



Conference of Committee Chairs
The Chair

Mr Martin SCHULZ
President of the
European Parliament

300452 09.01.2015

Geda ref.: D(2014)58680

Subject: Request for association under Rule 54 by the Committee on the Environment, Public Health and Food Safety (ENVI) regarding a legislative report entitled **Organic Production and labelling of organic products** (COM(2014)0180 - 2014/0100(COD)) for which the Committee on Agriculture and Rural Development (AGRI) is responsible

Dear President,

By letter dated 11 September 2014, the Committee on the Environment, Public Health and Food Safety (ENVI) requested the application of Rule 54 to the above mentioned legislative file that was referred in plenary to the Committee on Agriculture and Rural Development (AGRI) on 2 April 2014 (7th legislature) and 20 October 2014 (8th legislature).

The AGRI Committee opposed the ENVI Committee's request by letter dated 29 September 2014.

Despite the exchange of letters, which you will find attached, bilateral talks as well as consideration in the Conference of Committee Chairs, it has not been possible to find a solution acceptable to both committees. Therefore, the Conference of Committee Chairs has mandated me to make a recommendation concerning the ENVI Committee's request.

Purpose and legal basis

The purpose of the proposal in question is to replace Regulation (EC) No 834/2007¹ with a new Regulation in order to: (i) remove the obstacles to the development of organic production in the Union, (ii) guarantee fair competition for farmers and operators and to improve the functioning of the internal market; (iii) maintain or improve consumer confidence in organic products.

The Commission proposal intends to strengthen and harmonise the existing rules by removing exceptions, and by providing that organic agricultural holdings have to be entirely managed in compliance with the requirements applicable to organic production and

¹ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L189, 20.7.2007, p. 1).

acknowledgement of the conversion period is in principle not possible any more. The agricultural ingredients used in the composition of organic processed products have to be exclusively organic.

The control system is improved by integrating all control-related provisions into a single legislative text under the Commission proposal for a Regulation on official controls and other official activities in food and feed².

The legal basis of the proposal is Article 42(1) and Article 43(2) TFEU ("Agriculture and fisheries").

Arguments of the parties

By letter dated 11 September 2014, the ENVI Committee has requested the application of Rule 54 to the above mentioned legislative file. It first refers to its competences under Annex VI to the Rules of Procedure for environmental policy and environmental protection measures, i.a. concerning climate change, pollution of air, soil and water as well as the protection of biodiversity. In addition, according to Annex VI, food safety issues, including in particular the labelling of foodstuffs as well as public health checks on foodstuffs and food production systems fall in the remit of the ENVI Committee.

It also claimed that the environmental protection is an overreaching objective of organic production which contributes to the achievement of the EU's environmental policy goals, and that organic farming and food respond to societal demands with respect to environmental protection and quality of food. The ENVI Committee stressed that the proposal lays down detailed provisions on the labelling of organic food and that controls of compliance with the production and labelling rules for organic products will be carried out according to the Regulation on official controls which is currently under negotiations³.

Finally, the ENVI Committee requested to be associated under Rule 54 and specifically to be granted joint competence in relation to Articles 4, 5, 6, 7, 9, 19, 21, 22 and 23 as well as exclusive competence as regards Article 44 of the proposal.

In the Annex to its above mentioned letter, the ENVI Committee quotes some of the Articles it has requested for joint competence and emphasises their relevance to environmental issues such as respect for nature's systems, a high level of biodiversity and the preservation of natural resources.

By letter dated 16 September 2014, the AGRI Committee has opposed the request by ENVI. It first underlines that organic production is one of the Union's quality schemes together with geographical indications, traditional specialties guaranteed and products of the outermost regions of the Union. Its main objective is to improve the quality of agricultural products and to contribute to the objectives of the Common Agricultural Policy of which it is part. It further refers to its competences under Annex VI to the Rules of Procedure for improvement of the quality of agricultural products and points out that one of the other Union's agricultural product quality schemes has been recently adopted by the European Parliament under the sole responsibility of the AGRI Committee⁴.

² Official controls and activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products COM(2013)0265 - 2013/0140(COD)

³ 2013/0140 (COD)

⁴ Quality schemes for agricultural products and foodstuffs – 2010/0353(COD)

The AGRI Committee rejects ENVI's arguments concerning joint competence on Chapter II, "*Principles of organic production*" invoking a "strong environmental dimension", by insisting that environmental protection is not a central objective of the proposal and it does not justify the joint competence of ENVI as regards the principles of organic production.

It also rejects the ENVI Committee claim for joint competence on Article 9 (*Prohibition of the use of GMOs*) and Article 19 (*Authorisation of products and substances used in organic production*) on the basis that these measures are directed towards the objectives of environmental protection and food safety. In this respect the AGRI Committee emphasizes the voluntary nature of the organic production scheme. It points out that neither environmental protection nor food safety is central objective of the proposed regulation on organic production. In fact, neither of these objectives can be effectively achieved through an optional scheme.

Furthermore, the AGRI Committee rejects the ENVI Committee claim for joint competence on Chapter IV (*Labelling*) and insists that the competence of ENVI as regards labelling is limited to labelling for reasons of food safety and prevention of risks to human health. The AGRI Committee stresses that the purpose of the organic logo in the given proposal is not to indicate that the product is safe but to indicate that the products have been produced in accordance with specific agricultural practices (quality of the agricultural production).

Finally, the AGRI Committee rejects the ENVI Committee claim for exclusive competence on Article 44 (*Official controls*) on the basis that with its current proposal the Commission has effectively split the procedure on official controls in two. All provisions relating to controls of organic production are now regrouped under Article 44 of the current proposal as an amendment of the Official controls regulation, and the official controls to ensure the application of food and feed law (food quality) are set out in the file on Official controls⁵ which is deliberated under responsibility of the ENVI Committee in the framework of the political agreement on the so-called SANCO package⁶.

Findings

The proposal in question essentially seeks to replace Regulation (EC) No 834/2007⁷ with a new Regulation in order to remove the obstacles to the development of organic production, to guarantee fair competition for farmers and operators and to improve consumer confidence in organic products. The legal basis of the proposal is Article 42(1) and Article 43(2) TFEU ("Agriculture and fisheries").

It should be noted that the Regulation (EC) No834/2007 was deliberated under the lead of AGRI Committee with the ENVI Committee providing an opinion. It should also be noted that the EP resolution on the European action plan for organic food and farming was based on

⁵ Official controls and activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products COM(2013)0265 - 2013/0140(COD)

⁶ AGRI: 2013/0141(COD), 2013/0137(COD), 2013/0136(COD) and 2013/0169(COD);
ENVI/ 2013/0140 (COD) – Official controls

⁷ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L189, 20.7.2007, p. 1).

an AGRI own-initiative report (2004/2202(INI)) with no formal involvement of the ENVI Committee in the procedure. The EP resolution entitled "Agricultural product quality policy: what strategy to follow?" was based on an AGRI own-initiative report (2009/2105(INI)) with the ENVI Committee contributing by an opinion.

It should be also noted that organic production forms part of the Union's agricultural product quality schemes together with geographical indications, traditional specialties guaranteed and products of the outermost regions of the Union, as laid down in Regulation (EU) No 1151/2012⁸ and Regulation (EU) No 228/2013⁹, respectively. In this sense, organic production pursues the same objectives within the Common Agricultural Policy which are inherent to all the agricultural product quality schemes of the Union¹⁰. Both above mentioned regulations were deliberated under the AGRI Committee lead with no formal involvement of the ENVI Committee in the procedure.

It should be clarified that purpose of the organic labelling in the given proposal is not to indicate that the product is safe but to indicate that the products have been produced in accordance with specific agricultural practices (organic production). The purpose of controls as set out in Article 44 of the proposal is to verify compliance with the rules on organic production and labelling of organic products.

As you will recall, Annex VI of the Rules of Procedure attributes to the AGRI Committee the competence over:

"1. the operation and development of the common agricultural policy;(...)

3. legislation on:

- (a) veterinary and plant-health matters and animal feeding stuffs provided such measures are not intended to protect against risks to human health,
- (b) animal husbandry and welfare;

4. improvement of the quality of agricultural products; (...)"

whereas the ENVI Committee is responsible for:

"1. environmental policy and environmental protection measures, in particular concerning:

- (a) climate change,
- (b) air, soil and water pollution, waste management and recycling, dangerous substances and preparations, noise levels and the protection of biodiversity, (...)

3. food safety issues, including in particular:

- (a) the labelling and safety of foodstuffs,
- (b) veterinary legislation concerning protection against risks to human health; public health checks on foodstuffs and food production systems (...)."

You recall that Rule 54 applies where the Conference of Presidents:

⁸ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

⁹ Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ L 78, 20.3.2013, p. 23).

¹⁰ Recital 2 of the Commission's proposal

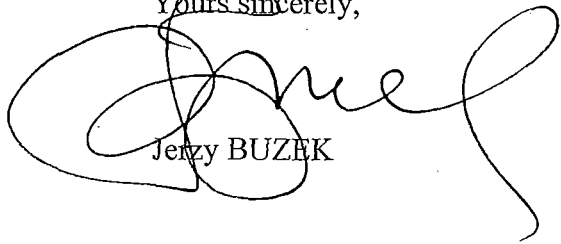
“considers that the matter falls almost equally within the competence of two or more committees, or that different parts of the matter fall within the competence of two or more committees”.

Having regard that the proposal relates to the implementation of the Common Agricultural Policy as well as being linked to the Union's agricultural product quality schemes, and that it replaces existing Regulation on organic production, I believe that the conditions for applying Rule 54 are not met in the present case. I believe that the AGRI Committee has the relevant competences and the expertise to deliberate the proposal. In view that the ENVI Committee had contributed with a simple opinion to the adoption of the previous Regulation and it had not been involved in the adoption of related files and as mentioned above, I believe that its involvement for the proposal in question should not extend beyond Rule 53.

My recommendation to the Conference of Presidents would therefore be:

1. that the ENVI Committee's request for association under Rule 54 be dismissed;
2. that the ENVI Committee contribute with an opinion under Rule 53 to the above-mentioned legislative report.

Yours sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Jerzy BUZEK'.

cc: Mr SIEKIERSKI, Chair of the Committee on Agriculture and Rural Development
Mr LA VIA, Chair of the Committee on the Environment, Public Health and Food Safety

Annexes



ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
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COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
THE CHAIRMAN

Mr Jerzy Buzek
Chairman of the Conference of Committee Chairs
PHS 08B046
Brussels

314954 29.09.2014

Ref.: IPOL-COM-AGRI D (2014) 44985

**Subject: Request of the ENVI Committee to be associated (rule 54) as
 regards organic production 2014/0100(COD)**

Dear Chairman,

Herewith I would like to object to the request of the ENVI Committee to be granted the status of associated committee in the above mentioned procedure. While it is clear that the ENVI Committee has sufficient reasons to provide an opinion in this procedure, none of the arguments presented in the letter of Mr. La Via from 11.09.2014 justifies the application of the procedure with associated Committees (rule 54).

Organic production is one of the Union's quality schemes together with geographical indications, traditional specialties guaranteed and products of the outermost regions of the Union (s. recital 2). Its main objective is to improve the quality of agricultural products and to contribute to the objectives of the Common Agricultural Policy of which it is part (s. recitals 2, 3 and 4 and the legal basis of the COM proposal).

These objectives and all the corresponding measures proposed in the regulation fall clearly within the exclusive competence of the AGRI Committee (s. Rules of Procedure, Annex VI, points 1, 2, 3 and 4). Please note that one of the other Union's agricultural product quality schemes has been recently adopted by the European Parliament under the sole responsibility of the AGRI Committee.¹

Let me now address the specific arguments of the ENVI Committee. The ENVI committee claims joint competence on Chapter II, Principles of organic production (Art. 4, 5, 6 and 7) invoking a "strong environmental dimension", which it illustrates with some citations from the proposal and some references to a separate document (Action Plan). While it is true that the methods of organic production can contribute to environmental protection, this is not a central objective of the proposal and it does not justify the joint competence of ENVI as regards the principles of organic production.

¹ Quality schemes for agricultural products and foodstuffs 2010/0353(COD)
The ENVI Committee was not an associated and decided not to give an opinion.

Similarly, the ENVI Committee claims joint competence on Art. 9 (Prohibition of the use of GMOs) and Art. 19 (Authorisation of products and substances used in organic production) on the basis that these measures are directed towards the objectives of environmental protection and food safety, which fall in the remit of ENVI in accordance with the Rules of procedure, Annex VI.

In this respect it is important to emphasize the voluntary nature of the organic production scheme. Neither environmental protection nor food safety are central objectives of the proposed regulation on organic production. In fact, neither of these objectives can be effectively achieved through an optional scheme. The restrictions imposed in Art. 9 and 19 in this regulation aim primarily to ensure the quality of the products. Their *raison d'être* is therefore fundamentally different from that of similar provisions in other regulations, which aim to protect human health and the environment and which apply to all agricultural products (organic and conventional alike) and indeed do fall in the remit of the ENVI Committee.²

In addition, the ENVI Committee claims joint competence on Art. 21, 22 and 23 as regards labelling of organic products on the basis of Rules of procedure, Annex VI, point 3 (a,b). Here again it is important to note that the competence of ENVI as regards labelling is limited to labelling for reasons of food safety and prevention of risks to human health. The purpose of the organic logo is not to indicate that the product is safe (conventional food must be safe as well). The purpose of labelling in the context of this regulation is to indicate that the products have been produced in accordance with specific agricultural practices (quality of the agricultural production).

Finally, the ENVI Committee claims exclusive competence as regards Art. 44 (official controls) on the basis that it is the lead Committee on the regulation on official controls. Please note in this respect that the regulation on official controls has been attributed to ENVI (with AGRI associated in accordance with rule 54) as part of a broad compromise on the so -called SANCO package.

However, with its current proposal the Commission has effectively split the procedure on official controls in two. All provisions relating to controls of organic production are now regrouped under Art. 44 of the current proposal. There is absolutely no reason why the ENVI Committee should have any competence (be it joint or exclusive) as regards those provisions. Please note that the ENVI request in this respect is not supported by any reference to the delimitation of competences found in the Rules of procedure.

Yours sincerely,



Czesław Adam SIEKIERSKI

² E.g. Regulation (EC) No 1829/2003 on GM food and feed, Regulation (EC) No 1830/2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms



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Committee on the Environment, Public Health and Food Safety
The Chairman

NH/al

D(2014)39903

313770 11.09.2014

Jerzy BUZEK
Chair of the Conference of Committee
Chairs
European Parliament.
PHS 8B46
Brussels

Dear Mr Buzek,

As you will be aware, the Committee on Agriculture and Rural Development has been granted the lead in relation to the proposal for a Regulation on organic production and labelling of organic products (COM(2014)180) which was adopted on 24 March 2014. Without calling into question the AGRI Committee's lead, I would like to request that the Committee on the Environment, Public Health and Food Safety be granted Rule 54 status in relation to this proposal for the following main reasons:

- environmental protection is an overarching objective of organic production which contributes to the achievement of the EU's environmental policy goals in the areas of water, air, soil, biodiversity, climate change etc.;
- organic farming and food respond to societal demands with respect to environmental protection and quality of food, in particular as regards the non-use of GMOs and pesticides all through the production chain;
- the proposal lays down detailed provisions on the labelling of, i.a., organic food;
- controls of compliance with the production and labelling rules for organic products will be carried out according to the Regulation on official controls (to be specifically amended by the proposal).

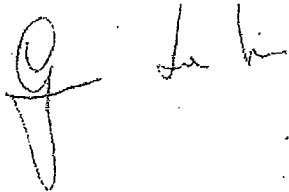
According to Annex VI, chapter VIII of the Rules of Procedure, all the above-mentioned areas come under the competence of the ENVI Committee. In particular, the ENVI-Committee is responsible for environmental policy and environmental protection measures, i.a. concerning climate change, pollution of air, soil and water as well as the protection of biodiversity (Annex VI, chapter VIII/1(a) and (b)). In addition, according to Annex VI, chapter VIII/3(a) and (b), food safety issues, including in particular the labelling of foodstuffs as well as public health checks on foodstuffs and food production systems equally fall in the remit of the ENVI

Committee. In this context, it should be mentioned that ENVI is the lead Committee in relation to the Regulation on official controls (which is currently still under negotiation). A detailed analysis of the proposal can be found in the Annex.

With this said, I would like to request that ENVI be granted the status of associated Committee under Rule 54 of the Rules of Procedure. In particular, ENVI requests to be granted joint competences in relation to Articles 4, 5, 6, 7, 9, 19, 21, 22 and 23 as well as exclusive competence as regards Article 44 of the proposal.

I trust that you will carefully consider the above-mentioned arguments when looking into this request and remain at your disposal for any further information you might need.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. La Via'.

Giovanni LA VIA

cc Czesław Adam Siekierski, Chair - Committee on Agriculture and Rural Development

ANNEX

The Regulation establishes the principles and rules governing organic production as well as the labelling of products as "organic". The proposal is based on Art. 42 and 43(2) TFEU (agriculture) and aims at removing obstacles to the sustainable development of organic production in the EU, guaranteeing fair competition for farmers and operators and maintaining or improving consumer confidence in organic products.

However, the proposal contains a strong environmental dimension. This is emphasised both in the related Action Plan accompanying the proposal ("Action Plan for the future of Organic Production in the European Union" - COM(2014)179) and in the proposal for a Regulation itself.

On page 5 of the Action Plan, for example, the Commission makes explicit reference to the positive effects of organic farming on the environment which are contributing to the objectives of important pieces of EU environmental legislation and policy (such the Birds and Habitats Directives, Nitrates Directive, Water Framework Directive, National Emission Ceiling Directive, 2020 Biodiversity Strategy and Soil Thematic Strategy).

In addition, Recital 1 of the proposal clearly sets out that "*Organic production is an overall system of farm management and food production that combines best environmental and climate action practices, a high level of biodiversity, the preservation of natural resources, the application of high animal welfare standards and production standards in line with the demand of a growing number of consumer for products produced using natural substances and processes.*". Accordingly, Article 4 - which lays down the general principles of organic production - stipulates that "*...respect for nature's systems and cycles and sustainment and enhancement of the state of soil, water, air and biodiversity, of the health of plants and animals and of the balance between them, contribution to a high level of biodiversity and responsible use of energy and natural resources, such as water, soil, organic matter and air*" are important principles to be taken into account in organic production. Article 4 also mentions, i.a, the need to exclude the use of GMOs and products produced from or by GMOs in organic production and a restricted use of inputs which are external to the ecological system.

Similar elements can be found in Article 5 (specific principles applicable to agricultural activities and aquaculture). In addition, Art. 9 (Prohibition of the use of GMOs) specifically prohibits the use of GMOs in food or feed or as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, plant reproductive material, micro-organisms and animals in organic production. In Art. 19 (Authorisation of products and substances used in organic production), reference is made to, i.a., plant protection products and their use.

As to food labelling, Chapter IV (Articles 21, 22 and 23) includes provisions regarding, i.a., the labelling of processed as well as pre-packed food. The proposal also encompasses food safety aspects such as, e.g., the limitation of the use of food additives in organic food and feed (Art. 6/Specific principles applicable to the processing of organic food and feed and Art. 19) or the prohibition of ionising radiation for the treatment of organic food or feed (Art. 7/Production rules). Certain provisions of the proposal relating to animal and plant health are also linked to food safety. Finally, Article 44 lays down several amendments to the future Regulation on official controls which is currently still under negotiation, with ENVI being the lead Committee and the AGRI Committee associated under Rule 54.

ANNEX

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However, the proposal contains a strong environmental dimension. This is emphasised both in the related Action Plan accompanying the proposal ("Action Plan for the future of Organic Production in the European Union" - COM(2014)179) and in the proposal for a Regulation itself.

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In addition, Recital 1 of the proposal clearly sets out that *"Organic production is an overall system of farm management and food production that combines best environmental and climate action practices, a high level of biodiversity, the preservation of natural resources, the application of high animal welfare standards and production standards in line with the demand of a growing number of consumer for products produced using natural substances and processes."*. Accordingly, Article 4 - which lays down the general principles of organic production - stipulates that *"...respect for nature's systems and cycles and sustainment and enhancement of the state of soil, water, air and biodiversity, of the health of plants and animals and of the balance between them, contribution to a high level of biodiversity and responsible use of energy and natural resources, such as water, soil, organic matter and air"* are important principles to be taken into account in organic production. Article 4 also mentions, i.a., the need to exclude the use of GMOs and products produced from or by GMOs in organic production and a restricted use of inputs which are external to the ecological system.

Similar elements can be found in Article 5 (specific principles applicable to agricultural activities and aquaculture). In addition, Art. 9 (Prohibition of the use of GMOs) specifically prohibits the use of GMOs in food or feed or as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, plant reproductive material, micro-organisms and animals in organic production. In Art. 19 (Authorisation of products and substances used in organic production), reference is made to, i.a., plant protection products and their use.

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