

Preliminary comments on Title II of the EC Proposal for a new Council regulation on organic production

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Published on www.organic-revision.org, Wednesday, 29 March 2006

Following up on earlier communication with the Commission and the Austrian Presidency of the Council of the European Union, Policy area: Agriculture and Fisheries this is an input from the FP6 Project ORGANIC REVISION (SSPE-CT-2004-502397) to discussions on the EC Proposal for a new Council Regulation on organic production (COM(2005) 671 final, 21.12.2005). The overall objective of ORGANIC REVISION is to provide recommendations for revision and further development of the EU regulation.¹

We have been informed that Title II (Art. 3-6) on the objectives and principles will be discussed at the next meeting and that our input would be welcomed at this stage. Hence, we would like to offer some preliminary comments and recommendations on this part of the Proposal. Please note, however, that the project will deliver finalised inputs at a later stage with more extensive recommendations, where the present recommendations may be adjusted. In particular, Deliverable 2.3 "*Report on the procedure for balancing and integrating basic ethical values and value differences in the development of organic regulations and standards, with examples from case studies*" will include recommendations on how to handle overall objectives and principles in the regulation.² The case studies on the interplay and compromises between different basic organic farming values, public interests, and technical and economic concerns in three contested areas will also be relevant to other parts of the regulation: localness and trade (Art. 3-6, 8, 9, 11, 17-20, 22, 24, 27), intensification (Art. 3-5, 8, 9, 11, 13 17-20, 24) and (in-)dependency and inputs (Art. 8, 9, 11, 13, 16).

The basis for our comments is primarily two results from our project:

- The result of Task 2.1 on identifying basic ethical values, which has been undertaken in cooperation with IFOAM. This task involved a comprehensive, 1½ year long stakeholder consultation process, and resulted in a set of four '*Principles of Organic Agriculture*' (POA) and related articles.³

¹ For more information on the Organic Revision project, please see <http://www.organic-revision.org>.

² In preparation for this work, the article "What makes organic agriculture move - protest, meaning or market? A polyocular approach to the direction(s) of organic agriculture" (H.F. Alrøe and E. Noe) has been submitted for publication in IJARGE special issue on "Continuity and change in organic farming – philosophy, practice and policy" (Guest editors: I. Darnhofer, M. Schermer and W. Schneeberger).

³ See Alrøe, H.F.; Schmid, O. and Padel, S. (2005) Ethical principles and the revision of organic rules. *The Organic Standard* 51: 8-11, online at <http://orgprints.org/7846>. The Principles of Organic Agriculture (POA) is available online from <http://www.organic-revision.org>. See also Alrøe, H.F. and Kristensen, E.S. (2004) Why have basic principles for organic agriculture? And what kind of principles should they be? *Ecology & Farming* No. 36: 27-30, online at <http://orgprints.org/2538>; and Alrøe, H.F.; Byrne, J. and Glover, L. (2006) Ecological justice and organic agriculture: ethics and practice. Pp. 75-112 in Halberg, N., H.F. Alrøe, M.T. Knudsen and E.S. Kristensen (eds.) *Global Development of Organic Agriculture: Challenges and Prospects*. CABI Publishers. Postprint online at http://ecowiki.org/uploads/GlobalPerspective/Chapter_3.pdf.

- Project Deliverable 2.1, Report on results of empirical inquiry on current organic values among selected stakeholders (D2.1).⁴ This report is based on 25 focus groups with 182 participants in five European countries involving established and converting organic producers, researchers, staff of organic organisations, policy makers and students, and includes comparison of the results with a similar study on consumer values.⁵

General comments and recommendations

First of all, we welcome the proposed new hierarchical structure of the Regulation, which includes overall objectives and principles as a basis for the production rules, with a view to transparency and simplification (Proposal ‘Whereas’, points 4, 5). The overall objectives and principles may ensure coherence in the regulation, contribute to transparency and consumer confidence and provide governance for the organic sector in support of self-regulation.⁶ In particular they may play an important role in relation to flexibility (Art. 16).

If the overall objectives and principles are to fulfil these purposes, it is essential they are accepted by the organic actors as an expression of the basic values and meaning on which organic agriculture is based. In particular, this is important for the role of the objectives and principles in guidance and governance as a means to simplification of the regulation. To ensure this and to support the coherence of the suggested hierarchical structure, we strongly recommend that a consultation process with stakeholders and researchers on this part of the Proposal is undertaken before the regulation is finalised. Furthermore, in line with the Codex Alimentarius guidelines (5.1.c), we recommend that such consultation processes are incorporated into the procedure for future revisions of the overall objectives and principles in the regulation.

To substantiate the need for a consultation process, we will give some comments on the content of Articles 3-6 below. However, we do not consider these comments as a substitute for a proper consultation process.

In order to support the communication and understanding of the overall objectives and principles, it is important that their meaning and purpose is made clear. In particular there is a potential confusion between the use of ‘principle’ in a judicial and an ethical sense. In the Proposal, we understand ‘objectives’ that ‘shall be pursued’ to be similar to ethical principles in their function as guidance and governance, and ‘principles’ that ‘shall’ to be more judicial. For the sake of clarity, we will in the following refrain from commenting on this structure, and simply attempt to direct our comments into it. However, it should be noted that our work does not support this structure, since ethical principles are generally considered to be on the same level as or above the level of objectives in recent formulations of the basic values of organic agriculture.⁷ Whether this structure is changed or not, we recommend that the terms used, here ‘objectives’ and ‘principles’, are added to the definitions (Art. 2). As further support for communication and understanding, we suggest that the purpose of the overall objectives and principles that is stated under ‘Whereas’ (4, 5) and in the Explanatory memorandum (17), is added in the regulation itself.

⁴ Padel, S. (2005) *D21: Focus groups of value concepts of organic producers and other stakeholders*. Organic Revision. Univ. of Wales, Aberystwyth. Available online at <http://www.organic-revision.org/values/D21.html>.

⁵ Zanolli, R. (Ed.) (2004) *The European Consumer and Organic Food*, Aberystwyth, School of Management and Business, University of Wales.

⁶ E.g., Michelsen, J. (2001) Organic farming in a regulatory perspective. *Sociologia Ruralis* 41(1): 68-69. The value-driven nature of organic agriculture is substantiated in D 2.1, which concludes that more responsibility could be given to organic operators to demonstrate how the basic principles are translated into practice.

⁷ See e.g. Alrøe et al. (2005) and Alrøe and Kristensen (2004), previously cited, and POA, Preamble.

Comments and recommendations referring to Title II

Title II, "Objectives and principles for organic production", covers organic farm production methods as well as further processing, packaging and labelling of products (Art. 2.a). In accordance with the principle of fairness (POA) and D 2.1 we recommend that the scope is extended to the whole food chain including trade and marketing.

Comments and recommendations referring to Article 3, Objectives

We here take the 'objectives' in the Proposal as comparable in their form and function to the 'basic ethical values' in our project description and the 'principles' in POA. In summary, Article 3.a states that the organic production system should be based on methods that minimise the negative effects on the environment, preserve natural resources and promote bio-diversity and animal welfare. These objectives appear well in line with the values identified in our research (POA, principles of ecology and fairness; D2.1).

The social objectives of organic agriculture do not feature as clearly in Article 3. Economic viability and consumer demand are mentioned, while 'Whereas' (1) also refers the societal role of organic production in delivering public goods and in rural development. This role is also supported by relevant EU policy documents.⁸ The results of the Organic Revision project support the recommendation that social objectives are included more clearly: The principle of fairness (POA) includes clear social objectives that aim to provide everyone involved with a good quality of life,⁹ and in D2.1 the aim for fairness in the whole food chain is considered an important value by organic producers and other stakeholders across the countries studied.

Based on a range of sources, we further find it important to state clearly that organic production management systems aim to emulate ecological systems and cycles and to promote and enhance the health of the agro-ecosystem including the current and future health of soils, plants, animals, humans and the environment, based on a systems perspective (Codex Alimentarius 2004, p. 2-3; POA, principles of health and ecology; D2.1).

The objective of producing products of high quality is important to various stakeholders and organic operators, not only farmers (POA, principles of health and fairness; D2.1). This could be covered for example by re-formulating Art. 5.b in a more general way as an objective to be included in Art. 3.

The association of 'consumer demand' only with 'production by use of natural processes' in Art. 3.b is not supported by research. There are many other reasons for consumers to buy organic products than their 'naturalness'. For instance they believe it is better for their health and the environment.¹⁰

Comments and recommendations referring to Article 4, Overall principles

For the objectives and principles to function as intended in the regulation it is important to ensure coherence. We therefore recommend that the Overall principles in Article 4 are re-assessed in

⁸ EC (2004) *European Action Plan for Organic Food and Farming*. European Commission, Brussels. EC (2006) *The benefits of organic farming on rural development*. DG Agriculture Website, Organic Farming, http://europa.eu.int/comm/agriculture/qual/organic/ben/index_en.htm.

⁹ The principle of fairness refers to 'ecological justice', which is treated in detail in Alrøe et al. (2006), prev. cited.

¹⁰ See for example Zanolli (2004), prev. cited.

light of any changes to the Objectives in Article 3, and our comments to Article 4 is given with the further reservation that we don't know the whether changes will be made to Article 3.

The principles stated here focus on the use of inputs in organic production, which is indeed an area of high importance. We believe, however, that the use of inputs in organic production should be regulated in such a way that it relates to the systems character of organic production referred to above. Codex Alimentarius (2004, p. 2) emphasizes the use of management practices in preference to the use of off-farm inputs,¹¹ taking into account that regional conditions require locally adapted systems. The importance of using the system's own resources, recycling and closing nutrient cycles is recognised in the Proposal with respect to farming, for example through minimising off-farm inputs (Art. 5.c) and the use of prevention to maintain crop and animal health (Art. 5.g). However, we consider these principles to be of relevance to other operators as well. In organic processing craftsmanship can often reduce the need for a range of additives and non-agricultural ingredients.¹² In warehousing, preventive techniques such as store hygiene and moving the goods regularly should be used in preference to any cleaning agents or fumigants. All organic operators should in the first instance use the system's own resources, and need to engage with prevention and precaution because the limited number of inputs permitted in organic production (and in some cases their low efficacy) leaves fewer options for corrective action. From our understanding recycling, prevention and precaution are all related to this systems-based principle of decision-making in organic systems. In the focus groups, experienced producers refer to this as an important new skill that they have to learn during conversion (D2.1). We therefore recommend that the reliance on (eco-)system management, internal resources, recycling, prevention and precaution should be stated as part of the overall principles of organic production. A statement about the non-use of GMOs in organic systems (Art. 4.c) is of high importance, but we believe that not using GMO in organic systems is part of a wider concern of precaution.

We have further observed that some chosen formulations are unclear, such as the way production methods and input materials are brought together in Art. 4.a. The use of the term 'commercially available' in Art. 4.b raises the question how it is determined whether or not an input is commercially available. The 'common concept of organic production' in Art. 4.d is not defined, and we recommend that a reference is made to the Objectives in Article 3 instead.

Concluding comments

We will not attempt here to give any comments on the more specific principles in Articles 5-6, since the hierarchical structure implies that such comments would depend on any changes that are made in Article 3-4, and we have recommended several changes that have implications for the scope and content of the specific principles.

As we said above, we consider these recommendations on the content of Title II (Art 3-6) as a substantiation of our recommendation for a consultation process on this part of the Proposal, not as a substitute for such a process.

¹¹ See also e.g., Lampkin et al. (1999) *The policy and regulatory environment for organic farming in Europe*. Organic Farming in Europe, Vol. 1. Stuttgart: Universität Hohenheim.

¹² Schmid, O., Beck, A., Kretzschmar, U. (Eds.) (2004): *Underlying principles in Organic and „Low- Input“ Food Processing – Literature Survey*. Report EU Project Quality Low Input Food <http://www.qlif.org>.