



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

DEPUTY DIRECTOR GENERAL, IN CHARGE OF DIRECTORATES A AND B

Brussels,  
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Dear COP delegates,

This letter is to inform you about the latest developments on the issue of the Norwegian organic salmon.

Norway, together with Iceland, has been deferring by now for 9 years the incorporation of the organic legislation by making it conditional upon the EU granting a number of derogations from the organic production rules. As a result, Norway and Iceland are currently still applying organic production rules dating back to 1991 which, in addition, do not foresee provisions on aquaculture. The Commission has continuously refused the Norwegian and Icelandic requests for derogations as they would create further distortion of competition between the EU and the EEA organic producers. It has to be pointed out that a distortion of competition already exists in the overall organic sector between the EU and the EEA operators as the latter produce in accordance with the outdated rules from 1991.

Commissioner Hogan and the Norwegian Minister for Agriculture and Food, Jon Georg Dale, met on 27 September to talk about Norway's delay in transposing the EU organic legislation into the EEA Agreement.

At the meeting, both Commissioner Hogan and Minister Dale set out their respective positions. Given that the discussions have been ongoing for so long, Commissioner Hogan suggested that the process should be sped up by both sides and proposed that Minister Dale would prepare a comprehensive roadmap, setting out a clear timetable for the incorporation of EU organic legislation into domestic legislation.

As a meeting between the EU and Norwegian officials was already planned to be held in Oslo in October, Commissioner Hogan suggested taking this opportunity for making progress on the roadmap leading to the full incorporation of the organic legislation into the EEA agreement. Since the day of the meeting, the Commission services have been actively seeking to agree with Norway a date for this meeting in Oslo. Unfortunately, so far Norway does not appear willing to discuss the incorporation of the EU legislation on organic production in the EEA Agreement.

On 7 October, Minister Dale wrote to Commissioner Hogan to inform him that Norway has finally decided to withdraw its requests for derogations. In his letter, Minister Dale underlines that Norway is now ready to incorporate EU organic legislation to the EEA Agreement; however he fails to indicate a clear date when this might happen and to

By email to the Member State delegates  
to the Committee on Organic Production

provide a roadmap as agreed at the meeting in September. At the same time, he asks the Commission for flexibility with regard to certification of Norwegian salmon during a transitional period.

While we can agree that the withdrawal of the requests for derogations is a step in the good direction, it necessarily needs to be followed by the immediate incorporation of the EU organic legislation to the EEA Agreement in order to solve the issue. It is also important to underline that the incorporation must be simultaneous in Norway and Iceland. For that, Iceland must also drop its requests for derogations.

The rules on organic production fall within the scope of the EEA Agreement and are covered by its Chapter XII to Annex II. EU legislation falling in the scope of the EEA Agreement is not directly applicable in Norway and Iceland and it has to be first incorporated into the EEA Agreement. To date, the only EU Regulation on organic production that has been incorporated to the EEA Agreement is Council Regulation (EEC) No 2092/1991, dating back to 1991, which does not cover organic aquaculture. As you know, the rules on organic aquaculture were laid down in Council Regulation (EC) No 834/2007 and Commission Regulation (EC) No 889/2008. The consequence of this lack of incorporation of EU rules is that in EEA countries organic aquaculture products are still certified to national rules.

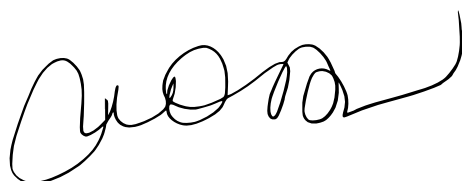
Until 1 January 2015, Article 95(11) of Commission Regulation (EC) No 889/2008 allowed the competent authorities to authorise "*those aquaculture animal and seaweed production units which are established and produce under nationally accepted organic rules before entry into force of this Regulation, to keep their organic status while adapting to the rules of this Regulation*". Let me remind you that this transitional period was extended from 2013 to 2015 for a total of four years and a half.

As this transitional period has by far expired and the above regulations setting out the EU rules for organic aquaculture production have not yet been incorporated into the EEA Agreement and thus are not applicable in Norway, the certification of Norwegian organic aquaculture products cannot be carried out in accordance with the relevant EU legislation. In this context, Norwegian aquaculture products cannot be marketed in the EU as organic.

I would like to make it clear that this situation is the result of the lack of implementation by Norway and Iceland of their obligations in the context of the EEA Agreement. Furthermore, it is worth to underline that the Commission has no legal base to grant further flexibility for the organic salmon.

For these reasons, we encourage the Norwegian and Icelandic authorities to proceed quickly with the incorporation of EU organic regulations to the EEA Agreement, so that the organic certification of their products can resume in accordance with EU legislation. This will guarantee a level-playing field for EU producers and will ensure that products accessing the internal market comply with the same EU rules as products from Member States do.

Yours sincerely,



María Angeles BENITEZ SALAS