

STUDY ON LEGISLATION OF ORGANIC PRODUCTS QUALITY

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Abstract

Consumers' demand for organic food has steadily increased in recent years. Operators who produce, process, storage, trading and/or import from a third country certified organic food and/or in conversion period, before placing them on the market must undergo the activity of production unit/farm to the inspection/certification system. Inspection and certification bodies accredited by the Ministry of Agriculture and Rural Development carry out inspections and issue certificates for organic farmers. Certificates attest to compliance with national and international standards governing organic farming and quality of products. The world's most important organization, the International Federation of Organic Farming Movements (IFOAM), has developed the first standards of organic food production and processing in 1980, which it has developed in collaboration with its UN partners, the Organization for Food and Agriculture (FAO), the Codex Alimentarius Commission and the United Nations Trade and Development Conference (UNCTAD), becoming the IFOAM Family of Standards. It is known as COROS (Common Objectives and Requirements of Organic Standards). These standards currently include production standards with major regulations in EU Regulation 834/2007, as well as other standards, about 50, among which the most important ones are: the US National Organic Program, Japan Standards for Agriculture, and others. Also, in 2005, the ISO 22000 "Food Safety Management Systems - Requirements for any organization in the food chain" was developed and approved as the first international standard for Food Safety Management System. In this context, this paper presents the results of a study on the regulation of the organic products quality.

Key words: organic agriculture, organic products quality, quality standards, certification

The organic farming system has emerged as an alternative to superintensive, industrial, agricultural technologies, based on the mechanization, chemisation and excessive processing of food production. Over the last decade, organic farming has grown rapidly in the world (www.organic-farming.europa.eu). According to the legislation in force, this production system requires "the production of agri-food products, without the use of fertilizers, pesticides, hormones, genetically modified organisms, anabolic substances, antibiotics and other harmful conventional products in accordance with the rules of ecological production, national guides and specifications and are certified by an inspection and certification body set up for this purpose" (www.madr.ro).

If in 2000 year, organic farming was practiced in 86 countries, but in 2016, it was present in 178 countries (Willer H., Kilcher L., 2018). According to the latest research in the field, about 57.8 million hectares (including areas in conversion) were grown worldwide in 2016, accounting for approximately 2.7 million operators (FiBL-IFOAM-SOEL). The market

value of organic products worldwide has been over 85 billion euros for 2018.

For Romania, according to the latest MADR data for 2017, an area of about 300,000 ha was recorded and the number of operators was over 11,000. The market value was 80 million euros.

Operators who produce, process, storage, trading and/or import from a third country certified organic food and/or in conversion period, before placing them on the market must undergo the activity of production unit/farm to the inspection/certification system. Inspection and certification bodies accredited by the Romanian Ministry of Agriculture and Rural Development carry out inspections and issue certificates for organic farmers/operators. Certificates attest to compliance with national and international standards governing organic farming and quality of products.

Certification is the procedure and work carried out by an approved body to determine, verify and certify in writing the quality of products or processes in accordance with established objectives (definition of the European

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Organization for Quality (EOQ). In Romania, the control and certification of organic products is currently ensured by private inspection and certification bodies which are registered at the Ministry of Agriculture and Rural Development (MARD). Before manufacturers start an activity in this area, they have to register with MARD.

For all those interested, the certification of the organic production system guarantees that the product has been obtained in accordance with the rules and principles of organic farming.

Operators registration in organic farming is mandatory every year by filling in the Organic Farming Registration Sheets available at the for Agriculture County Directions and the Municipality of Bucharest, within which the producer is operating, to the County Organic Agriculture Chiefs and Agency for Payments and Intervention for Agriculture (APIA).

The provisions on the labeling of organic products (Council Regulation (EC) No 834/2007 on organic production and labeling of organic products and Commission Regulation (EC) No 889/2008 laying down detailed rules for the application of Council Regulation, No 834/2007) are very precise and aim to give consumers full confidence in organic products, that products are obtained and certified in accordance with strict production, processing, inspection and certification rules.

MATERIAL AND METHOD

This paper presents the results of a study on the legislation of the quality of organic agricultural products.

For the achievement of the proposed objectives, have been studied and processed informative documentary materials elaborated by recognized domestic and international institutions and organizations in the field of organic agriculture (IFOAM, FAO, FIBL, MADR, Euromonitor, Eurostat, etc.).

RESULTS AND DISCUSSIONS

Concept of organic agriculture. The organic farming sector has the fastest growing development in the food sector today. Growth rates of organic food sales were between 20-25% per year (ww.fao.org).

According to the latest FAO documents, the term "organic farming" refers to "a process that uses environment-friendly methods at the production, handling and processing stages". Thus, organic production refers not only to a product but also to the whole system used to produce and deliver the product to the final consumer. In order to prevent and combat fraud,

eliminate frauds by replacing organic products with conventional ones (cheaper), in order to ensure consumer protection, specific regulations have emerged in many countries, and then proceeded to develop and apply international standards that seek to respect some strict rules in the production, processing, transport and marketing of these products.

General legislation of organic agriculture. In our country, organic farming has great potential for development and the legal basis for organizing the production and sale of organic products has been shaped by the following national and European Community legal rules:

- Emergency Ordinance no. 34 of 17 April 2000 on organic food products;
- Decision no. 131/2013 laying down the measures and sanctions necessary to comply with the provisions of Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labeling of organic products and repealing Regulation (EC) No. 2092/91;
- Order no. 986/2016 approving the amount of tax for the approval of inspection and certification bodies in organic farming;
- Order no. 895/2016 for the approval of the rules on the organization of the inspection and certification system, the approval of inspection and certification bodies / inspection and control bodies for the control organisms in organic farming;
- Order no. 1253/2013 for the approval of rules on the registration of operators in organic farming;
- Order no. 900/2013 on the operation of the seed or vegetative propagating material database in the organic farming sector;
- Order no. 51/2010 approving national rules on the authorization of imports of organic agricultural products from third countries;
- Order no. 417 of 13 September 2002 on the approval of specific rules on the labeling of organic food products.
- Council Regulation (EC) (EC) No 834/2007 on organic production and labeling of organic products and repealing Council Regulation (EEC) 2092/91, applicable from 1.01.2009.
- Regulation (EC) Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries.
- Council Regulation (EC) Council Regulation (EC) No 501/2008 of 5 June 2008 laying down detailed rules for the application of Council Regulation (EC) 3/2008 on information and

promotion measures for agricultural products on the internal market and in third countries.

- Council Regulation (EC) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) 339/93.
- Council Regulation (EC) Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the application of Council Regulation (EC) No 834/2007 on organic production and labeling of organic products as regards organic production, labeling and control.
- Council Regulation (EC) Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for the application of Council Regulation (EC) No 834/2007 as regards the import arrangements for organic products from third countries.
- Council Regulation (EC) Commission Regulation (EC) No 537/2009 of 19 June 2009 amending Regulation (EC) No 1235/2008 as regards the list of third countries from which certain agricultural products produced by organic production methods must come for the purposes of marketing in the Community.

Legislation of certification in organic agriculture. Certification is the procedure and work carried out by an approved body to determine, verify and certify the quality of the products or processes in accordance with the established objectives (European Organization for Quality (EOQ)).

Consumer demand for organic food has steadily grown over the past few years, with demand rising beyond supply growth. For farmers and consumers, the integrity of the organic production system ensures that the product has been obtained in accordance with the rules and principles of organic farming (Ebrahimi M., 2008). Controls by public authorities or certification bodies are essential for maintaining confidence in the system and justifying higher prices.

According to the International Organization for Standardization, the standard is a technical specification or other document accessible to the public, established with the cooperation, consensus or general approval of all stakeholders, based on the combined results of science, technology and experience, with the optional advantage of the community as a whole, and approved by a qualified national, regional or international body.

EU certification schemes address various aspects such as compliance with mandatory production standards or additional requirements in terms of environmental protection, animal welfare, organoleptic qualities, worker welfare, fair trade, climate change issues, ethical considerations, religious considerations or cultural, methods of production and origin (Green Paper on Food, EC, 2008).

In Romania, the control and certification of organic products is currently ensured by private inspection and certification bodies and registered with the Ministry of Agriculture and Rural Development. They are approved on the basis of the criteria of independence, impartiality and competence set out in Order no. 181/2012. The MADR approval of control bodies is necessarily preceded by their accreditation in accordance with European Standard EN ISO 45011: 1998 and the requirements of Mandatory Document EA-3/12 M: 2013-EA Policy for the Accreditation of Organic Production Certification issued by a body authorized for this purpose. In Romania, the authority for the accreditation of environmental inspection and certification bodies is RENAR (Toader M., 2014).

Compulsory labeling of agricultural products provides consumers with important information on product quality and can increase farmers' competitiveness. Protecting geographical indications and traditional specialties against counterfeiting is also vital to promoting and ensuring food quality standards in the EU (www.madr.ro). For organic agricultural products in Romania, the national "ae" logo, specifying these products, together with the Community logo, are used to supplement labeling in order to identify the products obtained according to organic production methods by consumers.



Figure 1. National and Community logos of organic products (www.madr.ro)

Consumers who buy products bearing the national logo and the Community logo can be confident that: at least 95% of the ingredients of the product have been obtained according to the organic production method and the product complies with the rules of organic production. In addition, the product has the name of the

manufacturer, processor or seller and the name or code of the inspection and certification body (Decun M., 2004).

Legislation of organic products quality.

The number of national and private food quality certification schemes has increased significantly in recent years. For retailers, this is a way to react to the evolution of consumer demand and to deliver products with specific qualities, which either have characteristics or production methods. For consumers, the fact that systems are based on certification provides additional assurance on the reliability of information on the label. For farmers, these systems represent both a cost and a chance to inform consumers about the product's qualities.

The International Standardization Organization (ISO) and the Codex Alimentarius Commission (WHO and FAO Joint Body) deal with international standardization in food products. These bodies have as their object the development of standards and uniform rules on food, which facilitate international trade and protect the health of consumers.

Standards in the field of organic farming are strict, documented regulations that establish the specific methods and practices applicable to the production of organic production. These standards ensure that products and services are matched to the purposes for which they were created, are comparable and compatible. Harmonization of standards is the adoption of those characteristics that are mandatory in the European Union or other countries practicing organic farming and where the safety and harmlessness of products is regulated very strictly. For the competent control authorities of each country, the product's qualities for consumer health are very important, and require the label to reflect the quality and content of each product.

In the European context, certification has become almost a mandatory condition for any Romanian firm, a guarantee of the quality of the products or services offered by the company. Thus, more and more companies certify their quality management system (ISO 9001), environmental management system (ISO 14001), management system for testing laboratories (ISO 17025), conformity assessment and general requirements for bodies (ISO 17011), the occupational health and safety management system (OHSAS 18001), the Food Safety Management System (ISO 22000), the Information Security Management System (ISO 27001) and the System for Accreditation Social Responsibility Management (SA 8000) (<http://www.topconsulting>).

The ISO 9001: 2015 standard, the reference standard for the quality management system, was adopted as a Romanian standard SR EN ISO 9001. Adoption of a quality management system is a strategic decision of an organization that can help improve its overall performance and provides a solid basis for sustainable development initiatives (SR EN ISO 9001/2015).

Published on September 1, 2005, the standard ISO 22000 "Food Safety Management Systems" is the first international standard for Food Safety Management System. Food safety is a concept according to which the food will not harm the consumer if prepared and / or consumed according to the intended use.

Thus, for organic farming there are at international level a number of legally binding standards that certify that the products obtained are exactly the rules applicable to organic farming. The world's most important organization, the International Federation of Organic Farming Movements (IFOAM), has developed the first standards of organic food production and processing in 1980, which it has developed in collaboration with its UN partners, the Organization for Food and Agriculture (FAO), the Codex Alimentarius Commission and the United Nations Trade and Development Conference (UNCTAD), becoming the IFOAM Family of Standards (www.infoam.org). It is known as COROS (Common Objectives and Requirements of Organic Standards). These standards currently include production standards with major regulations in EU Regulation 834/2007, as well as other standards, about 50, among which the most important ones are: the US National Organic Program, Japan Standards for Agriculture, and others.

It also provides a framework for the development of national and regional standards and inspection and certification bodies' programs and standardization organizations around the world, and prevents the use of national standards as trade barriers. National and regional standards can only be used after approval by IFOAM. Approval is based on a detailed technical assessment of each standard and follows a procedure defined with the IFOAM Guarantee Scheme for Organic Production (Nastase I. P., Toader M., 2017).

For organic farming, certification bodies may apply international voluntary standards and / or mandatory national standards and be accredited by the "competent authority". At the international level, the International Ecological Accreditation Service (SIAO) accredits certification bodies according to the IFOAM Accreditation Program

criteria by applying the "IFOAM accredited" logo. The International Ecological Accreditation Service is an independent body that assures global certification equivalence by harmonizing standards, taking into account local differences. At national level, national governments or national accreditation bodies accredit certification bodies operating in their country if there is legislation on organic farming. Both public and private bodies must adhere to the International Organization for Standardization of Basic Standards for Accreditation of Certifiers (ISO 65), in addition to their specific requirements. Accreditation is the procedure whereby an approved institution formally assesses and recognizes a certification program in accordance with the standards of that institution.

European standards severely limit the ingredients that can be used in the processing of organic products. Organic products are thus divided into two categories: products containing 70-95% and 95-100%, respectively, organic components. The former can not be described as organic products at the time of sale, but it can be stated that "the product contains organic ingredients". The product with more than 95% organic components can be described as an organic product, but it should refer to the label on the raw material or the ingredient obtained from the farm (for example, "ecological yoghurt made from organic milk").

For organic products under the applicable legislation, the control authority or control body takes and analyzes samples for the detection of unauthorized products for organic production, verification of non-compliant production techniques or detection of possible contamination with non-organic production. The number of samples to be taken and analyzed by the control authority or body each year shall correspond to at least 5% of the number of operators it controls. The selection of operators to be sampled is based on a general assessment of the risk of non-compliance with organic production rules. The overall assessment shall take into account all stages of production, preparation and distribution.

The authority or control body shall sample and analyze samples in all cases where there is suspicion of the use of products or techniques not authorized for organic production. In such cases, the minimum number of samples to be taken and analyzed shall no longer be applied.

The control authority or control body may sample and analyze samples in any other case for the detection of non-authorized products for organic production, verification of production techniques that do not comply with the organic

production rules or detection of possible contamination with products not authorized for organic production.

Where an inspection body or body finds irregularities or infringements affecting the environmental status of products, it shall without delay inform the competent authority of the Member State which has designated or approved the authority or body concerned in accordance with the provisions of Article Article 27 of Regulation (EC) 834/2007.

The competent authority may also request, on its own initiative, any other information concerning irregularities or infringements.

In the case of irregularities or infringements relating to products under the control of other control authorities or bodies, they shall also inform the authorities or bodies concerned.

The risk analysis procedure is designed in such a way that:

- the outcome of the risk analysis provides the basis for determining the intensity of unannounced or announced annual inspections and visits;
- Additional random-check inspections carried out under the relevant legislation for at least 10% of contracted operators according to the risk category to which they belong;
- at least 10% of all inspections and visits made are unannounced;
- the selection of operators subject to unannounced inspections and visits should be carried out on the basis of risk analysis and planned inspections and visits based on the level of risk.

Chemical analyzes to identify different pesticides in organic products must be conducted in accordance with the quality assurance system, ISO 17025/2005 and validated analysis methods according to document SANCO / 12571/2013 "Method validation and quality control procedures for pesticide residue analysis in food and feed".

CONCLUSIONS

An increasing number of consumers are moving towards a consumption of organic food instead of conventional foods, in order to avoid the negative health effects caused by chemical preservatives or genetically modified ingredients present in conventional foods.

Any farmer who produces organic farming systems must register with the Organic Farming Department within the Ministry of Agriculture and Rural Development and be subject to inspection by an inspection and certification body.

Also, in order to get organic products, operators have to go through a period of transition from conventional agriculture to a period depending on the species of animals or the cultivated plant and is provided for in the legislation in force.

In conclusion, the organic farming system is based on the observance of strict production rules and principles in accordance with Community legislation and national legislation that is applicable both at EU level and in Romania, but also by standardization of standards and worldwide.

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