

Worst of all options

Keeping the existing regulation is not in our best interest

In the last issue of TOS Hanspeter Schmidt delivered a blow to the Commission's draft of the EU Regulation. Gunnar Rundgren disagrees with his recommendation and explains why here.

Hanspeter Schmidt (HPS) stated in his article 'Abundant logical breaches and vague language' (TOS issue 61) that the Commission's draft of the EU Regulation is badly written, that there are breaches in its logic, and that it has an unclear and illogical structure. Further, he argues against increased stakeholder involvement in the rule making process because strong lobby groups with other interests than the organic sector will be the ones that will influence the Commission. He states that the proposal means that the Commission gets more power than in the current situation and fears that this combined with the lobby from agrobusiness and large retailers will result in the entry of agrochemicals and lowering of standards. His recipe is simple: keep the existing regulation and make only surgical interventions.

There are, indeed, things that merit criticism in the Commission's proposal. In particular, there is the further integration of organic certification into food safety regimes – organic labelling is about marketing, it is not about bird flu or other hazards concerned with food safety. However, most of the issues raised by HPS are not so serious. Obviously it is easy to find inconsistencies in the Commission's draft, but then there are plenty in the existing regulation, we have

just learnt how to live with them. The structure of the proposal is much clearer and more logical than the current one. The language is, indeed, quite vague, but it is probably intended to be so, in order to leave space for the additional rule making that will be necessary.

There are risks that increased stakeholder participation will mean increased lobbying from strong interests. But then, a transparent and open process for stakeholder participation would be a lot better than the lobbying in the corridors of the Commission, which takes place already. HPS asks, what will happen when the retailers insist on simpler import regulations in order to make organic food accessible? In this regard the new proposal is actually a great improvement, and should be welcomed. It is clear that attempts to open up the cumbersome and dysfunctional system for imports is seen by some people as bad news. The EU organic Regulation should not be used as yet another trade barriers for agriculture products. There are already more than enough barriers, and if consumers and retail-

ers press for increased market access – that is good news.

It is a correct analysis by HPS that the Commission will have substantially more power (compared to the Council) with the new regulation than under the previous one, and in my opinion this is not such a good idea. However, the key question is not really what should be decided by the Commission and what should be decided by the Council. Increased stakeholder participation in rule-making should be there regardless of who makes the rules, so the key question is what can be decided by the sector itself. By delegating more to the sector some of the fears of manipulation expressed by HPS can be avoided. In the first step more power can be given to the Member States to define more precise rules – something that the proposal allows to a very limited extent. It should be possible for this to be delegated further to sector organisations or certification bodies. Ultimately, we should come to a situation where organic producers themselves are authorised to take more management decisions and not just follow painstakingly detailed rules (like the ones in the current regulation). This is probably too large a leap for the idea to be accepted today, but as an orientation for development it can be a benchmark.

The worst scenario is to follow HPS recommendations to keep the existing regulation and consider it as essentially complete and exclusive. ■

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