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Imported Organic products "equivalent" to European standards: the Trojan horse of the new European regulation on organic production

Under the guise of wanting to impose stricter rules on organic farming in the European Union, the European Commission has strengthened the principle of equivalence in the new European regulation on the production and labeling of organic products, which will create distortion between European producers and third-party producers and deny the European consumer the right to make an informed choice.

As early as 2009, under the European Regulation on Organic Production and Labeling of Organic Products (EU 834/2007), the EU has authorized two regimes for third-country imports of organic products: the import regime for "compliant" products and the import regime for products presenting "equivalent" guarantees.

On the basis of a simple exchange of letters, the Commission allowed the import of organic products presenting equivalent guarantees from 14 third countries, using the same organic green leaf logo as European organic products as allowed under regulation on the organic production logo of the European Union (EU 271/2010).

Furthermore, according to a report from the Commission to Parliament and the Council published in 2012, the compliance regime, yet enacted in the 2007 Regulation, was never activated to allow time for the equivalence regime to develop and given that consumers are in any case unable to distinguish the compliant product from the equivalent product.

For novices, "compliant" products must meet very strict specifications established at Union level, which European producers must respect. The specifications define precisely the rules of production and the means allowed for fighting against pests, thereby permitting to certify a production as organic.

The European system of specifications for organic production is today the strictest in the world.

"Equivalent" products, for their part, meet specifications established in third countries, whose norms are often laxer, and are controlled by third country authorities and control bodies recognized by the European Commission.

In the context of the alignment of the 2007 regulation with the Lisbon Treaty, a new article appears in the chapter on trade with third countries: "equivalence under a trade agreement".

Thus, organic products imported into the EU must comply with EU standards, except in the case of equivalence agreements through which the European Commission considers imported organic products under third countries' standards as organic according to European standards.

To date, Chile is the first country to have signed an equivalence agreement in 2017: another 12 third countries are expected to sign an equivalence agreement soon, and another 17 are under negotiation.

Yet, Commission audit reports point out that there have been a number of serious anomalies in terms of controls, traceability and certification in some third countries that have exported products displaying the European organic logo to the EU market.

Since an institutional agreement was found on this file in December last year, European officials, journalists, and trade federations whose duty is the defense of the interests of the organic sector have been claiming, wrongly, that the new regulation will reinforce controls on imports from third countries and that the "equivalence agreements" will be abolished within 5 years after the entry into force of the new regulation.

The trade agreement on organic products signed between the EU and Chile is nonetheless quite clear and explicit:

"Each Party shall recognize the control authorities or control bodies indicated by the other Party as being responsible for carrying out the necessary controls with regard to the organic products covered by the recognition of equivalence"

"This Agreement is concluded for an initial period of three years. It shall be renewed for an indefinite period unless the Union or Chile notifies the other Party of its objection to this renewal before the expiry of the initial period."

The new regulation, which will come into force in 2021, instead of ensuring stricter rules governing organic production and the use of the organic label, will facilitate the development of organic imports at all costs and at low cost.

The strict compliance of all organic products, both European and imported, would have been the only regime capable of ensuring fair competition between European producers and third country producers, with quality products meeting strict standards at the level of expectations of European consumers.