

CERTIFICATION AND LABELING OF ORGANIC PRODUCTS IN EUROPEAN COUNTRIES: EXPERIENCE FOR UKRAINE

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Annotation. *EU countries are currently one of the leading centers of development of the world market of organic agriculture products. The European countries with the largest sales markets for organic food products are Germany, France (EUR 9.1 billion), Italy (EUR 3.5 billion), Switzerland (EUR 2.7 billion). This activity is regulated in detail by the EU legislation: uniform standards are established in the field of production and processing of organic products, the rules for its marking, and the procedure for certification in this field. As rightly noted in the scientific literature, the detailed legal procedure of organic production is a guarantee of consumer rights protection from unscrupulous producers. In addition, almost every EU country has a fairly extensive system of private certification bodies, as well as its own standards, often stricter than the European ones. All this indicates the prestige of the consumption of organic products by the population and, accordingly, quite significant competition among its producers, who do not just try to comply with EU standards, but constantly improve them by obtaining appropriate national certificates. Unfortunately, in Ukraine, and in pre-war times, such production was not particularly popular. As of December 31, 2021. according to the Ministry of Agrarian Policy and Food of Ukraine (hereinafter referred to as the Ministry of Agrarian Policy), the total area of agricultural land used for organic production and the transition period was 422,299 hectares (1% of the total area of such land in Ukraine), including the area of agricultural land with organic status is 370,110 hectares, the area of the corresponding land in the transition period is 52,189 hectares. The total number of operators was 528, including 418 agricultural producers. But, taking into account the important role of organic farming, especially in the process of greening agriculture, ensuring soil fertility, protecting the environment, its role, especially in the post-war period, should grow. Therefore, the study of the legal regulation of the certification procedure in this area, on the example of the leading European countries, is particularly relevant.*

Key words: *organic production, organic agriculture, certification of organic products, organic products, organic legislation of the EU countries, organic agricultural products market.*

1. Introduction.

EU countries are currently one of the leading centers of development of the world market of organic agriculture products. The European countries with the largest sales markets for organic food products are Germany, France (EUR 9.1 billion), Italy (EUR 3.5 billion), Switzerland (EUR 2.7 billion) [1]. This activity is regulated in detail by the EU legislation: uniform standards are established in the field of production and processing of organic products, the rules for its marking, and the procedure for certification in this field. As rightly noted in the scientific literature, the detailed legal procedure of organic production is a guarantee of consumer rights protection from unscrupulous producers [2]. In addition, almost every EU country has a fairly extensive system of private certification bodies, as well as its own standards, often stricter than the European ones. All this indicates the prestige of the consumption of organic products by the population and, accordingly, quite significant competition among its producers, who do not just try to comply with EU standards, but constantly improve them by obtaining appropriate national certificates. Unfortunately, in Ukraine, and in pre-war times, such production was not particularly popular. As of December 31, 2021. according to the Ministry of Agrarian Policy and Food of Ukraine (hereinafter referred to as the Ministry of Agrarian Policy), the total area of agricultural land used for organic production and



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2. Analysis of scientific publications.

In agrarian and legal science, a number of scientists paid attention to the problems of certification of production and circulation of organic products. In particular, these are: O.M. Batygina, N.R. Kobetska, T.V. Kurman, N.R. Malysheva, V.O. Melnyk, D.S. Poddubna. Mostly, their scientific developments were based on the analysis of domestic legislation, and were also carried out before the adoption of the Law of Ukraine dated July 10, 2018 «On the basic principles and requirements for organic production, circulation and labeling of organic products». Accordingly, the relevance of this study increases.

3. The aim of the work.

To analyze the legislation of EU member states in terms of certification and labeling of organic crop production and to take into account their experience in the process of adapting Ukrainian legislation to EU legislation.

4. Review and discussion.

In European countries, the issue of controlling the production of organic products is carried out by issuing a certificate. That is, the certificate confirms the compliance of the produced organic products with the quality requirements established, first of all, in Council Regulation (EC) No. 834/2007 of June 28, 2007 on organic production and labeling of organic products, which repeals Regulation (EEC) No. 2092/91 (further – Council Regulation (EC) No. 834/2007) [4], as well as in Regulation (EC) 2018/848 of the European Parliament and of the Council of May 30, 2018 on organic production and labeling of organic products and repealing Council Regulation (EC) No. 834/2007 (hereinafter – Regulation (EU) 2018/848) [5]. Thus, operators who are engaged in the production, preparation, distribution, storage of organic products or products of the transition period, or who introduce such products into circulation, are obliged to notify the competent authorities of the Member State in which this activity is carried out and in which their the enterprise is subject to the control system, before the introduction of any products into circulation as “organic” or “transition period products” or before the beginning of the transition period (Article 34(1) of Regulation (EU) 2018/848). That is, the so-called application principle is practically in effect. At the same time, the specified bodies (or institutions or control bodies determined by each country) issue a certificate to any operator (group of operators) who have reported their activities and comply with the requirements of the above-mentioned Regulation (Article 35(1)). In addition, as already mentioned above, additional requirements for the certification of organic products are contained in the regulatory documents of a particular country.

As for domestic legislation, we should agree with the opinion of N.R. Kobetska, that the Law of Ukraine «On the Basic Principles and Requirements for Organic Production, Circulation and Labeling of Organic Products» took into account EU approaches to the certification of organic products and provides for the certification of the entire process of organic production, not just finished products [6, p. 103]. After all, by certification, the legislator understands the process of checking and establishing compliance of production and/or circulation of products with the requirements of legislation in the field of organic production, circulation and labeling of organic products (Article 1 of the above-mentioned Law). At the same time, organic production is considered as a certified activity related to the production of agricultural products (including all stages of the technological process, namely primary production (including harvesting),

preparation, processing, mixing and related procedures, filling, packaging, processing, restoration and other changes in the condition of products), which is carried out in compliance with the requirements of legislation in this area (Article 1). As for the circulation of organic products, it is any movement or storage of relevant products for the purpose of sale, except for the movement or storage of labeled organic products for the purpose of sale to the final consumer (Article 1).

The certification body can be any enterprise, institution, organization or their division that has accreditation in accordance with the Law of Ukraine «On Accreditation of Conformity Assessment Bodies» in the field of organic production and/or product circulation and entered by the Ministry of Agrarian Policy and Food of Ukraine to State register of certification bodies in the field of organic production and circulation of organic products (Article 28). Thus, as rightly noted by O.M. Batygina, the state delegated part of its functions regarding control in the field of organic production to private certification bodies that control organic producers [7, p. 14]. However, it should be noted that as of June 5, 2023 there is only one business entity in the corresponding register – «Organic Standard» LLC. It carries out certification in the field of organic production and/or product circulation, including and in the field of organic crop production (including seed production and nursery production); organic mushroom growing (including cultivation of organic yeast); production of organic food products (including organic winemaking); harvesting organic objects of the plant world [8].

In European countries, the situation in this area is completely different. As noted in the scientific literature, the management system of organic production is implemented according to several models. The first is state (accreditation and certification are carried out by state institutions). This model is typical for Denmark, Finland and Estonia. The second is private (accreditation of certification bodies in the International Federation of Organic Agriculture Movements (IFOAM) and certification by private business entities) [9, p. 127-128]. This model is used, in particular, by France and Germany. In this context, it is necessary to emphasize the important role of IFOAM in the formation of intergovernmental standards. This international non-governmental organization unites more than 700 active organizations from 100 countries of the world. In 1980, she formed the «Basic IFOAM standards for the production of «bioproducts and their processing» and began to implement them, and later to evaluate certification institutions for their compliance with the basic standards, using the «IFOAM accreditation criterion» developed by her [10; 11, p. 24--26]. And, finally, the third, most common, model is public-private (accreditation of private structures providing certification services is carried out by state institutions) [9, p. 128].

Let's consider in more detail the management system of organic production on the example of individual European countries. Let's start with the characteristics of the private model of Germany. There are 19 inspection bodies operating in the country, among which we can name: Kiwa BCS Öko-Garantie GmbH (DE-ÖKO-001); LACON GmbH (DE-ÖKO-003); Ecocert Deutschland GmbH (DE-ÖKO-005); Prüfgesellschaft ökologischer Landbau mbH (DE-ÖKO-007) [12]. The organic market of this country has expanded significantly in recent years. Considering this, there was a need to create an effective system of control (inspection) of organic farming. That is why the German Federal Ministry of Food and Agriculture (German: Bundesministerium für Ernährung und Landwirtschaft, BMEL) has established detailed criteria for the accreditation of private inspection bodies by adopting the Ordinance on the Accreditation of Inspection Bodies in accordance with the Organic Agriculture Act (German: ÖLG-Kontrollstellen-Zulassungsverordnung), which entered into force on May 12, 2012 [13]. The powers of private inspection bodies include monitoring compliance with EU legislation in the field of organic farming. An inspection contract is concluded between the inspection bodies and the relevant business entities. Control is carried out not only by product manufacturers, but also by processors and importers at least once a year, and more often if necessary [13].

A similar system exists in France. Bodies carrying out certification in the field of organic agriculture must be accredited by the official French Accreditation Committee (French: Comité français d'accréditation, Cofrac). Today, 10 certification bodies are accredited in France, of which the largest and most famous is Ecocert, which carries out at least 80% of all certifications of organic producers in the country [14].

In Austria, certification is carried out by independent organizations that, through tests and expert evaluation, determine whether the products meet the standards and regulations established for them.

Their number includes, in particular, the Austrian Institute for Standardization (German: Österreichisches Normungsinstitut), which has membership in the European Committee for Standardization (French: Comité Européen de Normalisation, CEN) [14]. The circulation of food products and the procedure for their certification is regulated by the Food Law [15].

In our opinion, the experience of legal regulation of organic production certification in the Republic of Poland is important for Ukraine. As in other EU member states, the basis of legislation in this area is the corresponding EU regulations. In addition, on June 23, 2022, the Law on Organic Agriculture and Organic Production (Polish. Ustawa o rolnictwie ekologicznym i produkcji ekologicznej) was adopted. The state body that administers this area is the Ministry of Agriculture and Rural Development (Polish: Ministerstwo Rolnictwa i Rozwoju Wsi) [16]. The Ministry authorizes private control bodies. In addition, they must be accredited by the Accreditation Center of Poland, which is independent from the aforementioned Ministry [17, p. 69]. Today, there are 10 private control bodies in Poland that carry out inspection and certification in the field of organic farming. These include: Ecogwarancja PTRE, Cobiko, Bioekspert, BiocertMalopolska, PNG and others [17, p. 69]. State supervision of them is carried out by the Inspection of Agriculture and Food Quality (Polish: Inspekcja Jakości Handlowej Artykułów Rolno-Spożywczych). The specified state body also conducts a random inspection of the production of organic agricultural products, grants permission to import organic agricultural products from third countries, receives applications from manufacturers who plan to start organic production, and also collects basic statistical data on organic agricultural production [18]. Thus, it can be concluded that the public-private model of organic production management is used in Poland, when the accreditation of private business entities providing certification services is carried out by state institutions. In our opinion, a similar system is being formed in Ukraine.

Within the scope of the article, I would like to dwell on the issues of labeling organic products. According to EU legislation, in order to ensure transparency for consumers in the markets of all Commonwealth countries, the EU logo (Figure 1) must be mandatory for all organic packaged food products produced within the Commonwealth (paragraph 24 of the Preamble of Council Regulation (EC) No. 834/2007). Such an obligation, which is placed on the manufacturers of the specified products, once again proves the concern for consumers. Moreover, in order not to mislead the latter about the organic origin of the product, it is not allowed to use the logo to label products produced during the conversion period or obtained as a result of processing, if less than 95% of the ingredients in it are organic (paragraph 25 of the above Regulations).



Figure 1. EU logo

At the same time, EU legislation allows the use of both national and private logos. Indeed, in a number of European countries, national labeling is used, which is trusted by consumers. The national marking can be applied in combination with the pan-European logo of organic products. In the scientific literature, attention is drawn to the fact that the simultaneous use of state and private logos in the labeling of organic products indicates the existence of an alternative certification scheme [19, p. 118]. This is also true for Ukraine. After all, the Law of Ukraine «On Basic Principles and Requirements for Organic Production, Circulation and Labeling of Organic Products» allows, in addition to labeling with the state logo, additional logos (Figure 2) introduced by operators engaged in the production and sale of organic products, or their unions, if they are not prohibited by law (clause 4 of article 34).



Figure 2. Organic product logo

Since September 2001, in Germany, all organic products must be marked with the national logo of organic products of Germany «Bio-Siegel» (German: Bio-Siegel, Figure 3), which in Ukrainian means “organic seal”. For organic products marked with this sign, there is no need for additional control. Although this labeling is voluntary, as of April 30, 2023, 6,846 companies in Germany used the Bio-Siegel logo to label 103,424 products [20].



Figure 3. Bio-Siegel logo

In addition, there are a number of private organic labels and standards in Germany that are mostly owned by farmer associations. The most famous signs are Bioland, Demeter, Naturland [21]. They have strict requirements for the production of organic products and a more advanced monitoring system compared to the requirements of EU legislation. And therefore, they position themselves as organic premium brands. The standards of German farmers’ associations do not allow the simultaneous use of organic and conventional methods on the same farm. Associations grant their members the right to apply appropriate marking to goods only based on the results of the inspection [21].

France also has its national organic product labeling logo “AB” (organic agriculture, French: Agriculture Biologique, Figure 4), which was introduced in 1985. This logo is the property of the French Ministry of Agriculture (French: Ministère de l’Agriculture), but this brand is managed and promoted by the state agency “Agence BIO” (French: “Agence BIO”). Its application to goods is allowed after signing a contract with the owner of the mark and fulfilling all the requirements established by EU legislation [22].



Figure 4. Agriculture Biologique logo

There is a national marking in Austria as well. This is AgrarMarkt Austria (German: AMA, Figure 5), owned by AgrarMarkt-Austria-GesmbH, and can be applied to all products that meet the requirements of EU legislation and the Austrian Consumer Code (German: Das Österreichische Lebensmittelbuch) [15].



Figure 5. AgrarMarkt Austria logo

5. Conclusions.

In our country, the system of certification of production and circulation of organic products is just beginning to take shape. Therefore, the analysis of legal regulation in this area in EU member states is particularly important. Ukrainian legislation in this area has adapted EU norms and provides for certification of both the entire process of organic production and the circulation of finished products. Today, the certification system in our country is based on the public-private model of managing organic production, which provides that the certification body can be any economic entity that has accreditation in the field of organic production and/or product circulation and which has been entered by the Ministry of Agrarian Policy into the relevant State register of certification bodies. As for the use of private logos and the development of stricter standards for producers of organic agricultural products, this direction remains quite unregulated and needs to take into account the practical experience of European countries.

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