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## German and Austrian organic regulations in breach of EU Regulation

According to the EU Commission, German and Austrian regulations are in breach of the EU Regulation on Organic Agriculture. At present, these countries require private inspection bodies to be established on the national territory of the country to be able to pursue their activities in the field of organic farming. The German guidelines for implementing Regulation (EEC) No. 2092/91 exclude any provision of services by a body legally established and approved in another Member State. Similarly, Austrian legislation requires private inspection bodies in the field of organic farming to be established in Austria in order to be approved there, without taking any account of the obligations these bodies have already met in the Member States where they are legally established and approved in accordance with the Regulation. The Commission has decided to formally ask Germany and Austria to put an end to this obligation.

About two years ago the Commission requested both countries to provide a comment on the situation. The German Ministry argues that their requirement is necessary to assure food security and to protect consumer in-

terests. They claim that surveillance of the inspection activities of a body would be very difficult if it were not situated on their territory, and in cases where an inspection body is not working to this requirement, timely action on part of the authorities would be almost impossible.

The EU-Regulation on Organic Agriculture requires Member States to implement an inspection system and to adopt the measures necessary to ensure that the system is functioning properly. Member States that accept private inspection bodies rather than having a purely governmental control system, generally require inspection bodies to set up a local office to ensure national surveillance is maintained.

The present situation in Germany and Austria was drawn to the attention of the Commission when it received a complaint from a private operator in Austria. The complaint concerned the Austrian legislation, but it also gave details of the situation in Germany. The Commission therefore decided to look into these two countries, but has not received any complaints concerning other Member States.

The Commission's decisions have

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