

Modtaget via elektronisk post. Der tages forbehold for evt. fejl

Europaudvalget
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landbrugsministerråd
(Offentligt)

Medlemmerne af Folketingets Europaudvalg

og deres stedfortrædere

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Til underretning for Folketingets Europaudvalg vedlægges Fødevarerministeriets grundnotat om forslag til Kommissionens forordning om ændring af bilag III i Rådets forordning (EØF) Nr. 2092/91 af 24. juni 1991 om økologisk produktionsmetode for landbrugsprodukter og om anvendelse heraf på landbrugsprodukter og levnedsmidler, dokument AGRI/52004/01.

Grundnotat til Folketingets Europaudvalg

om forslag til Kommissionens forordning om ændring af bilag III i Rådets forordning (EØF) Nr. 2092/91 af 24. juni 1991 om økologisk produktionsmetode for landbrugsprodukter og om anvendelse heraf på landbrugsprodukter og levnedsmidler.

Dokument AGRI/52004/01

Resumé

Kommissionen foreslår en række skærpede kontrolforanstaltninger i relation til dels den økologiske jordbrugsproduktion, dels den videre forarbejdning og forhandling af økologiske fødevarer. Der foreslås bl.a. skærpede krav til

dokumentation af mængdebalancer og regnskabsdata,

parallelavl af økologiske og ikke-økologiske afgrøder,

lønarbejde,

transport af mælk, æg og ægprodukter, samt

forholdsregler ved mistanke om overtrædelser af økologireglerne

Forslaget berører ikke beskyttelsesniveauet.

Baggrund

Kommissionen har den 13. juni 2001 fremsendt forslag til Kommissionens forordning om ændring af bilag III i Rådets forordning (EØF) Nr. 2092/91 af 24. juni 1991 om økologisk produktionsmetode for landbrugsprodukter og om anvendelse heraf på landbrugsprodukter og levnedsmidler.

Forslaget er fremsat med hjemmel i Rådets forordning nr. 2092/91 af 24. juni 1991 om økologisk produktionsmetode for landbrugsprodukter og om angivelse heraf på landbrugsprodukter og levnedsmidler (herefter "økologiforordningen"), særligt artikel 13, anden tankestreg. Økologiforordningen er senest ændret ved Kommissionens forordning (EF) Nr. 436/2001 af 2. marts 2001.

Forslaget behandles i en III a-procedure i Den Stående Komité for Økologisk Landbrug. Hvis der er kvalificeret flertal, udsteder Kommissionen forordningen. Opnås der ikke kvalificeret flertal, forelægger Kommissionen sagen for Rådet, der kan vedtage forslaget uændret med kvalificeret flertal eller ændre det med enstemmighed. Handler Rådet ikke inden en frist på højst tre måneder, kan Kommissionen udstede forordning en.

Nærheds- og proportionalitetsprincippet

Der redegøres ikke for nærheds- og proportionalitetsprincippet, da der er tale om gennemførelsesbestemmelser til en allerede vedtaget retsakt.

Formål og indhold

Der er med det foreliggende forslag tale om mange fortrinsvis små ændringer af forordningens bilag III. Det er hensigten at foretage en større ændring af bilag III, når denne ændring er færdigforhandlet.

Bilag III omhandler minimumsbetingelser for kontrolforanstaltninger. Bilaget er delt op i del A for primærproducenter, del B for virksomheder, der tilbereder fødevarer, og del C for importører af produkter og fødevarer fra tredjelande.

I del A, B og C foreslås mindre ændringer til de fleste punkter samt enkelte ændringer omtalt nedennævnt, som skønnes at kunne have større betydning.

I punkt A foreslås, at reglerne for parallelavl skærpes, således at der kun kan dyrkes samme afgrøde på en økologisk og en ikke-økologisk mark, hvis der anvendes forskellige sorter, der let kan kendes fra hinanden.

Det foreslås videre, at kravet ved transport af produkter direkte mellem to økologiske jordbrugere skal skærpes, således at produkterne enten skal transporteres i lukkede containere eller lignende, eller alternativt skal jordbrugerne orientere kontrolorganet, inden varen transporteres.

I punkt B foreslås under punktet om regnskabsdokumentation, at produktionsflowet skal sikre, at partier, der forlader enheder, så præcist som teknisk muligt skal kunne spores tilbage til de partier, de er tilberedt ud fra. Regnskabsdata skal dokumenteres med relevante bilag, og regnskabet skal demonstrere massebalancen mellem indgående og udgående mængder.

Under punkt 4 om kontrolbesøg foreslås tilføjes, at kontrolorganer eller myndigheder skal foretage uanmeldt inspektion især på virksomheder, hvor der forekommer forøget risiko for svindel eller udveksling med ikke-økologiske produkter.

Der foreslås, at produkter, der forlader virksomheden, udover de allerede nævnt oplysninger skal være mærket med lotidentifikationsmærke, som kan henføres til regnskabet. Lotidentifikationsmærkningen skal være aftalt med kontrolorganet/myndigheden.

Det foreslås endvidere, at økologisk mælk, æg og ægprodukter skal indsamles uafhængigt af ikke-økologiske produkter. Samtidig indsamling må foregå i biler med flere rum, når produktet kommer fra en anden art.

I del C fastsættes krav om, at første modtager af et importparti skal have udarbejdet en økologirapport. Hvis importøren og første modtager er den samme, skal der kun udarbejdes en rapport. Der foreslås også her at regnskabet skal demonstrere massebalancen mellem indgående og udgående mængder.

Der foreslås to nye afsnit D og E:

Del D skal omhandle enheder involveret i produktion, tilberedning eller import af økologiske produkter, som via kontrakt får en tredjepart til at foretage dele eller alle aktuelle operationer. Det slås herved fast, at disse tredjeparter også skal være underlagt økologikontrol.

Del E foreslås at omhandle generelle bestemmelser om minimums kontrolbestemmelser og om produkter, der ikke opfylder forordningens betingelser.

Udtalelser

Europa-Parlamentet skal ikke udtale sig.

Gældende dansk ret

Området er reguleret ved økologiforordningen samt suppleret i bekendtgørelse nr. 761 af 14. august 2000 om økologiske fødevarer m.v. og bekendtgørelse nr. 697 af 16. juli 2000 om økologisk jordbrugsproduktion.

Konsekvenser

Forslaget har ikke lovgivningsmæssige konsekvenser.

Forslaget om, at økologisk mælk, æg og æg-produkter ikke må indhentes samtidig med tilsvarende produkter på ikke-økologisk form, kan betyde dels en fordyrelse af transporten, og dels at der går længere tid mellem indsamlingen af de økologiske produkter i visse egne af landet.

Forslaget om, at kontrolorganer eller myndigheder skal foretage uanmeldt inspektion, især på virksomheder, hvor der forekommer forøget risiko for svindel eller udveksling med ikke-økologiske produkter, kan betyde, at de danske myndigheder skal gennemføre yderligere økologikontrolbesøg, end dem der i dag udføres integreret med kontrolbesøgene i henhold til den almindelige fødevarerlovgivning. De statsfinansielle konsekvenser af denne del af forslaget kan ikke vurderes på det foreliggende grundlag. Forslaget i øvrigt skønnes ikke at have statsfinansielle konsekvenser.

Forslaget indeholder flere krav, som allerede er indført på fødevarerområdet i Danmark og det vil forbedre kontrollen, at disse krav udvides til at gælde for hele EU. Det gælder f.eks. kravet om balanceopgørelser af regnskabet og kontrol af virksomheder, der udfører lønarbejde ("subcontractors").

Forslaget berører ikke beskyttelsesniveauet.

Høring

Fødevedirektoratet sendte et tidligere arbejdsdokument i høring til en række organisationer.

Landbrugsrådet, Mejeriforeningen, Landboforeningerne, Økologisk Landscenter, Landsforeningen Økologisk Jordbrug, Danske Slagterier, Dansk Familie Landbrug og Det Danske Fjerkræråd bemærker i en fælles skrivelse, at organisationerne generelt støtter sporbarhed i produktionen fra jord til bord. De fælles EU bestemmelser vedrørende kontrol bør i højere grad baseres på dokumentation og oplysninger med henblik på mængde (im- og eksport fra en enhed) og ikke sporbarhed ned i de mindste detaljer. Der opfordres til, at der arbejdes med egenkontrolprogrammer, og der henvises til de drøftelser, der har været med Plantedirektoratet omkring elitekontrolordninger. Total sporbarhed for produkter, der handles i løs vægt som korn og mælk, findes urealistisk. Foreningerne finder, at det bør være muligt at transportere økologiske og ikke-økologiske æg på samme lastbil under den forudsætning, at der ikke sker sammenblanding.

Organisationerne finder videre, at de krav der stilles ved transport i ikke-lukkede containere er urealistiske

FDB finder, at regler, der vedrører registrering af sporbarhed, bør afvente et horisontalt regelsæt i EU. FDB finder, at for en virksomhed som FDB, der har mange centrale funktioner i forhold til detailbutikker og særligt producerende enheder i butikken, så som bogholderi, visse kontrolfunktioner (godkendelse af råvarer, udarbejdelse af deklARATIONER osv.) er det væsentligt, at det bliver muligt for enhederne at udarbejde proceduren, som gør, at en del af dokumentationen kan opbevares centralt og elektronisk, men tilgængeligt for kontrolmyndigheden. FDB finder, at det skal medtages at

detaillbagerier og detailslagtere i supermarkedskæder, der sælger direkte til den endelige forbruger, ikke kan registrere modtager af varen.

Mejeriforeningen foreslår, der indbygges en dispensationsmulighed således at der kan afhentes mælk og æg af samme lastbil, hvis der er tale om særlige omstændigheder f.eks. særlig lang afstand mellem de enkelte primærproducenter. Foreningen finder at sporbarhedsafsnittet hører hjemme i den generelle lovgivning og ikke i økologilovgivningen specifikt.

Fødevarerindustrien bemærker at formuleringerne vedrørende forurening med ikke-økologiske ingredienser er overflødige, da fødevarerindustrien altid tager de nødvendige forholdsregler for at undgå sammenblanding af forskellige produkter, uanset om disse er økologiske eller ej. Fuldstændig sporbarhed anses for meget vanskeligt at efterleve for især producenter af sammensatte varer. Der bør i stedet fokuseres på en troværdig massebalance hos den enkelte producent. Endelig findes forbudet mod samtidig afhentning af økologisk og ikke-økologisk mælk og æg hæmmende for økologiens udvikling. Efter Fødevarerindustriens opfattelse kan indsamlingen fuldt forsvarligt finde sted, som det sker i dag, hvor råvarerne er fysisk separeret i samme transportkøretøj, eller klart mærket.

Kaffe- og Teimportørforeningen fandt et tidligere krav om desinficering uhensigtsmæssig.

SID har ingen bemærkninger til forslaget.

Den Danske Dyrlægeforening bemærker, at når reglerne skal implementeres i Danmark, skal det sikres, at producenterne kun skal indberette til én myndighed.

Det foreliggende forslag har været i høring i § 2-udvalget (landbrug) og Det Rådgivende Fødevarerudvalg. I forbindelse hermed er modtaget følgende høringssvar:

Landbrugsraadet, Landboforeningerne og Dansk Familielandbrug (organisationerne) bemærker i en fælles skrivelse, at forslaget om skærpede regler for parallelavl om, at der kun kan dyrkes samme afgrøde på tilstødende økologiske og ikke-økologiske marker, såfremt der anvendes sorter, som let kan skelnes fra hinanden, i princippet er udmærket. Organisationerne finder, at spørgsmålet er, hvad der let kan skelnes fra hinanden, og organisationerne finder det nødvendig med en uddybning af, hvad der menes. organisationerne mener, at man i høj grad bør tilgodese de landbrugsfaglige hensyn, der ligger i et bredt sortvalg; landmanden bør således kun være forpligtiget til at vælge forskellige sorter. Det vil i praksis stort set altid være muligt at tilgodese kontrollen af sorter ved tekniske analyser.

Organisationerne er i princippet enige i forslaget om uafhængig indsamling af produkter, men finder dog, at der er et behov for, at praktiske forhold omkring indsamling af mælk og æg belyses nærmere. Organisationerne finder, at formuleringen bør efterlade mulighed for blandet transport, hvor der ud fra et kontrolsynspunkt ikke er nævneværdig risiko for svindel med sammenblanding af konventionelle og økologiske produkter. Indsamling af f.eks. mælk kan foregå uden risiko for sammenblanding, hvis der er adskilte rum i tankbilerne eller hvis der benyttes flere vogne. Der er dokumentation for leverede og indvejede mængder, og det forekommer således unødvendigt at skærpe kravet til indsamling. Organisationerne finder, at en skærpelse af kravet vil betyde flere lastbiler på vejene, mælkeproduktionen samles på stadig færre bedrifter og den øgede transport vil give større forurening, hvilket er i strid med de økologiske principper. De samme miljøforhold og logistiske forhold gælder indsamling af æg. Organisationerne anfører, at man kan forestille sig, at de økologiske produkter f.eks. æg bliver mærket hos primærproducenten, således at forveksling ikke er mulig.

Fødevarerindustrien finder de konkrete forslag til ændringer generelt fornuftige, og det er glædeligt at konstatere, at der fokuseres på massebalancer, risikovurderinger og sporbarhed fremfor tekniske detaljer, der reelt ikke styrker kontrolkonceptet. Fødevarerindustrien finder imidlertid forslaget vedrørende krav om uafhængig indsamling af økologisk mælk, æg og ægprodukter meget uheldigt, og det forudses at ville give betydelige logistiske problemer. Efter Fødevarerindustriens opfattelse kan indsamlingen fuldt forsvarligt finde sted, som det sker i dag, hvor råvarerne er fysisk separeret i samme transportkøretøj eller klart mærket.

Mejeriforeningen finder, at forslaget om, at økologisk mælk skal indsamles uafhængigt af ikke-økologisk mælk, vil medføre store logistiske problemer i forbindelse med indsamlingen af mælken. Hvis der ikke er mulighed for indsamling af økologisk mælk og ikke-økologisk mælk i samme lastbil, kan det få den konsekvens, at økologisk mælk i ydre distrikterne eventuelt ikke kan indsamles på grund af, at det bliver for omkostningstungt. Endvidere kan det betyde, at der skal bruges flere lastbiler til indsamlingen, hvilket udover øget omkostninger vil betyde øget forurening og trafik af lastbiler.

De samvirkende Købmænd (DSK) er interesserede i, at kontrollen med økologiske varer, både danske og importerede, er så effektiv, at man kan stole på, at de produkter, der sælges som økologiske, også er det. DSK vil dog afstå fra at kommentere de foreslåede ændringer i de detaljerede regler for kontrol.

Økonomaforeningen kan tilslutte sig forslaget, idet foreningen finder det væsentligt med både skærpelse af sporbarheden og kontrollen i forbindelse med salg af økologiske fødevarer, og foreningen finder det væsentligt, at der arbejdes med at opbygge et system, der er med til at sikre troværdigheden omkring de økologiske fødevarer.

Specialarbejderforbundet i Danmark kan støtte ændringerne i forordningen.

Nærings- og Nydelsesmiddelarbejder Forbundet finder, at ændringerne i forordningen er acceptable.

HORESTA har ikke umiddelbart bemærkninger til forslaget.

Tidligere forelæggelse for Folketingets Europaudvalg

Forslaget har ikke tidligere været forelagt Folketingets Europaudvalg.

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Draft

COMMISSION REGULATION (EC) No .../..

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of [...]

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amending Annex III of Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, as last amended by Commission Regulation (EC) No 436/2001, and in particular Article 13, second indent thereof,

Whereas:

- Annex III of Regulation (EEC) No 2092/91 lays down minimum inspection requirements and precautionary measures under the inspection scheme referred to in Article 8 and 9 of that Regulation.
- Organic production of agricultural products has developed significantly in recent years. In many cases the organic production is not anymore limited to single local productions and local trade. Currently, on the contrary, production of organic agricultural products and foodstuffs involves very often several operators and operations, such as import, transport, storage and packaging.
- Annex III already comprises provisions for the main operators and different stages involved in the organic production of agricultural products. However, in order to ensure the traceability of organic agricultural products throughout the different stages of the trade chain, and finally the compliance of these products with the provisions laid down in Regulation No 2092/91 in the light of these recent developments, it is necessary to adapt the provisions in Annex III.
- The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 14 of Regulation (EEC) No 2092/91.

Article 1

Annex III to Regulation (EEC) No 2092/91 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

and directly applicable in all Member States.

For the Commission

[...]

mission

Member of the Commission

ANNEX

ANNEX III

MINIMUM INSPECTION REQUIREMENTS AND PRECAUTIONARY MEASURES UNDER THE INSPECTION SCHEME REFERRED TO IN ARTICLE 8 AND 9

Section A. Production of plants, plant products, livestock and/or livestock products at farm level.

0. Operators involved

This section applies to any unit involved in production as defined in Article 4(2) of products referred to in Article 1(1) for its own account or for account of another operator.

• Identification of the production unit

Production must take place in a unit of which the land parcels, pasturage, open-air exercise areas, open air runs, livestock buildings, and, where applicable, the premises for the storage, ~~packaging and processing~~ of crops, crop products, livestock products, raw materials and inputs, are clearly separate from those of any other unit not producing in accordance with the rules laid down in this Regulation. Processing and/or packaging workshops may form part of the unit, where its activity is limited to processing and packaging of its own agricultural produce.

Subsection A.1 " Plants and plant products from farm production or collection "]

[...]

Subsection A.1 " Plants and plant products from farm production or collection "]

• Initial inspection

"When the inspection arrangements are first implemented, the producer, even where his activity is limited to the collection of wild plants, and the inspection body or authority must draw up:

- a full description of the production unit, showing the storage and production premises and land parcels and/or collection areas and, where applicable, premises where certain processing and/or packaging operations take place,

- all the practical measures to be taken by the producer at unit-level to ensure compliance with the provisions of this Regulation,
- and, in case of collection of wild plants, the guarantees given by third parties, ~~if appropriate where relevant~~ which the producer can provide to ensure that the provisions of Annex I, section A, **paragraph 4** are satisfied.

The description and the measures concerned must be contained in an inspection report countersigned by the producer concerned.

In addition, the report must specify:

- the date of the last application on the parcels and/or collection areas concerned of products, the use of which is not compatible with Article 6 (1) (b),
- an undertaking by the producer to carry out operations in accordance with Articles 5 and 6 and to accept, in the event of infringement, enforcement of the measures referred to in Article 9 (9) and, where relevant, in Article 10 (3) **and to accept that the buyers of the product are informed by the inspection body or authority in order to organise withdrawal of the product from the market.**

1. Annual communications

Each year, before the date indicated by the inspection body **or authority**, the producer must notify the body **or authority** of its schedule of production of crop products, giving a breakdown by parcel.

Moreover, the producer must notify to the inspection body or authority any change in the description or of the practical measures referred to in paragraph 2, 1st subparagraph.

1. Documenting accounts

The production unit must keep written and/or documentary accounts [.....] which enable **the operator and** the inspection body or **authority** to trace the **supplier, and where different, the seller**, the nature and the quantities of all raw materials bought, and the use of such materials ; in addition, written or documentary accounts must be kept of the nature, **the quantities, the consignees, and where B> the buyers of any sold products referred to in Article 1(1). Quantities sold directly to the final consumer shall be accounted on a daily basis.**

"Where the production unit itself processes its own agricultural produce, the accounts must contain the information as referred to in section B, paragraph 2, third hyphen[Ⓣ] of this Annex."

The data in the accounts must be documented with appropriate justification documents.

1. Storage

Storage, in the unit, of input products other than those the use of which is compatible with Articles 6 (1) (b) and 7 is prohibited.

1. Inspection visits.

The inspection body **or authority** must make a full physical inspection, at least once a year, of the production unit. The inspection body or authority may take samples for testing of products not authorised under this Regulation may be taken or for checking production techniques not in conformity with this Regulation. Samples may also be taken to detect possible contamination by unauthorised products. However, such samples must be taken where the use of unauthorised products is suspected. An inspection report must be drawn up after each visit, countersigned by the responsible person of the unit **or his representative**.

Moreover, the inspection body or authority shall organise unannounced inspection visits covering in particular those holdings or situations where an increased risk for fraudulent practices or for exchange of products from organic production with other products may exist.

1. Access to facilities

The producer must give the inspection body **or authority**, for inspection purposes, access to the storage and production premises and to the parcels of land, as well as to the accounts and relevant supporting documents. He

must provide the inspection body **or authority** with any information deemed necessary for the purposes of the inspection.

1. Packaging and transport of products to other production units

8.1. "Products as referred to in Article 1 may be transported to other production units, including wholesalers and retailers, only in appropriate packaging or containers closed in a manner preventing substitution of the content and provided with a label stating, without prejudice to any other indications required by law:

- a. the name and address of **the producer and, where different, of the owner or seller of the product** ; ~~or, where another seller is mentioned, a statement which enables the receiving unit and the inspection body to identify unequivocally the person responsible for the production of the product;~~
- b. the name of the product, including a reference to the organic production method, in accordance with Article 5 ;
- a. **the name or the code number of the inspection body or authority to which the producer is subject** ;
- b. **the lot identification mark**, *according to a marking system agreed with the inspection body or authority and which permits to link the lot with the accounts referred to in paragraph 4.*

The information under (a), (b) and (c) can also be presented on an accompanying document, if such document can be undeniably linked with the lot identification mark on the packaging or container.

8.2. However, the closing of packaging or containers is not required where:

- a) transportation is **direct** between a producer and another operator who are both subject to the inspection system referred to in Article 9, and
- b) the products are accompanied by a document giving the information required under the previous subparagraph, **and**
- c) the inspection body or authority of both the expediting and the receiving operators have been informed of such transport operations and have agreed thereto.**

1. Several production units run by the same operator

"Where an operator runs several production units **in the same area**, **the units** producing crops or crop products not covered by Article 1, together with storage premises for input products (such as fertilisers, plant protection products, seed) must also be subject to the inspection arrangements as regards the first subparagraph of **paragraph 2** and **paragraphs 3** and **4**. Crops of the same variety as or of a variety that cannot be easily differentiated from, those produced at the unit referred to in **paragraph 1** may not be produced at these units.

However, producers may derogate from the rule referred to in the last sentence of the preceding subparagraph:

- a. in the case of the production of perennial crop products (fruit growing, vines and hops) provided the following conditions are met:
 1. the production in question forms part of a conversion plan in respect of which the producer gives a firm undertaking and which provides for the beginning of the conversion of the last part of the area concerned to organic production in the shortest possible period which may not in any event exceed a maximum of five years,
 2. appropriate measures have been taken to ensure the permanent separation of the products obtained from each unit concerned,
 3. the inspection body or authority is notified of the harvest of each of the products concerned at least 48 hours in advance,
 4. immediately upon completion of the harvest, the producer informs the inspection body or authority of the exact quantities harvested on the units concerned together with any particular distinguishing features (such as quality, colour, average weight, etc.) and confirms that the measures taken to separate the products have been applied,

5. the conversion plan and the measures referred to in points 1 and 2 have been approved by the inspection body or authority. This approval must be confirmed each year after the start of the conversion plan;

- a. in the case of areas intended for agricultural research agreed by the Member States' competent authorities, provided that conditions 2, 3 and 4 and the relevant part of condition 5 referred to in (a) are met;
- b. in the case of production of seed, vegetative propagating material and transplants, provided that conditions 2, 3 and 4 and the relevant part of condition 5 referred to in (a) are met. ;

a. in the case of grassland exclusively used for grazing by animals.

Subsection A.2 Livestock and livestock products produced by animal husbandry

1. Initial inspection

When the inspection system applying specifically to livestock production is first implemented, the producer and the inspection body **or authority** must draw up:

- a full description of the livestock buildings, pasturage, open-air exercise areas, open air runs, etc., and, where applicable, the premises for the storage, packaging and processing of livestock, livestock products, raw materials and inputs,

- a full description of the installations for the storage of livestock manure,

- plan for spreading such manure agreed with the inspection body or [...] authority, together with a full description of the areas given over to crop production,

ing of livestock, livestock products, raw materials and inputs,

- where appropriate, the arrangements [.....] with other farms as regards the spreading of manure,

the areas given over to crop production,

ing of livestock, livestock products, raw materials and inputs,

) and confirms that the measures taken to separate the products have been applied,

- management plan for the organic-production livestock unit (e.g. management for feeding, reproduction, health, etc.),

_ all practical measures to be taken on the livestock farm to ensure compliance with this Regulation.

The description and the measures concerned are to be set out in an inspection report countersigned by the producer concerned.

In addition, the report must specify an undertaking by the producer to carry out operations in accordance with Articles 5 and 6 and to accept, in the event of infringement, enforcement of the measures referred to in Article 9(9) and, where relevant, in Article 10(3).

Moreover, the producer must notify to the inspection body or authority any change in the description or of the practical measures referred to in paragraph 1, 1st subparagraph.

2. Identification of livestock

The livestock must be identified permanently using techniques adapted to each species, individually in the case of large mammals and individually or by batch in the case of poultry and small mammals.

3. Livestock records

Livestock records must be compiled in the form of a register and kept available to the inspection authorities or bodies at all times at the address of the holding.

Such records, which are to provide a full description of the herd or flock management system, must contain the following information:

- by species, as regards livestock arriving at the holding: origin and date of arrival, conversion period, identification mark and veterinary record;

- as regards livestock leaving the holding: age, number of heads, weight in case of slaughter, identification mark and destination;

- details of any animals lost and reasons;

- as regards feed: type, including feed supplements, proportions of various ingredients of rations and periods of access to free-range areas, periods of transhumance where restrictions apply;

- as regards disease prevention and treatment and veterinary care: date of treatment, diagnosis, type of treatment product, method of treatment and practitioner's prescription for veterinary care with reasons and withdrawal periods applying before livestock products can be marketed.

4. Several production units run by the same operator

4.1 Where a producer, **in accordance with section 1.6. of Annex I, part B,** manages several **livestock** production units [.....], the units which produce livestock or livestock products not covered by Article 1 **will must** also be subject to the inspection system as regards the first, second and third indents of **paragraph 1** of this section on livestock and lives s and as regards the provisions on livestock management, livestock records and the principles governing storage of animal husbandry products used. [.....].

uction units [.....], the units which produce livestock or livestock products not covered by Article 1 **will must** also be subject to the inspection system as regards the first, second and third indents of **paragraph 1** of this section on livestock and lives

4.2. A derogation with regard to the requirement of different involved species in section 1.6 of Annex I, part B, may be granted to holdings carrying out agricultural research by the inspection body or authority in agreement with the competent authority of the Member State, where the following conditions are met :

- appropriate measures, agreed with the inspection body or authority have been taken in order to guarantee the permanent separation between livestock, livestock products and feedingstuffs of each of the units;
- the producer informs the inspection body or authority [.....] **in advance of any delivery or selling of the livestock or livestock products;**

ch of the units;

th the competent authority of the Member State, where the following conditions are met :

- the operator informs the inspection body or authority of the exact quantities produced in the units together with all characteristics permitting the identification of the products and confirms that the measures taken to separate the products have been applied

5. Other requirements

The requirements on inspection in points ~~1 and~~ 4 to 8 of **Subsection A.1** covering crops and crop products are applicable to livestock and livestock products.

By way of a derogation from those rules, the storage of allopathic veterinary medicinal products and antibiotics is permitted on holdings provided that they have been prescribed by a veterinarian in connection with treatment as referred to in Annex I, that they are stored in a supervised location and that they are entered in the farm register.

Section B. Production units for preparation of plant and livestock products and foodstuffs composed of plant and livestock products

0. Operators involved

This section applies to any production unit involved in the preparation, as defined in Article 4(3), of products referred to in article 1(1), for its own account or for account of another operator, and including in particular also :

- units involved in storage, packaging and/or re-packaging of such products ;

- units involved in labelling and/or re-labelling of such products.

[.....]

g and/or re-labelling of such products.

/or re-packaging of such products ;

1. Initial inspection - communicators

When the inspection arrangements are first implemented, the operator responsible for the unit and inspection body **or authority** must draw up:

- a full description of the production unit, showing the facilities used for the reception, the processing, packaging, labelling and storage of agricultural products before and after the operations concerning them, as well as for the transport of the products;
- all the practical measures to be taken at the level of the unit to ensure compliance with this Regulation, and in particular with the requirements in this Annex.

This description and the measures concerned must be contained in an inspection report, countersigned by the responsible person of the unit.

"In addition, the report must include an undertaking by the operator to perform the operations in such a way as to comply with Article 5 and to accept, in the event of infringement, the enforcement of the measures referred to in Article 9 (9) and, where relevant, in Article 10 (3)."

Moreover, the operator must notify to the inspection body or authority any change in the description or of the practical measures referred to in paragraph 1, 1st subparagraph.

1. Documentary accounts

The production unit must keep written accounts (quantity and value)[.....] enabling **the operator and the inspection body or authority** to trace :

referred to in Article 9 (9) and, where relevant, in Article 10 (3)."

- the **supplier, and where different, the seller, the nature and the quantities** of agricultural products as referred to in Article 1 which have been delivered to the unit, as well as the outcome of the verification referred to in paragraph 8 of this section.
- the nature, **the quantities and the consignees and, where different, the buyers** of any products as referred to in Article 1 which have left the unit,
- any other information, such as the origin, nature and quantities of ingredients, additives and ~~manufacturing~~ processing aids delivered to the unit and the composition of processed products, that is required by the inspection body **or authority** for the purposes of proper inspection of the operations ;
- **the flow of the products through the unit as to ensure that each consignment which leaves the unit can be tracked back as precise as technically possible to the consignment(s) it has been prepared from.**

The data in the accounts must be documented with appropriate justification documents. The accounts must demonstrate the mass balance between the input and output quantities.

1. Production units handling also products not from organic production

Where products not referred to in Article 1 are also processed, packaged or stored in the production unit concerned:

- the unit must have ~~separate~~ areas separated by place or time within the premises for the storage of products as referred to in Article 1, before and after the operations ; these areas must be managed as to avoid any

contamination of organic products with products which are not accepted in accordance with Annexes II and VI [.....],

second and third indents of **paragraph 1** of this section on livestock and lives

- operations must be carried out continuously until the complete run has been dealt with, separated by place or time from similar operations performed on products not covered by Article 1,
- if such operations are not carried out **at regular times or on a fixed day**, they must be announced in advance, with a deadline agreed on with the inspection body **or authority**,
- every measure must be taken to ensure identification of lots and to avoid mixtures with products not obtained in accordance with the rules laid down in this Regulation.
- Operations on products in accordance with the rules laid down in this Regulation should be carried out only after complete cleaning and disinfection of the production chain. and, if necessary, disinsectisation, using only products listed in Annex II section E and/or section B2

4. Annual inspection – Unannounced inspection visits

The inspection body **or authority** shall make a full physical inspection, at least once a year, of each unit. [.....] Moreover, the inspection body **or authority** shall organise unannounced inspection visits covering in particular those holdings or situations where an increased risk for fraudulent practices or for exchange of products from organic production with other products may exist.

paragraph 1 of this section on livestock and lives

The inspection body or authority may take samples for testing of products not authorised under this Regulation ~~may be taken~~ or for checking techniques not in conformity with this regulation. Samples may also be taken to detect possible contamination by unauthorised products. However, such samples must be taken where the use of unauthorised products is suspected. [.....]

An inspection report shall be drawn up after each visit or sampling and countersigned by the person responsible for the unit concerned **or his representative**.

5. Access to facilities

The operator must give the inspection body **or authority**, for inspection purposes, access to the unit and to all the written accounts and relevant supporting documents. He must provide the inspection body with any information necessary for the purposes of the inspection. When requested by the inspection body or authority, the operator shall submit the results of its own voluntary inspection and sampling programmes.

6. Packaging and transport of products to other production units

6.1. The unit shall ensure that products as referred to in Article 1 are transported to other units, including wholesalers and retailers, only in appropriate packaging or containers closed in a manner preventing substitution of the content and provided with a label stating, without prejudice to any other indications required by law:

a. the name and address of the person **who prepared** the product and, where different, the name of the owner or seller of the product ;

(b) the name of the product, including a reference to the organic production method according to the relevant provisions of Article 5 ;

(c) the name **or** code number of the inspection body or [....] authority to which the unit is subject ;

5 ;

(d) the lot identification mark, according to a marking system agreed with the inspection body or authority and which permits to link the lot with the accounts referred to in paragraph 4.

The information under (a), (b) and (c) can also be presented on an accompanying document, if such document can be undeniably linked with the lot identification mark on the packaging or container.

6.2 Milk, eggs and egg-products from organic farming shall be collected independently from products not **produced** in accordance with this Regulation. [.....]. Simultaneous collection may occur in multi-compartment vehicles where the product is from different species. The operator keeps the information relating to **collection** days, hours, circuit a ves time of reception of the products available to the inspection body or authority.

7. Reception of products from other production units

On receipt of a product as referred to in Article 1, the operator shall check the closing of the packaging or container where it is required and the presence of the indications referred to in the previous paragraph, in **section A, paragraph 1** or in **section C, paragraph 8**. The operator shall crosscheck the information on the label referred to in **paragraph 6** with the information on the accompanying documents. The result of this verification shall be explicitly mentioned in the accounts referred to in **section B, paragraph 2**.

[.....]

section B, paragraph 2.

It check the closing of the packaging or container where it is required and the presence of the indications referred to in the previous paragraph, in section A, paragraph 1 or in section C, paragraph 8. The operator shall crosscheck the information on the label referred to in paragraph 6 with the information on the accompanying documents. The result of this verification shall

Section C. Importers and first consignees of plant products, livestock products and foodstuffs composed of plant products and/or livestock products from third countries.

0. Operators involved

This section applies to any production unit involved, as importer and/or as first consignee, in the import and/or reception, for its own account or for account of another operator, of products referred to in article 1(1). For the purpose of this section :

- the importer shall mean the natural or legal person within the European Community who presents a consignment for release for free circulation into the European Community, either on its own, or through a representative ;
- the first consignee shall mean the natural or legal person where the consignment is delivered and where it will be handled for further preparation and/or marketing.

1. Initial inspection

When the inspection arrangements are first implemented :

a. the importer and inspection body or authority must draw up:

- a full description of the importer's premises and of his import activities, indicating [.....] the points of entry of the products into the Community and any other facilities the importer intends to use for the storage of the imported products pending their delivery to the first consignee;

crosscheck the information on the label referred to in **paragraph 6** with the information on the accompanying documents. The result of this verification shall

- all the practical measures to be taken by the importer to ensure compliance with this Regulation, in all facilities the importer intends to use.

This description and the measures concerned must be contained in an inspection report, countersigned by the importer.

In addition, the report must include an undertaking by the importer :

- to perform the import operations in such a way as to comply with the provisions of Article 11 and to accept, in the event of infringement, the enforcement of the measures referred to in Article 9 (9) ;

- to ensure that any facilities that the importer will use for storage of products are open to inspection, to be carried out either by the inspection body **or authority** or, when these storage facilities are situated in another Member State or region, by an inspection body **or authority** approved for inspection in that Member State or region.

b. the first consignee and inspection body or authority must draw up :

- a full description of the unit, showing the facilities used for the reception and storage, and, where relevant, the processing, packaging, labelling and storage of agricultural products before and after the operations concerning them, as well as for the transport of the products;

- all the practical measures to be taken at the level of the unit to ensure compliance with this Regulation.

This description and the measures concerned must be contained in an inspection report, countersigned by the first consignee.

In addition, the report must include an undertaking by the first consignee to perform the operations in such a way as to comply with the provisions of Article 11 and to accept, in the event of infringement, the enforcement of the measures referred to in Article 9 (9) and, where relevant in Article 10(3).

c. When the importer and the first consignee are the same legal person and operating in one single unit, the reports under a) and b) can be formalised within one single report.

d. Moreover, the importer and/or first consignee must notify to the inspection body or authority any change in the description or of the practical measures referred to in paragraphs a) and b) respectively.

[...]

r and/or first consignee must notify to the inspection body or authority any change in the description or of the practical measures referred to in paragraphs a) and b) respectively.

• Documentary accounts

Each importer and each first consignee operating in different units must keep written accounts (*quantity and value*) [.....] enabling the operator and the inspection body or authority to trace for each consignment of products referred to in Article 1, imported from a third country:

that Member State or region.

graph 6 with the information on the accompanying documents. The result of this verification shall

- the **supplier and where different the exporter**, the nature and the quantity of the **consignment** concerned, and on request by the inspection body or authority, any details on the transport arrangements from the exporter in the third country to the *first consignee* ;
- the nature, the quantities, **and** the consignees and, **where different, the buyers**, of the **consignment** concerned, and on request by the inspection body or authority, ~~and~~ *any* details on the transport arrangements from the **first consignee's** premises or storage facilities to the **consignees within the European Community**.

In case a first consignee carries out operations referred to in section B of this annex, the accounts must also contain the information referred to in paragraph 2 of section B. The requirements of paragraph 3 of section B must also be satisfied.

In case the importer and first consignee operate in a single unit, only one single account system must be kept.

The data in the accounts must be documented with appropriate justification documents. The accounts must demonstrate the mass balance between the input and output quantities.

1. Information on imported consignments

The importer shall, *before its delivery to the first consignee*, inform the inspection body or authority of each imported consignment into the Community, giving :

- the name and address of the first consignee ;

- any details this body or authority may require, such as a copy of the inspection certificate for the importation of organic products. **The inspection body or authority of the importer** may pass the information to **the inspection body or authority of the first consignee**.

1. *Importers and first consignees handling also products not from organic production*

When imported products referred to in Article 1 are stored in storage facilities where also other agricultural products or foodstuffs are [.....] stored:

/B> may pass the information to **the inspection body or authority of the first consignee**.

nts from the first consignee's premises or storage facilities to the consignees within the European Community.

- the products as referred to in Article 1 must be kept separate from the other agricultural products and/or foodstuffs;
- every measure must be taken to ensure identification of consignments and to avoid mixtures with products not obtained in accordance with the rules laid down in this Regulation.

5. [.....] Annual inspection – Unannounced inspection visits

th products not obtained in accordance with the rules laid down in this Regulation.

pass the information to the inspection body or authority of the first consignee.

nts from the first consignee's premises or storage facilities to the consignees within the European Community.

The inspection body or authority must make a full physical inspection, at least once a year, of each importer's and first consignee's premises [.....]. Moreover, the inspection body or authority shall organise unannounced inspection visits covering in particular those holdings or situations where an increased risk for fraudulent practices or for exchange of products from organic production with other products may exist.

of this verification shall ves

The inspection body or authority shall inspect the written accounts mentioned in section C, paragraph 2 and the certificates referred to in Article 11 (1) (b) and (3)

The inspection body or authority may take samples for testing of products not authorised under this Regulation ~~may be taken~~ or for checking techniques not in conformity with this regulation. Samples may also be taken to detect possible *contamination* by unauthorised products. However, such samples must be taken where the use of unauthorised products is suspected. [.....]

ganic production with other products may exist.

of this verification shall ves

An inspection report shall be drawn up after each visit or sampling and countersigned by the person responsible for the unit concerned *or his representative*.

6. [...] *Access to facilities*

ch visit or sampling and countersigned by the person responsible for the unit concerned or his representative.

Importers and first consignees must, for inspection purposes, give the inspection body or authority access to their premises and to ~~the~~ **all** written accounts and relevant supporting documents, *in particular any import authorisations under Article 11(6) and certificates of inspection for import*. They must provide the inspection body with any information necessary for the purposes of the inspection.

7. *Reception of products from a third country*

Products as referred to in Article 1 shall be imported from a third country in appropriate packaging or containers, closed in a manner preventing substitution of the content and provided with identification of the exporter and with any other marks and numbers serving to identify the lot with the *certificate of inspection for import*

On receipt of a product as referred to in Article 1, imported from a third country, the first consignee shall check the closing of the packaging or container and the correspondence of the identification of the consignment with the certificate referred to in Regulation (EC) n° .../2001. The result of this verification shall be explicitly mentioned in the accounts referred to in section C, paragraph 2. [.....]

/DIR> ication shal ves

1. Packaging and transport of products to other production units

Importers and first consignees shall ensure that *imported* products referred to in Article 1 are transported *further* to other production units, including wholesalers and retailers, only in appropriate packaging or containers closed in a manner preventing substitution of the content and provided with a label stating, without prejudice to any other indications required by law:

- a. the name and address of the importer of the product and, where different, the name and address of the first consignee of the product ;
- b. the name of the product, including a reference to the organic production [.....]."

product ;

(c) the name or code number of the inspection body or authority to which the unit is subject.

(d) the lot identification mark, *according to a marking system agreed with the inspection body or authority* and which permits to link the lot with the accounts referred to in paragraph 4.

The information under (a), (b) and (c) can be presented on an accompanying document, if such document can be undeniably linked with the lot identification mark on the packaging or container.

Section D. Units involved in the production, preparation or import of products referred to in Article 1(1) and which have contracted out to third parties in part or in total the actual operations concerned.

1. Initial inspection

1.1. When the inspection arrangements are first implemented, the operator and inspection body or authority must draw up, with regard to the operations which are contracted out to third parties :

- a list of the subcontractors with a description of their activities and the inspection bodies or authorities to which they are subject ; these subcontractors *must have agreed to have their holding being* subject to the inspection regime of article 9, in accordance with the relevant sections of Annex III ;
- all the practical measures, including i.a. an appropriate system of written accounts, to be taken at the level of the production unit to ensure that the products the operator places on the market can be traced to their suppliers, and, where different, their sellers, as well as to their consignees and, where different, their buyers.

This description and the measures concerned must be contained in an inspection report, countersigned by the responsible person of the production unit.

"In addition, the report must include an undertaking by the operator to perform the operations in such a way as to comply with Article 5 and to accept, in the event of infringement, the enforcement of the measures referred to in Article 9 (9) and, where relevant, in Article 10 (3)."

Moreover, the operator must notify to the inspection body or authority any change in the description or of the practical measures referred to in paragraph 1, 1st subparagraph.

1.2. Where the operator and the subcontractors are inspected by different inspection bodies or authorities, the inspection report referred to in paragraph 1 must include the provision that the different inspection bodies can

exchange information on the operations under their inspection and on the way this exchange of information can be implemented.

Section E. General Provisions

1 Minimum inspection requirements

The requirements in this annex are minimum requirements which the Member States competent authority and/or the inspection body or authority shall, where necessary, complete [...] by any measures to ensure that the provisions of this Regulation, and in particular Article 9 (12)© thereof are satisfied.

of information can be implemented.

2. Products not satisfying the requirements of the Regulation

2.1 Where an operator considers or suspects that a product which he has produced, prepared, imported or been delivered from another operator, is not in compliance with this Regulation, he shall initiate procedures to withdraw from this product any reference to the organic production method. He only may put it into processing or packaging or on the market after elimination of that doubt, unless it is placed on the market without indication referring to the organic production method. In case of such doubt, the operator shall immediately inform the inspection body or authority. The inspection body or authority may decide that the product cannot be placed on the market with indications referring to the organic production method until it is satisfied, by the information received from the operator, that the doubt has been eliminated.

2.2. Where an inspection body or authority has a substantiated suspicion that an operator has placed on the market a product not in compliance with the is Regulation, it can decide that the operator must withdraw from this product any reference to the organic production method until the operator can demonstrate to the inspection body's authority's satisfaction that the product is in compliance with the this Regulation.