

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

(2003/C 45 E/07)

COM(2002) 561 final

(Submitted by the Commission on 16 October 2002)

EXPLANATORY MEMORANDUM

On 24 June 1991 the Council adopted Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾.

On 19 July 1999 the Council adopted Regulation (EC) No 1804/1999, amending Regulation (EEC) No 2092/91, and laying down the principles for, and specific inspection measures covering organic production of livestock, unprocessed livestock products and products intended for human consumption containing ingredients of animal origin.

Those principles state that in the organic production method, feed is intended to ensure quality production rather than maximising production, while meeting the nutritional requirements of the livestock at various stages of their development.

The organic production method imposes strict feeding constraints. Actually, livestock must be fed on organically produced feedingstuffs. Essential substances, such as certain amino-acids and vitamins for different animal species, should be covered by natural inputs. However, in order to guarantee animal welfare, synthetic vitamins identical to natural vitamins are allowed in the case of monogastric animals. No synthetic amino-acid has been authorised so far in 'organic farming'.

These harmonised rules for the 'organic' livestock production (adopted in 1999) are still quite recent and breeders encounter difficulties in adapting to the aforementioned restrictions. Moreover, the sources of natural feed materials are currently restricted, *inter alia*, due to the prohibition of using animal protein in feed at EU level on a temporary basis.

Under these circumstances, breeders of organic farming livestock may encounter difficulties in providing their animals with all the essential substances they need for harmonious growth.

Taking this situation into account, the Commission presented a draft regulation to the regulatory committee for exchange of views in December 2001. The proposal envisaged allowing the use of certain feed materials rich in natural amino-acids (brewer's yeast and eggs) in 'organic' farming. Moreover, the proposal envisaged authorising, for a transitional period, the use of liposoluble synthetic vitamins (vitamins A, D and E) as feed additives for ruminants, and three synthetic amino-acids (methionine, lysine and threonine) for poultry.

A revised version was included on the agenda of the regulatory committee on 21-22 March for exchange of views and possible opinion. Synthetic lysine and threonine had been removed from the text as it had been found out, that they are obtained mainly from genetically modified organisms, what is against the principles of the 'organic' production method. The exchange of views in the regulatory committee led to the conclusion that it was not possible to get a favourable opinion.

Taking into consideration the outcome of that debate, it was concluded that:

- Allowing the use of synthetic amino-acids certainly represents a turning-point in 'organic' farming with uncertain consequences.
- The case of synthetic vitamins is different as:
 - Council Regulation (EEC) No 2092/91 already permits the use of these substances in feed for non-ruminants (monogastric animals).

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

- Otherwise these substances would have to be prescribed as veterinary medicaments in order to avoid animal health problems, at least in northern countries where the content of certain vitamins in roughage is almost nil during the long winter period.
- The vitamin problem is not linked to the use of high yielding breeds and strains, as it is sometimes the case with synthetic amino-acids.
- The use of synthetic amino-acids is strongly contested by several Member States. Moreover, only the United Kingdom, Ireland and France have a real need for these products, due to their particular legal restrictions on the use of fishmeal. On the contrary, several Member States claim the use of synthetic vitamins.

Following the aforementioned approach, a revised proposal was presented to the regulatory committee for exchange of views and possible opinion on 30 April 2002.

This revised proposal, finally envisaged allowing the use of following substances in 'organic' farming:

1. Synthetic vitamins (A, D and E) as feed additives for ruminants, for a transitional period expiring on 31 December 2005. Member States have to authorise their use.
2. 'Brewer's yeasts' and 'eggs and eggs products' in feed.
3. A slight amendment of point 4.10 of Annex I, Part B to Council Regulation (EEC) No 2092/91.

Notwithstanding the amendments included in the latter proposal, it was concluded during the meeting on 30 April 2002, that again a favourable opinion could not be achieved.

The same proposal was finally submitted to the opinion of the regulatory committee on 9 July 2002. No opinion was delivered resulting from 39 votes in favour: Denmark, Germany, Greece, Ireland, Luxembourg, Netherlands, Austria, Finland, Sweden; 33 votes against: Spain, Italy, Portugal, United Kingdom; and 15 abstentions: Belgium, France.

Reasons for votes against and abstentions:

France:

- regretted that the synthetic amino-acids had been removed from the proposal. They consider that animal welfare is endangered due to the prohibition of using synthetic amino-acids in 'organic' livestock.
- considered that no deadline should be foreseen for the use of synthetic vitamins as feed additives for ruminants, as it is already the case for non-ruminants (monogastric animals).
- questioned the use of 'eggs and eggs products' as feed for sanitary reasons. France also pointed out that laying hens fed with these products tend to peck eggs.

United Kingdom:

- regretted that the synthetic amino-acids had been removed from the proposal. The United Kingdom realised that certain Member States do need the use of synthetic vitamins for animal welfare reasons. For that reason, the United Kingdom agreed on including these substances in the proposal. However, they could not accept the proposal as the inclusion of synthetic amino-acids had been also requested for animal welfare reasons.
- questioned the use of 'eggs and eggs products' as feed for sanitary reasons.

Spain:

- contested the inclusion of synthetic vitamins as feed additives for ruminants. They consider that these substances must be provided by natural feed sources.

— questioned the use of 'eggs and eggs products' as feed for sanitary reasons.

Italy and Portugal:

— contested the inclusion of synthetic vitamins as feed additives for ruminants. They consider that these substances must be provided by natural feed sources.

Belgium:

— explained the opinion on the use of synthetic vitamins as feed additives for ruminants was divided in Belgium. For that reason they abstained.

In absence of an opinion of the competent regulatory committee, the Commission, pursuant to Article 5(4) of Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, hereby presents the concerned proposal for a Regulation to the Council, and informs the Parliament thereof.

This proposal has no impact on the Community budget.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Having regard to the Council Regulation (EEC) No 2092/91 ⁽¹⁾ of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, as last amended by the Commission Regulation (EC) No 2491/2001 ⁽²⁾, and in particular the second indent of Article 13 thereof,

Whereas:

- (1) Preservation of animal-health and welfare must be based first and foremost upon prevention, thanks to measures such as the appropriate selection of breeds and strains and appropriate balanced diets.
- (2) Regulation (EEC) No 2092/91 imposes precise feeding constraints. In particular, the supply of essential substances, such as vitamins, should be covered by natural inputs.
- (3) Harmonised rules for the organic livestock production are quite recent and breeders still may encounter difficulties in obtaining animals with the capacity to adapt to local conditions and/or to adequate management systems and in providing their animals with all the essential elements they need for harmonious growth, in particular with regard to certain liposoluble vitamins in the case of ruminants.

(4) A derogation is therefore needed to authorise under specific conditions, exceptionally and only for a transitional period, the use of vitamins A, D and E.

(5) That authorisation shall be accompanied by an obligation on the Member States to inform the Commission thereof.

(6) The Committee provided for in Article 14 of Regulation (EEC) No 2092/91 has not delivered an opinion within the time limit set by its chairman.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2092/91 is amended as follows:

- (a) Annex I Part B is amended in accordance with point 1 of the Annex to this Regulation.
- (b) Annex II Parts C and D are amended in accordance with point 2 of the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following 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.

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

⁽²⁾ OJ L 337, 20.12.2001, p. 9.

ANNEX

1. Annex I Part B to Regulation (EEC) No 2092/91 is amended as follows:

Point 4.10 is replaced by the following:

'4.10. For poultry, the feed formula used in the fattening stage must contain at least 65 % of a mixture of cereals, protein crops and oilseeds'.

2. Annex II to Regulation (EEC) No 2092/91 is amended as follows:

(a) in Part C, the following point 2.3 is added:

'2.3. Eggs and egg products for use as poultry feed, preferably from the same holding;'

(b) Part D is amended as follows,

(i) in point 1.2, the following subparagraph is added:

'By derogation from the first subparagraph, and during a transitional period ending on 31 December 2005, the competent authority of each Member State may authorise the use of synthetic vitamins of types A, D and E for ruminants in so far as the following conditions are met:

- the synthetic vitamins are identical to the natural vitamins and,
- the authorisation issued by the Member States is founded on precise criteria and notified to the Commission.

Producers may benefit from this authorisation only if they have demonstrated to the satisfaction of the inspection body or authority of the Member State that the health and welfare of their animals cannot be guaranteed without the use of these synthetic vitamins.'

(ii) in point 2, the following text is added:

- 'Brewer's yeasts'.
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