production must originate to be marketed within the Community<sup>14</sup>,

-Commission Implementing Regulation (EU) No. 392/2013 amending Regulation (EC) No. 889/2008 as regards the control system for organic production<sup>15</sup>,

-Commission Implementing Regulation (EU) No. 567/2013 correcting Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries<sup>16</sup>,

-Commission Implementing Regulation (EU) No. 586/2013 amending Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries and derogating from Regulation (EC) No. 1235/2008 as regards the date of submission of the annual report<sup>17</sup>,

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<sup>13</sup> Commission Regulation (EC) No. 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries, published in Official Journal L 334/1.

<sup>14</sup> Commission Regulation (EC) No. 537/2009 of 19 June 2009 amending Regulation (EC) No. 1235/2008, as regards the list of third countries from which certain agricultural products obtained by organic production must originate to be marketed within the Community, published in Official Journal L 159/6.

<sup>15</sup> Commission Implementing Regulation (EU) No. 392/2013 of 29 April 2013 amending Regulation (EC) No. 889/2008 as regards the control system for organic production, published in Official Journal L 118/5.

<sup>16</sup> Commission Implementing Regulation (EU) No. 567/2013 of 18 June 2013 correcting Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries, published in Official Journal L 167/30.

<sup>17</sup> Commission Implementing Regulation (EU) No. 586/2013 of 20 June 2013 amending Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries and derogating from Regulation (EC) No. 1235/2008 as regards the date of submission of the annual report, published in Official Journal L 169/51.

-Commission Implementing Regulation (EU) 2016/1842 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No. 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information<sup>18</sup>.

Apart from these legal instruments, there were also supplementary specific regulations concerning aquaculture and wine production, such as Commission Regulation (EC) No. 710/2009 amending Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production<sup>19</sup> and Commission Implementing Regulation (EU) No. 203/2012 amending Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007, as regards detailed rules on organic wine<sup>20</sup>.

The purpose of this legal mosaic, complemented by various implementing documents of the Commission regarding the production, distribution and marketing of organic products, was to promote a harmonised concept of organic sector. However, it is obvious that the legislative frenzy was not capable of creating the premises for a real uniformity, the applicable norms of the organic farming allowing for an „à la carte” system of exceptions, sometimes at the level of one producer only<sup>21</sup>.

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<sup>18</sup> Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No. 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No. 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information, published in Official Journal L 169/51.

<sup>19</sup> Commission Regulation (EC) No. 710/2009 of 5 August 2009 amending Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production, published in Official Journal L 282/19.

<sup>20</sup> Commission Implementing Regulation (EU) No. 203/2012 of 8 March 2012 amending Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007, as regards detailed rules on organic wine, published in Official Journal L 71/42.

<sup>21</sup> For more details, see Directorate-General for Agriculture and Rural Development, 2018 Annual Activity Report, available on [https://ec.europa.eu/info/sites/info/files/agri\\_aar\\_2018\\_final.pdf](https://ec.europa.eu/info/sites/info/files/agri_aar_2018_final.pdf), 02.07.2019.

## **New EU legislative framework – challenges and opportunities**

Even though the organic sector is constantly gaining increasing market share and registers healthy record financial growth it is also facing important challenges due to the changing legislation on this field, rising number of standards to be met, and eco-labelling differences in the standardization process around the globe, demand concentration in only a small number of important global regions such as North America (USA – 40 billion euros, 47% of the global organic market) and Europe (EU reaches a total amount of 34.3 billion euros – 37% of the global market; Germany - 10 billion euros; France - 7.9 billion euros), supply shortfalls for certain category of products, etc. Countries that succeed in having the highest amount of per capita spending and consumption of almost 300 euros for this category of goods are: Switzerland (9% of market share) and Denmark (13.3% of market share).<sup>22</sup> The data shows also an increasing constant demand of bio products sometimes exceeding the existing supply offering possibilities or contextual market flexibility in adapting to the demand on the spot market needs.

In June 2018, the European Commission has launched the 2021-2027 CAP proposal which aims to generate a more focused approach on objectives similar to those followed by the organic agricultural sector, objectives such as environmental care, the preservation of the landscape and biodiversity and also the protection of food and health quality.<sup>23</sup> The recent speedy evolution of the organic markets and its prices in comparison with the conventional one should be included in the future focus of the CAP strategy with specific separate measure intended for this sector and enhanced management of farms in the discussed sector.

The adoption of Regulation (EU) 2018/848 on organic production and labelling of organic products and repealing Council Regulation (EC) No. 834/2007<sup>24</sup> (which will enter into force in 2021) reflects the major

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<sup>22</sup>Helga Willer, Julia Lernoud, The World of Organic Agriculture Statistics and Emerging Trends 2019, 2019, FiBL & IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], p.27, 10 Jun 2019;

<sup>23</sup> EC, Future of the common agricultural policy, [[https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/future-cap\\_en](https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/future-cap_en)], 2 July 2019.

<sup>24</sup> Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labeling of organic products and repealing Council Regulation (EC) No. 834/2007, published in Official Journal no L150/1 (14.6.2018)



changes that took place in the EU organic farming sector in the past 20 years. *Brevitatis causa*, to express our ideas more easily and to avoid repetitions, as we are going to often refer to this legal instrument in our study, we shall use the term Regulation.

The main change that was operated once the Regulation of 30 May 2018 was adopted was the introduction of a single set of norms for the organic farming throughout the EU, that correspond to the high expectation of consumers and that guarantee sufficient clarity for those to whom they are addressed.

The current regulation, however, is not a rigid one, but has a certain degree of flexibility. For example, the European legislator allows for the temporary replacement of an organic ingredient with a non-organic one in cases where such ingredients are not available in organic form in sufficient quantity. According to the art. 25 (1) of the Regulation, such a measure cannot be ordered unless the member states “provisionally authorise the use of non-organic agricultural ingredients for the production of processed organic food on its territory for a period of maximum six months”. This authorisation can be granted only if some express and limitative conditions foreseen by the regulation are cumulatively fulfilled: a) the replacement should be temporary (maximum six months); b) the exception method must be periodically evaluated; c) the authorisation shall apply to all operators in that Member State – to the extent to which it is necessary – therefore ensuring the equitable treatment of all. Moreover, the member state has the obligation to immediately notify the Commission and the other Member States, via a computer system that enables the electronic exchange of documents and information made available by the Commission, of any authorisation granted for its territory.

The new legislative framework also brings about other modifications in the sector of organic farming, ensuring “the fair competition and the proper functioning of the internal market in organic products, at maintaining and justifying consumer confidence in products labelled as organic, and at providing conditions under which the policy can progress in line with production and market developments” (paragraph 6 of the preamble to the Regulation). As follows, we shall present a part of the new regulations formulated for this sector:

► First of all, the scope of the Regulation aims at all organic farmers and products, including the farmers from outside the European Union, who export their products to the European market. We are, therefore, witnessing a set of clear, uniform and stable norms, which, on the one hand, are in favour of the loyal competition among farmers without making any distinction as to whether they produce within the EU or in a third country, and, on the other hand, they confer upon the consumer the certainty that an organic product bearing the EU logo presents the same quality standards throughout the Union.

Moreover, as one can see from the provisions of art. 2, paragraph 2 of the Regulation, it is applicable to the whole organic food chain (production, labelling, distribution). The application domain of the Regulation has also been extended in order to include a series of new products that can make the object of certification, such as salt, cork, essential oils, beeswax, etc.

► As to the imports, under *the umbrella* of the new legal framework, a product can be imported from a third country in order to introduce it on the EU market as an organic product or as a product under conversion if it complies with the exigencies of the Regulation or if it originates in a third country that is the signatory of an equivalence trade agreement concluded with the European Union.

The current organic production systems from the third countries acknowledged as equivalent based on the current Regulation (CE) No. 834/2007 are the beneficiaries of transitory measures, the acknowledgement of these third countries being valid through 31st December 2025 (art. 48, paragraph 2 of the Regulation).

Undeniably, one of the challenges of the organic farming refers to the creation of the premises necessary for the harmonisation of the certification, which allows for a homogenisation of the product market (otherwise said, the product needs to have a “bio-identical” quality, without making any distinction according to the country of origin).

From this point of view, one is witnessing a fundamental change in the perspective of the European legislator, the principle of equivalence that was consecrated by the previous norms (under the rule of Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products) being replaced, as of 1st January 2021, by the principle of conformity with the unique set of norms of the EU.

Taking into consideration the current legal framework, if one is to refer to the principle of equivalence, for an imported product to be sold as an organic one, it has to comply with equivalent standards as those of European provenience. To ensure this, there are various procedures (according to the origin of the product) that the importers have to comply with when they intend to market a product as being an organic one.

According to Regulation (EC) No. 834/2007 in force at the moment, the products that are imported from a third country can be introduced on the EU market as organic products if they are the subject of a certificate of inspection issued by the competent authorities, i.e. either by the control authorities or the control bodies of a acknowledged third country, or by an acknowledged control authority or a control body acknowledged by the Commission.

For example, for products which originated in Argentina, Australia, Canada, Chile, Costa Rica, India, Israel, Japan, Tunisia, Republic of Korea, New Zealand, Switzerland and United States of America (which are recognised as “equivalent” countries), inspection and certification are carried out by the national authorities<sup>25</sup>. The explanation resides in the fact that the national standards and measures of certification and control are considered equivalent to those existing in the EU member states. These imports from countries having “equivalence” agreements with the EU will remain in place until 31st December 2025. The list of third countries whose system of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No. 834/2007 can be found in Annex III to Commission Regulation (EC) No. 1235/2008<sup>26</sup>.

For products which originate in third countries, other than “equivalent” countries, the inspection and certification of the organic are the responsibility of “those control bodies or authorities” nominated by the Commission, according to Annex IV of Regulation (EC) No. 1235/2008. One

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<sup>25</sup> For more details about importing organic produce, see [[https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/trade\\_en](https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/trade_en)], 2 July .2019

<sup>26</sup> The Annex III with the list of third countries whose system of production and control measures for organic production of agricultural products are recognised as equivalent is available at [<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008R1235>], 2 July 2019.

can, therefore, notice that, theoretically at least, it is possible for the producers of the same product, from a country that does not have any equivalence agreements signed with the EU, to be subjected to different standards, given that the certification bodies establish their own set of norms.

Once the new Regulation on the organic farming enters into force, the equivalence regime shall be gradually replaced, between 2021 and 2023, by a regime in which the ecologic standards and the control systems of the control bodies will have to comply with the EU norms. As such, the unique set of norms for the organic farming is going to replace the current mixture of different standards, which are considered equivalent and which currently apply to the imported organic food products. Undeniably, the effects of this legislative reversal shall be notable since, on the one hand, they create the premises for a fair competition among all producers, and, on the other hand, they impose a certain quality standard for the similar product.

► At the same time, the Regulation sets procedural norms of certification that are simplified and less dense, in order to reduce the inspection and certification costs and the associated administrative burdens, strengthen local networks, contribute to better market outlets and ensure a level playing field with operators in third countries (paragraph 85 of the preamble to the Regulation).

Undoubtedly, organic certification is a process that implies certain costs, which, for the small farmers can sometimes become prohibitive. To make sure that they have non-discriminatory access to the organic certification, the Regulation develops specific procedures for group certification, leading this way to the reduction of costs per farmer and to the ease of adhering to the organic system.

Group certification implies that a certain number of small farmers can get organised and be certified as a single entity. The establishment of a farmer group has to be a voluntary process and, irrespective of the form of organisation set by the members of the group, it needs to have legal personality, which leads to the conclusion that the group might be represented by an association, a company or by any other form of association.

The criteria referring to the potential members of the group might be different, taking into account, for instance: the size of the land owned, the form of ownership, the form of administration, the localisation of the land, the spreading of the area and its geographical proximity, the type of

crop, etc. According to art. 36, paragraph 1 of the Regulation, the group shall only be composed of members whose production activities take place in geographical proximity to each other and who set up a joint marketing system for the products produced by the group.

At the same time, the Regulation also sets certain limits, as the group can only be formed by those members “of which the individual certification cost represents more than 2 % of each member’s turnover or standard output of organic production and whose annual turnover of organic production is not more than EUR 25 000 or whose standard output of organic production is not more than EUR 15 000 per year” or “who have each holdings of maximum five hectares, 0,5 hectares, in the case of greenhouses, or 15 hectares, exclusively in the case of permanent grassland” (art. 36 paragraph 1 letter b) of the Regulation).

The Regulation establishes as well restrictions, such as, for instance, for the members of the farmer group which are not entitled to obtain an individual certificate for any of the activities covered by the certification of the group of operators to which they belong. In other words, the farmers which are the beneficiaries of this certificate will be able to sell their certified products only through the group itself<sup>27</sup>.

Obviously, the group certification also implies certain risks as the Regulation establishes *expressis verbis* that the competent authorities can withdraw the organic certificate if they find deficiencies in the internal control system of the group, imputable to one of its members, in particular as regards failures to detect or address non-compliance by individual members of the group of operators, which affect the integrity of organic and in-conversion products.

► Today the standard procedure foresees annual controls at the level of the EU member states. The new norms comply with this rule, with one exception applicable to the consecrated organic farmers for which the previous controls have not revealed any non-compliance affecting the integrity of organic or in-conversion products during at least three consecutive years. In this case, the national authorities can decide to subject them to control only once every two years (art. 38 paragraph 3 of the Regulation).

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<sup>27</sup> Also see, \*\*\*, The new EU organic regulation: what will change?, available at [<https://www.ifoam-eu.org/en/news/2018/06/15/new-eu-organic-regulation-what-will-change>], 3 July 2019.

► Just like the current rule, the Regulation shall allow for the labelling of a product as an organic one if at least 95% of the agricultural ingredients are organic. The new norms of organic farming do not introduce any changes in what concerns the prohibition to use unauthorised substances, such as pesticides, and they set the precautionary measures that have to be taken in order to reduce the risk of accidental “contamination” with the pesticides used in the conventional crops located near the organic ones.

## Conclusions

The *Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018* on organic production and labelling of organic products will definitely have a major impact on the future of the organic agriculture influencing the entire chain of activity beginning with the farmers, continuing with the processors, intermediaries such as: traders, retailers, certifiers, and finishing with researchers and consumers.

Throughout all this research paper making a brief overview on the main changes that can be expected in the near future, we have tried to bring to the light the possible opportunities that can be revealed through the implementation of the new legal EU framework.

In this context we can conclude that there are some measures intended to encourage the certification of new organic products taking into account the fact that now the farmers (even those with limited financial resources and reduced surfaces of land being under the organic management or small animal farmers or even in the case of small processors) can apply for a group certification, leading this way to the reduction of costs per farmer and to the ease of adhering to the organic system through association.

Moreover the new legal provisions represent a set of uniform measures applicable not only for EU farmers but also for those originated from third countries facilitating the recognition and the traceability of the organic food products. The conformity principle which is replacing the principle of equivalence is forcing the suppliers to comply with the same high standards and in the same time ensures the consumers of the fact that those bio products sold within the EU Single Market regardless of their provenience as long as being certified obey the same norms and principles.

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