



## New EU organic rules

How the new Regulation will affect businesses and consumer confidence in organic products

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The new EU Organic Regulation 2018/848 was adopted by both the European Parliament and the Council of Ministers this year. Officially published in the Official Journal of the European Union on 14 June, the new legislation will apply from 1 January 2021. In this white paper, Antonella Di Giampaolo discusses the main changes brought about by the new Organic Regulation.

The spirit of the new Organic Regulation 2018/848 aims to give clearer rules on organic farming and production, as well as meeting operators' and consumers' expectations regarding the quality of organic products.

Regulation 834/2007 will be repealed, although the experience gained so far has been incorporated into the new Regulation.

One of the objectives of the new legislation is to encourage short distribution channels and local production. This might affect consumers' behaviour in that they might decide to prioritise local and organic products, contributing to the reduction of CO<sub>2</sub> emissions and transport costs.

Organic farming and production will move from being about 'free from pesticides' into a wider approach. The new Regulation now considers how animals are treated, how food is produced and how 'healthy' the soil is. Soil is arguably one of the earth's most important natural resources; its protection is reinforced by the new provisions, which introduce the concept of biodiversity, encourage the maintenance of a non-toxic environment, and promote soil's long-term fertility.

Below is a brief overview of the main changes that can be expected in the near future.

### Labelling

The new rules will not bring about any significant changes to labelling. However, there will be increased flexibility as to how the origin of ingredients is indicated. Currently, to identify that a product is from 'EU agriculture' or 'UK agriculture', at least 98% of the ingredients should be farmed in the EU (or in the UK). With the new Regulation, the minimum percentage will be 95%. Companies will also be allowed to specify a region to replace or supplement the indication of the name of the country. For example, if 95% of the ingredients are farmed in Yorkshire, the reference 'Yorkshire agriculture' can be used.

### Organic and natural

The use of natural flavourings will be strongly restricted. Today, all natural flavourings are allowed; however from 2021, only natural flavourings originating from the mentioned ingredients can be used in organic processing. For example, only 'natural lemon flavouring' will be allowed, which means that the flavouring must be at least 95% obtained from lemon.

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Natural flavourings will have to be natural as well as organic!

Rules for obtaining organic flavourings are also detailed in the new Regulation.

### **Group certification**

The new Organic Regulation introduces the practice of 'group certification' into the EU – currently this is only allowed in developing countries. Group certification is particularly significant for small farmers who can join forces and be certified as a single entity. One certificate will cover all the farmers, who then cannot sell their certified products other than through the group itself. Specific criteria are established to define what categories of farmers can join the group.

### **Mixed farms**

The new rules will allow for mixed farming, combining conventional and organic production, provided that the two are sufficiently separated. The Regulation requires that processes and organic products, in-conversion (in the process of converting to organic status) and non-organic products are kept separate from each other. For instance, farmers are not able to grow conventional and organic produce at the same time. Growing organic carrots in one field and conventional carrots in the next field would be against the ethos of the new Regulation.

Allowing organic, in-conversion and non-organic production in the same setting will encourage those farmers who are only dealing with conventional crops to convert to organic farming.

The legislation stipulates measures to avoid contamination by pesticides. However, should

pesticides be found to be present, the final product should not bear an organic certification label until the contamination has been investigated.

If the contamination was deliberate, or resulted from the farmer's failure to apply precautionary measures, the product would lose its organic status.

### **Fraud in organic**

In parallel with the publication of the new Organic Regulation, the European Court of Auditors (ECA) is investigating organic food controls in the EU to check whether consumers can rely on the products they buy.

Research projects have demonstrated that consumer confidence is crucial for the ever-growing organic market.

The ECA is currently assessing whether consumers can now have greater confidence that products labelled 'organic' are truly organic, than they could at the time of the 2012 audit. The new report will be published early in 2019.

The new Organic Regulation dedicates several articles to the inspection and control provisions of organic farming and production. These represent fundamental shifts to help further increase consumers' confidence; and possibly, as demand for organic produce increases, make it more appealing for farmers to convert to organic farming.

The whole new set of objectives and rules introduced by the new Regulation should positively impact organic farming and production. They seem to be fulfilling consumer priorities to buy high-quality food from sustainable methods and sources.

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## **How Leatherhead can help**

Our global regulatory consultants help food business operators comply with the new EU organic legislation, as well as with existing legislation worldwide.

If you manufacture products, we can help you comply with the new Regulation as well as provide support in using the claim 'organic' on products targeted at specific market segments. If you import products, we can help you ensure that organic products from third countries can be legally imported into the EU, as well as provide overall regulatory support and guidance.

## **About the author**

Antonella Di Giampaolo is a Regulatory Consultant at Leatherhead Food Research where she advises on UK, Italian, Romanian, Swiss, Maltese and EU food legislation. She joined Leatherhead in 2007 working as a Research Scientist in the Food Safety department. After developing a keen interest in the regulatory challenges facing the food industry, Antonella transferred into the Global Regulatory team in 2010. Antonella has a Bachelor's degree in Food Science and Technology from the University of Teramo, Italy.

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## About Leatherhead Food Research

Leatherhead Food Research provides expertise and support to the global food and drinks sector with practical solutions that cover all stages of a product's life cycle from consumer insight, ingredient innovation and sensory testing to food safety consultancy and global regulatory advice. Leatherhead operates a membership programme which represents a who's who of the global food and drinks industry. Supporting all members and clients, large or small, Leatherhead provides consultancy and advice, as well as training, market news, published reports and bespoke projects. Alongside member support and project work, our world-renowned experts deliver cutting-edge research in areas that drive long-term commercial benefit for the food and drinks industry. Leatherhead Food Research is a trading name of Leatherhead Research Ltd, a Science Group (AIM:SAG) company.

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Originally founded by Professor Gordon Edge as Scientific Generics in 1986, Science Group was one of the founding companies to form the globally recognised Cambridge, UK high technology and engineering cluster. Today Science Group continues to have its headquarters in Cambridge, UK with additional offices throughout Europe and North America.

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