

# Info-Service I/2016

Dear Readers,

*It is our intention to use this Info-Service to keep you informed regarding alterations in the legal foundations for organic farming and its control system.*

*Please be aware that in case of doubt it is always the official legal text which applies and the Info-Service cannot provide any legally binding information. Our offices are happy to help should you have any further questions.*

## The Organic Farming Regulation and the Revision Process

The revision process of the European Organic Farming Regulation has engaged the industry and its protagonists. In the meantime what is known as the Trilog was started. In this connection the commission is supposed to mediate in small groups between the drafts from the parliament and the council. In actual fact the parliament and the council are to a great extent in agreement and the commission is seeking in the Trilog to push its ideas through undiminished. Whether the Trilog can still conclude the important framework principals under the Dutch presidency of the Council is in the meantime very unlikely.

Given the background that the entire revision process is exclusively an initiative of the Commission, the many resources in funding and manpower which have been invested since two years in the rejection of this initiative is particularly painful. Had the Commission used these means to further develop Organic Farming, then we would have advanced a good distance further.

An expert's statement regarding the presence of impermissible substances was prepared on behalf of the BNN (The Association of Organic Processors, Wholesalers and Retailers) by Günter Lach and Martin Rombach, both members of the Research Advisory Committee of the BNN. You can find the study using the following link at the BNN site: [http://n-bnn.de/sites/default/dateien/bilder/Downloads/Argumentationspapier\\_Anwesenheit\\_unerlaubter\\_Stoffe\\_GLMR.pdf](http://n-bnn.de/sites/default/dateien/bilder/Downloads/Argumentationspapier_Anwesenheit_unerlaubter_Stoffe_GLMR.pdf)

## New Regulations and Controls

At the latest by the 30th June 2015, all marketing authorisations will have lost their validity. From that date there are only two procedures remaining for the imports from third countries:

1. Third Country List: The country, from which the product should be imported, is found on the Third

Country List, Appendix III of EC Regulation 1235/2008 and complies with the requirements cited there (i.a. product group, control body). This list is updated regularly.

2. Control Body List: The exporting country and/or the product category are not named in the Third Country List and the goods were certified from a control body which is listed in Appendix IV of the EC Regulation 1235/2008. At the same time attention is to be paid to the requirements listed there (country, origin, product category, etc.).

In both cases the goods must be imported without alteration with an inspection certificate stamped by the customs authority. Thus in the future also, there will only be third country imports with inspection certificates and special customs procedures. The lone exceptions here remain Switzerland, Liechtenstein and Norway as partner third countries.

### New Change Directives for Import

The list of authorised control bodies has been updated in Appendix IV of Regulation 1235/2008 by the regulations 931/2015, 1980/2016 and 459/2016. A consolidated edition of the Regulation 1235/2008 can be found on our homepage as well as on the website of the Federal Office for Agriculture and Food: [http://www.ble.de/DE/02\\_Kontrolle/08\\_Oekolan/dbau/importverfahren\\_node.html](http://www.ble.de/DE/02_Kontrolle/08_Oekolan/dbau/importverfahren_node.html)

**Deletion of Control Bodies from Appendix IV:** By Change Directive 931/2015 and 1980/2016 the Control Bodies: Ekolojik Tarim Kontrol Organizasyonu, Austria Bio Garantie, IMO Institut für Marktökologie, SGS Austria Controll-Co. GmbH, Afrisco Certified Organic and Doalnara Certified Organic Korea have been deleted from Appendix IV. As a consequence import in accordance with the Control Body List is no longer possible with control permits from these control bodies. Newly registered in Appendix IV are the control bodies: Bureau Veritas Certification France SAS, Mayacert, ORSER, Overseas Merchandising Inspection Co. and Quality Partner.

**Modification of the Third Country List for Canada:** By Change Directive 459/2016 Canada has also been recognised as of equal value for imported ingredients. The products imported into the EC must no longer - as up until now - be produced exclusively in Canada. In addition the equivalency recognition was extended to include organic wine.

### Modifications to Appendix VIII of the EC Organic Farming Regulation 889/2008

By Change Directive 673/2016 of 29th April 2016 modifications to Appendix VIII (List of permissible additive and processing accessory agents) were carried out.

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New additives: Newly incorporated in Appendix VIII Paragraph A were the additives E 901 (Beeswax) and E 903 (Carnauba wax), in any case limited to use as a glazing agent for confectionery products and exclusively from organic beeswax or respectively organic raw materials. In addition E 418 (Gellan gum) was incorporated as well as E 968 (Erythritol), the latter only from organic production. Please take note that the sweetener Xylit (also Xylitol) E 967, without modification, is not listed in Appendix VIII and therefore must not be employed for organic products!

Modified Application Conditions for Additives: For some additives the application conditions were expanded. For Lecithin from 01/01/2019 the condition that it must be obtained from organic raw materials shall apply!

New Processing Accessory Agents: Ascorbic acid / vinegar from organic production, thiamine hydrochloride, diammonium phosphate and wood fibres were newly incorporated into Appendix VIII Paragraph B. The processing accessory agent kaolin was deleted.

Modified Application Conditions for Processing Accessory Agents: For some processing accessory agents the application conditions were expanded. An important change took place in the section for release agents: vegetable oil as well as beeswax and carnauba wax from the 07/11/2016 must originate from organic beekeeping or respectively from organic raw materials. From this date therefore no conventional release agents may be employed.!

## **Guidelines for Importation of Particular Products from East European and Central Asian Countries**

The Commission has issued guidelines for importing for certain East European and Central Asian countries (all of the countries of the former CIS). The guidelines are aimed at the responsible authorities of the member states and are themselves not compulsory. Individual countries have now declared these guidelines or parts thereof in various forms as compulsory. We have informed separately those importers who are registered with us.

You may find the original text of the guidelines on our homepage [www.pruefverein.de/Aktuelles](http://www.pruefverein.de/Aktuelles). Should you as an importer wish to import organic products with these individually named CN-Codes from one of these named countries, then please arrange that well in advance with the Prüfverein. Since the implementation, even within Germany, is entirely irregular, then together with the responsible state authority we will see to the specific instructions for implementation.

With these guidelines the Commission has enforced

the transformation, for the countries named, of process control into end product control. Since the Commission no longer considers the controls in the named countries to be sufficient, strict import controls with random sampling and analysis must guarantee at least the "residue free" condition of the product. To what a degree "residue free" is an illusion you can check for yourself in the above-cited study from Lach and Rombach. It is much more in the interest of the consumer to improve the control process in third countries, rather than mislead the consumer with a product that is supposedly free of residues.

## **Importing of Organically Produced Micro-Algae from Third Countries**

Until now there has not been any implementation regulations in EC law for micro-algae, rather merely accepted private standards, e.g. from organic associations. As a consequence the EC Organic Logo cannot be used in the labelling. With the Change Directive 673/2016 it was established that the detailed production regulations for marine algae will in future also apply equally to micro-algae. Thus from the 7th May 2017 micro-algae must be certified in accordance with the EC Organic Regulations and can thereby show the EC Organic Logo in their labelling. Their importing takes place analogously to other organic products.

## **Registering of Imports Prior to Customs Clearance**

We want to remind you once more that all imports from third countries (excepting Switzerland and Norway) must without exception be registered with the control body prior to customs clearance. For this, as a rule, it is sufficient when you send the Prüfverein the first page of the control permit via fax or email.

## **The Use of Nitrate-rich Vegetable Concentrate in Meat and Sausage Products Not Permissible!**

Employing nitrate-rich vegetable concentrates in order to enhance the reddening of ham- and sausage-products was already controversial in the past, however it was promoted in particular by the Bioland grower's association in order to avoid the use of nitrite curing salt. It was questionable whether the organic vegetable concentrate should be classified as an agricultural ingredient (and thereby permissible for organic products) or an additive subject to authorisation on the basis of its technological effect.

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Now the Federal Administrative Court (BVerwG) on 10/12/2015 has ruled that nitrate-rich vegetable concentrate (e.g. red-beet juice), which are used in the manufacture of meat and sausage products, among other things for colour development (reddening) and as an anti-oxidant, are to be classified as food additives subject to authorization in the sense of EC Regulation No. 1333/2008. Thereby also organic vegetable extract cannot be employed for the purpose of colour development (reddening), because there is no authorization for it as a food additive. According to the binding decision of the court the vegetable concentrates are neither a substance which is normally consumed as food, nor a typical ingredient for meat products. Thereby vegetable concentrates are not excepted from the application area of food additive regulations. They are added to meat for colour stabilization and as a protection against the harmful effects of oxidation (becoming rancid) therefore used on technological grounds. Thereby it remains to emphasize that vegetable concentrate is currently not authorized as a food additive and therefore may not be used either in organic or in conventional quality in meat and sausage products.

The complete decision of the Federal Administrative Court can be seen at the following link : [http://www.kostenlose-urteile.de/BVerwG\\_BVerwG-3-C-714\\_Nitratreiche-Gemuesekonzentrate-sind-als-zulassungspflichtige-Lebensmittelzusatzstoffe-einzustufen.news21990.htm](http://www.kostenlose-urteile.de/BVerwG_BVerwG-3-C-714_Nitratreiche-Gemuesekonzentrate-sind-als-zulassungspflichtige-Lebensmittelzusatzstoffe-einzustufen.news21990.htm)

## Export Permit Fees

Ever more countries are requiring customs permits for importing organic products from the European Community, quite like the similar permits we ourselves are familiar with for importing organic products here. Upon request the Prüfverein will issue these documents. In so doing supporting documents as evidence are frequently required and checked. Since the time and effort for this has increased significantly the fee for this service must be raised. From the 1st July 2016 a minimum lump-sum fee of 45.00 Euro plus VAT will be charged. In the case of extra checking and work on documents an hourly charge can also be invoiced.

## Monitoring Costs from the Federal States of Lower Saxony and North Rhein-Westphalia

The federal states of Lower Saxony and North Rhein-Westphalia have for several years levied charges for monitoring the control bodies. The state authorities interpret that as accompanying the

inspections of the control bodies. We offset these external costs for operations in the respective federal state, so that by observing the principle of truth and transparency in costs businesses in other federal states are not burdened with these charges. For NRW the additional fee this year works out to 7.34 Euro per business (in 2015 it was 19.06 Euro), and for Lower Saxony it works out to 41.09 Euro (in 2015 it was 15.80). Upon request we shall make available for our businesses the calculation as well as all the fee invoices from the state and the associations. We regret that the monitoring costs in Lower Saxony have risen in such a fashion. We are expecting that in 2017 they will again turn out to be lower.

With that the trend unfortunately continues to encumber the control bodies with more and more external costs. For example through the forced change for the control bodies to the national accreditation bodies the accreditation costs have more than tripled. The control bodies must pass these costs on to the businesses being inspected. The control process itself is not improved in any way by this.

## Prüfverein Internal News

### Personnel Changes

The office is delighted with the boost to its staff. Since the beginning of March 2016 our new colleague, Mrs. Stefanie Freytag, has taken up her job as specialist consultant, while Mrs. Anna Jost has been on maternity leave since the end of February 2016. Mrs. Freytag studied Nutritional Science at the Justus-Liebig University Gießen and has experience in the food industry, particularly in the field of quality management. We are looking forward to a productive collaboration based on trust.

### Obituary: Fritz Sattler

On the 4th March 2016, the founder and for many years the chairman of the Prüfverein, Friedrich (Fritz) Sattler passed away at the age of 89. He was a pioneer of organic-dynamic agriculture and a inspirational member of the many national and international Demeter organizations. His services to Demeter farming can in no way be overestimated. In 1992 he was one of the founding members of the Prüfverein and was, as chairman, for many years an active participant in the development of the Prüfverein. At the membership meetings he emphasised again and again how this position was for him the easiest and most enjoyable of all his offices. This praise we are pleased to reflect back to him and the staff of the Prüfverein will always retain grateful memories of him.

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## Hacker Attack on the Homepage

Even the Prüfverein homepage is not safe from repeated attacks by internet criminals. We regularly check the pages and content, carry out updates and put security procedures in place. In spite of that, it can be that with particular browsers (above all Windows Internet Explorer) that when visiting our site you might be given a virus warning. Up until now we have not been able to locate the cause of this warning notice. We recommend in this case to open our homepage with another browser, e.g. Mozilla Firefox.

## Internet

### EC Organic Regulation

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The original text of each regulation can be read separately by means of our list of internet site resources.

Portal for EC Legislation: EUR-Lex

<http://eur-lex.europa.eu/de/index.htm>

Federal Ministry for Agriculture / Bundesministerium für Ernährung und Landwirtschaft (BMEL)

[http://www.bmel.de/DE/Landwirtschaft/Nachhaltige-Landnutzung/Oekolandbau/oekolandbau\\_node.html](http://www.bmel.de/DE/Landwirtschaft/Nachhaltige-Landnutzung/Oekolandbau/oekolandbau_node.html)

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### Other

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National index of all controlled organic businesses in Germany and Luxembourg along with the permits to be printed out.

[www.oeko-kontrollstellen.de](http://www.oeko-kontrollstellen.de)

BioC-Databank: Index of controlled organic farming businesses also AT and GB.

[www.bioC.info](http://www.bioC.info)

Organic farming portal with extensive information for all processing areas.

[www.oekolandbau.de](http://www.oekolandbau.de)

The Bio-Siegel is the protected logo for organic foods

[www.bio-siegel.de](http://www.bio-siegel.de)

Association of Organic Food Businesses

[www.boelw.de](http://www.boelw.de)

Information on the subject of GM technology

[www.transgen.de](http://www.transgen.de)

### **IMPRINT**

#### **Prüfverein Verarbeitung**

#### **ökologische Landbauprodukte e.V.**

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