



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate D
SG-D-3 – Resource Efficiency

Brussels, 26 April 2017

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NOTE TO MEMBERS OF THE COMMISSION

**Subject: Meeting of the Special Committee on Agriculture (SCA)
Brussels, 24 April 2017 - Summary record**

The Special Committee for Agriculture prepared the 17th trilogue on the review of the Organic Farming Regulation. While there was some further progress on the drafting of several technical passages, a number of delegations recalled their principal issues with the compromise text on the table. The trilogue is scheduled for 3 May and SCA will be debriefed on its results on 15 May. The next trilogue is provisionally foreseen for the end of May/early June.

[signed]

Further information: [redacted]

1. Adoption of the agenda

I

**2. Summary record of the 1547nd meeting of the SCA
8214/17 CRS CSA 8**

Summary record adopted.

II

**4. Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007 (First reading)
= Preparation for a new mandate**

The aim of this exchange was for the Presidency to obtain a revised mandate from the SCA on the basis of a compromise text (documents 7990/17 and 8215/17 + ADD 1 and ADD 2) in view of the trilogue scheduled for 03 May 2017. Delegations were invited to share their views on the compromise texts proposed covering controls (Chapter Va), unpacked products (Article 25(5b)), databases (Article 19a), derogations (Article 35), group of operators (Article 26).

The Maltese Presidency informed the delegations that good progress was achieved on databases/derogations and other points in inter-institutional drafting sessions, but demarcated beds and pesticides remain critical issues. The Presidency expects the EP to submit an explanatory note on the seed package at the next trilogue of 3 May.

According to COM, drafting sessions were very useful in achieving positive outcomes, and more than 90% of the text was covered. On specific points, as regards retailers selling unpacked produce, COM showed flexibility on exemptions on controls as long as a clear limit is set. On derogations, COM argued for the need of a credible end date.

█ and █ were generally quite positive, with █ pro-positive although still scrutiny reservation on the 4 columns. █ is reluctant to give a mandate until greenhouses and pesticides are clarified. █ critical on the texts discussed, DK critical in particular referring to unsolved problems (greenhouses , imports and others), █ against.

The discussion was split into two table rounds: the first included controls, unpacked products (different types of thresholds and figures proposed to limit exemptions to small retailers), databases/derogations; the second covered groups of operators, Delegated Act (DA) for processed food, prolongation of transition period in cases of unintended contamination and the obligation for operators to use animal databases, where set up voluntarily by MS.

Text on *controls* was quite widely accepted with the exception of the empowerments; according to some delegations, the DA is too wide, especially as regards frequency of inspections, and gives too much power to COM (█). Presidency reassured that they will try to limit DA as much as possible in favour of IA.

On *unpacked products*, to exempt retailers from the certification system, among the three proposed options (turnover, marketed volume and an indicator), some delegations rejected the third one and expressed preference for the other two. Other delegations argued that it is a too burdensome procedure and they would prefer the status quo (█). Others (█) consider that it is difficult to verify the right to the exemption. Presidency concluded that they will stick to the higher proposed figures for the other two cases: 20 000 EUR and 5 000 KG per year.

Concerning *databases (DB)* linked to the end of derogations, many delegations have finally accepted the article on a database to allow the Commission to assess the availability of organic reproductive material (seeds, livestock and juveniles). Certain delegations oppose to the DB in general as it is considered as an administrative burden (█). Although DB on livestock already exist for conventional reproductive animals, it is the most criticised.

Several MS consider end of *derogations* in 15 years after the entry into validity of the Regulation, while others agree with the COM proposal setting a date () at 2030. Others would envisage an open end for the derogations but linked to the evidence of availability of organic material and on a case-by-case basis ().

Concerning the *group of operators*, a number of options were presented to determine members of a group of operators (hectares and turnover or standard output). COM reminded that group certification for small operators is a new introduction in the legislation (currently available only in third countries), so COM needs enough flexibility in DA to learn from experience and eventually adapt legal provisions. According to some delegations, the geographical proximity of operators should be defined in the basic act + IA, as opposed in a DA (). Some mentioned the criterion on hectares should be adapted to the type of area, e.g. vineyards, greenhouses, etc (). For some others, the proposed 25 000 EUR per operator is too high (), and when in combination with other parameters, too restrictive (). Presidency accepted to lower it to 20 000 EUR.

Conclusion:

The PRES acknowledged that some Delegations still have problems on certain issues as found in the compromise text proposed and announced that a number of amendments would be made available electronically by the end of the day in order to try to accommodate a number of outstanding issues. Also a silent procedure would be launched with a deadline of 25 April (cob).

Reporting: (), DG AGRI, Unit B.4 Tel.: ()

6. Organisation of future work

The next SCA meeting will take place on **15 May** in Brussels. The provisional agenda includes a debriefing of the Trilogue meeting on organic production of 3 May.

The next AGRIFISH Council is foreseen for **11 May**. Only Coreper items are currently foreseen with no SCA points, but two delegations have requested AOB points.

() requested an AOB point regarding the sugar market in EU, in light of end of the quota system (high production of sugar and surplus of non-quota sugar in warehouses). Lithuania also requested an AOB point for the situation of the milk market (milk powder in intervention storages).

The Presidency took note of these requests.

Reporting: (), DG AGRI, Unit I.5 Tel.: ()