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Order No. 263 of 3 May 1999

Order on organic foods¹

Pursuant to section 2(1) and (3) to (5), section 9 and section 12(2) of Act No. 118 of 3 March 1999, the Organic Foods Act, and by the authority of the Minister for Food, Agriculture and Fisheries, the following is provided:

Scope

1. (1) This Order lays down provisions on foods of agricultural origin to be marketed with reference to the organic production method and mainly consisting of animal ingredients, but cf. subsection (2). The Order also applies to animals delivered for slaughter.

(2) The provisions of the Order on inspection and penalties, etc., in sections 9 and 10, section 11(1), section 12, section 15 and sections 16 to 22 also apply to foods of agricultural origin to be marketed with reference to the organic production method and mainly consisting of vegetable ingredients. In addition to the said provisions, these foods are governed by Council Regulation No. 2092/91/EEC of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs as amended (the EC Organic Production Regulation).

(3) Prepared animal organic foods may contain vegetable ingredients and foods that satisfy the provisions of the EC Organic Production Regulation.

Definitions

2. - For the purpose of this Order:

- (i) “reference to the organic production method” means indications of any type suggesting to the purchaser that the foods are produced in accordance with the rules on organic foods laid down pursuant to Act No. 118 of 3 March 1999, the Organic Foods Act, and the EC Organic Production Regulation.
- (ii) “ingredients of agricultural origin” means products from farms producing crops or livestock, fishery and products made thereof, unless such products are considered additives or flavourings under current rules to this effect.
- (iii) “labelling” means indications, particulars, brand names or trade marks, pictorial matter or symbols on any packaging, document, board or label of any kind accompanying or referring to foods as specified in section 1.

¹ The Order contains provisions supplementing Council Regulation No. 2092/91/EEC of 24 June 1991, OJ 1991 L 198, p. 1, and has been notified in accordance with European Parliament and Council Directive No. 98/34/EC, OJ 1998 L 204, p. 37, laying down a procedure for the provision of information in the field of technical standards and regulations.

- (iv) “marketing” means holding or displaying for sale, offering for sale, delivering or any other manner by which foods are placed on the market.
- (v) “preparation” means operations of slaughtering, processing, preserving, packaging and sorting of non-prepackaged goods and also alterations made to the labelling referring to the organic production method.
- (vi) “operator” means any natural or legal person who produces, prepares or imports foods as specified in section 1 with a view to the marketing thereof or who markets such foods.

Labelling of animal organic foods

3. - The labelling and advertising of unprocessed animal foods may refer to the organic production method only where the foods are produced in accordance with the current rules for organic production laid down pursuant to the Organic Foods Act or where the foods are imported pursuant to sections 13 and 14.

4. (1) The labelling or advertising for prepared animal foods may refer to the organic production method in the sales description of the food only where

- (i) at least 95% of the ingredients of agricultural origin are organic,
- (ii) all other ingredients of agricultural origin are included in Section C of Annex 1, but cf. section 1(3)
- (iii) all ingredients of non-agricultural origin are included in Section A of Annex 1, but cf. section 1(3),
- (iv) only products included in Section B of Annex 1, but cf. section 1(3), have been used for the processing of foods or ingredients thereof of agricultural origin, cf. paragraph (i),
- (v) no ionising radiation has been used, and
- (vi) the foods concerned have been prepared or imported by an operator who is subject to the inspection referred to in section 9.

(2) The indication referring to the organic production method must be accompanied by a reference to the ingredients of agricultural origin concerned, unless such reference is clearly given in the list of ingredients.

5. (1) The labelling or advertising for prepared animal foods may refer to the organic production method in the list of ingredients only where

- (i) at least 70% of the ingredients of agricultural origin are organic,
- (ii) the foods satisfy the requirements of section 4(1)(ii) to (vi),
- (iii) the reference in the list of ingredients is made in connection with the ingredients of agricultural origin which are organic and appears in the same colour and with an identical size and style of lettering as the other indications in the list of ingredients, and
- (iv) a reference is also given in a separate statement, cf. subsection (2).

(2) The separate statement must be set in the same visual field as the sales description and must indicate the percentage of the organic ingredients. The statement may not appear in a colour, size and style of lettering which is more prominent than the sales description of the product. The statement must be in the following form: “X% of the agricultural ingredients were produced in accordance with the rules of organic production”.

6. - Animal organic foods and ingredients included therein may not consist of, contain or be produced from genetically modified organisms. Additives, including processing aids, used in animal organic foods may not be produced by means of genetically modified organisms.

7. - Animal organic foods may not contain the same ingredient in an organic and a non-organic form.

8. - At amendment of the lists of authorised ingredients and substances stated in Annex 1, the Danish Veterinary and Food Administration shall procure opinions from relevant national industrial and consumer organisations and the Organic Foods Council.

Notification and inspection of vegetable/animal organic foods

9. (1) Activities must be notified to the authority responsible for inspection of the operator in general pursuant to the foods legislation, and the provisions on inspection and marketing, including Annex 2, of this Order must be observed where operators

- (i) prepare organic foods,
- (ii) market or store organic foods as wholesalers,
- (iii) import organic foods from third countries, or
- (iv) import animal organic foods from other EU Member States.

(2) Any operator who markets or stores organic foods as a wholesaler shall only observe Sections 1 and 2 of Annex 2 where the foods concerned are prepackaged and require no further preparation.

(3) The notification and inspection scheme referred to in subsection (1) does not apply to retailers who only perform simple preparation in the marketing of organic foods. This is subject to the condition that the preparation is performed in the customer's presence or that the foods are still clearly and indelibly labelled as organic afterwards.

(4) The Danish Veterinary and Food Administration may decide that operators who mediate marketing of organic foods shall observe Sections 1 and 2 of Annex 2 when necessary to implement efficient inspection pursuant to this Order.

10. (1) When implementing the inspection pursuant to section 9, the authority which registers, approves or authorises the operator under other food legislation shall prepare an organic production report. The organic production report lays down specific terms for the inspected activities, and the organic production report must contain a description of the activities and the facilities used therefor.

(2) The inspected activities may commence only when a final organic production report has been issued to the operator. The organic production report lapses on termination of the activities. Consequently, termination must immediately be notified to the authority which received the original notification, cf. subsection (1). If the activities have not been performed for one year, the organic production report may be withdrawn.

11. (1) Labelling of vegetable organic foods must contain a code number of the inspection authority to which the operator who carries out the last part of the preparation process is subject, cf. Annex 3.

(2) Labelling of animal organic foods may contain a code number. If so, such number must be the number of the inspection authority to which the operator who carries out the last part of the preparation process is subject, cf. Annex 3.

12. (1) Organic foods prepared by operators subject to the inspection provided for in section 9 can be labelled with the organic inspection logo (Ø logo) in accordance with the guidelines laid down in Annex 4.

(2) Animal organic foods labelled with the organic inspection logo must satisfy the conditions in sections 3 or 4.

(3) Vegetable organic foods governed by the EC Organic Production Regulation and labelled with the organic inspection logo must satisfy Article 5(1) or (3) of the EC Organic Production Regulation.

(4) Imported animal foods labelled with the organic inspection logo and animal foods containing imported ingredients of animal origin and labelled with the organic inspection logo must be produced under conditions corresponding to the Danish rules on organic production. Where the foods or ingredients are prepared, such preparation must be in accordance with the conditions laid down by this Order.

(5) Authorised organic crop-producing farms may use the organic inspection logo in the marketing of their own organic foods direct from their own farms.

Imports from EU Member States and third countries

13. (1) Animal organic foods imported from another EU Member State may be marketed with reference to the organic production method if the foods can lawfully be marketed with such reference in the Member State concerned.

(2) Where foods referred to in subsection (1) are produced according to rules that deviate from the rules on organic production laid down pursuant to the Organic Foods Act and this Order, such deviations must be stated in the labelling if omission of such indications is liable to be misleading.

(3) In the marketing of foods referred to in subsection (1) and imported as prepackaged products, the labelling must indicate the inspection authority to which the foods were subject during the last part of the preparation process.

14. (1) Animal organic foods imported from a third country may be marketed with reference to the organic production method only where the operator has procured authorisation therefor from the Danish Veterinary and Food Administration prior to importation.

(2) The authorisation referred to in subsection (1) can be granted only where it is proved that the foods are produced and inspected according to rules that correspond to the rules on organic production laid down pursuant to the Organic Foods Act. Where the foods or ingredients are prepared, such preparation must be proved to be in accordance with the conditions laid down in this Order.

(3) On importation, the foods must be accompanied by an inspection certificate signed by an inspection body which is competent in the country in question and is recognised in the authorisation.

15. - The Danish Veterinary and Food Administration shall grant the authorisation for importation of vegetable organic foods, cf. section 1(2), required pursuant to Article 11(6) of the EC Organic Production Regulation from a third country not approved by the Community.

Inspection authorities

16. (1) The authority responsible for inspection of the operator under the food legislation in general shall verify observance of the EC Organic Production Regulation and this Order.

(2) The inspection authority pursuant to subsection (1) and the Danish Veterinary and Food Administration have access at any time, against proper identification and without any court warrant, to the premises, accounts, books of business, etc., including material stored electronically, of operators subject to inspection, cf. section 9. If necessary, the police provide assistance therefor.

(3) At the request of the inspection authority or the Danish Veterinary and Food Administration, any operator subject to inspection pursuant to section 9 shall disclose all information, including financial and accounting particulars, of importance to implementation of the inspection and shall, free of charge, provide the requisite assistance for inspection, sampling, copying and surrender of written material and printing of electronic data.

17. - At the request of the inspection authority or the Danish Veterinary and Food Administration, any operator not subject to inspection, cf. section 9, shall surrender documentation on the purchase and sales of both organic and conventional foods to and from operators subject to inspection pursuant to section 9.

18. (1) The inspection authority and the Danish Veterinary and Food Administration may issue the requisite prohibition and enforcement notices to ensure observance of this Order and the EC Organic Production Regulation and terms provided for in pursuance thereof.

(2) Operators may, for a period not exceeding five years, be prohibited from marketing foods with reference to their production in accordance with the organic production method if the operator is guilty of aggravated or frequently repeated infringements of the EC Organic Production Regulation or this Order.

19. - Decisions made by an inspection authority pursuant to this Order can be appealed to the Danish Veterinary and Food Administration within a period of four weeks. The appeal must be lodged with the authority that made the decision. The decision of the Administration is final.

20. - Decisions made by the Danish Veterinary and Food Administration in the first instance can be appealed to the Minister for Food, Agriculture and Fisheries within a period of four weeks. The appeal must be lodged with the Danish Veterinary and Food Administration.

Penalty provisions

21. (1) Unless liable to a more severe penalty under other legislation, a person is liable to a fine if he

- (i) infringes sections 3 to 7, section 9(1), section 10(2), section 11, sections 12 to 15 and Annex 2,
- (ii) infringes a term laid down in the organic production report referred to in section 10,
- (iii) fails to disclose information pursuant to section 16(2) and (3) and section 17,
- (iv) fails to offer assistance pursuant to section 16(2) and (3) and section 17,
- (v) fails to observe a prohibition or enforcement notice issued pursuant to section 18,
- (vi) infringes Articles 5 and 6, Article 7(1), Article 8(1) and (2), Article 10 and Article 11 of the EC Organic Production Regulation.

(2) Corporations, etc. (legal persons) may incur criminal liability under the provisions in Part 5 of the Danish Criminal Code.

(3) Where an infringement is deemed not to involve a more severe penalty than a fine, the Minister for Food, Agriculture and Fisheries may give notice to the effect that the matter can be settled without judicial prosecution. It is a condition for such settlement that the offender acknowledges the infringement and declares to be willing, within a specified time limit, which may be extended upon request, to pay a fine stated in the notice.

(4) The provisions in section 931(2) and (3) of the Danish Administration of Justice Act apply correspondingly to the notice referred to in subsection (2).

Provisions on entry into force and transitional provisions

22. (1) This Order enters into force on 15 May 1999.

(2) Notwithstanding subsection (1), sections 3 to 7, sections 13 to 15, Annex 1 and Section 5 of Annex 2 enter into force only on 1 October 1999.

(3) Notwithstanding subsection (1), inspection of operators who store or market organic foods as wholesalers, cf. section 9(1)(ii), will be implemented only as from 1 May 2000.

(4) Order No. 753 of 2 September 1992 on the conditions for marketing of organic foods is repealed.

(5) Notwithstanding subsection (4), sections 4 to 6, section 8 and Annexes 1 to 3 in the order referred to in subsection (4) continue to apply until 1 October 1999.

(6) Foods which had lawfully been put on the market at the entry into force of the Order, but which do not fulfil the provisions of the Order, can be marketed with reference to the organic production method until expiry of the best-before date. Foods not provided with a best-before date can be marketed until 1 May 2000.

Danish Veterinary and Food Administration, 3 May 1999

OLE KOPP CHRISTENSEN

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Concerning animal organic foods only

A. Authorised ingredients of non-agricultural origin, cf. section 4(1)(iii)

Additives²:

- E 270 Lactic Acid
- E 290 Carbon dioxide
- E 325 Sodium lactate
- E 330 Citric acid
- E 331 Sodium citrate
- E 406 Agar
- E 407 Carrageenan
- E 410 Locust bean gum
- E 412 Guar gum
- E 440 (i) Pectin
- E 941 Nitrogen
- E 948 Oxygen

Other ingredients:

Water

Salt (with sodium chloride or potassium chloride as basic components)

Micro-organism preparations (bacterial cultures, yeasts and moulds)²

Minerals (including trace elements), vitamins, aminoacids and other nitrogen compounds are authorised only as far as their use is legally required in the foods concerned.

B. Products which may be used for the processing of organically produced ingredients of agricultural origin, cf. section 4(1)(iv)

Water

Salt (sodium chloride)

Micro-organism preparations (bacterial cultures, yeasts and moulds) and enzymes²

C. Authorised non-organic ingredients of agricultural origin, cf. section 4(1)(ii)

Fish and fish products

Gelatine

Glucose

Honey

Spices and herbs and extracts thereof

Natural casings

² Use of the substances is subject to observance of the rules laid down in the Danish Food Act, etc.

Concerning both vegetable and animal organic foods

Measures for operators subject to inspection, cf. section 9

1. Accounts

Operators subject to inspection must keep accounts in a manner that ensures traceability of the organic foods and enables the inspection authority to ascertain:

- The origin, nature and quantities of organic foods received by the operator.
- The nature and quantities of organic foods delivered by the operator and the consignees thereof.
The requirement of information on the consignee can be derogated from in case of direct delivery to the final consumer.
- Other information required by the inspection authority to perform an appropriate inspection - such as information on purchases of conventional foods.

The operator shall keep updated accounts available for inspection at all times and shall be able to document data to the inspection authority. The original documents of the accounts must be stored for at least five years.

2. Documentary requirements for organic foods received

2.1 Documentation concerning the lot

On delivery, organic foods must be accompanied by an original document issued by the supplier. The document must contain the following information:

- Name and address of the supplier.
- Authorisation number (for farms authorised pursuant to rules on organic production methods as laid down under the Organic Foods Act).
- Information allowing the lot to be identified.
- Information on the lot - including quantity and nature.
- Indication of the organic origin in accordance with the rules in the EC Organic Production Regulation and this Order.
- Date of delivery.

2.2 Documentation concerning the supplier of non-prepackaged organic foods

The operator must be able to document that the supplier is subject to the inspection schemes prescribed. Before the first delivery is made and at least once a year after that, the operator shall procure a certificate confirming that the supplier is subject to such inspection.

The certificate must be issued by an inspection body, cf. sections 13, 14 and 16, or an inspection body approved pursuant to the EC Organic Production Regulation. The certificate may be a special declaration or a copy of the latest inspection or breeding inspection report.

By way of exception until 1 May 2000, or in case of delivery from a wholesaler residing in another EU Member State not subject to inspection, documentation may be procured from the operator who was most recently subject to inspection relating to organic production. Such documentation must also be issued by one of the above-mentioned inspection bodies.

3. Separation from non-organic foods

Where the operator also prepares or stores non-organic foods, every measure must be taken to ensure identification of the organic foods and to prevent them from being mixed with other foods.

The operator shall store organic foods separately, and they must be prepared separately from corresponding preparation of conventional foods. If the activities subject to inspection are not carried out regularly, the inspection authority must have advance notice of such activities before a time limit fixed in the organic production report.

4. Transport

The operator shall ensure that organic foods are transported in packaging or containers closed in a manner preventing substitution of the content.

The packaging or containers must be provided with a label stating, without prejudice to any other indications required by law:

- The name and address of the undertaking responsible for the preparation of the foods, or if another seller is mentioned - a statement which enables the receiving unit and the inspection authorities to identify unequivocally the person responsible for the preparation of the foods.
- The name of the foods concerned, including a reference to the organic production method in accordance with the labelling rules of the EC Organic Production Regulation and this Order.

On receipt of organic foods or slaughter animals, the operator shall check the closing of the packaging or container where it is required and the presence of the above indications. The result of this verification must be explicitly mentioned in the accounts.

On transport between a primary producer and an operator who are both subject to inspection, packaging and containers need not be closed if the foods are accompanied by a document containing the above indications.

Organic milk may be delivered in tank lorries where every measure has been taken to ensure that no mixing with other milk takes place.

Where the check leaves any doubt as to the origin of the foods from an operator subject to inspection, the foods may be marketed, processed or packaged only after such doubt has been dispelled - unless the foods concerned are marketed without reference to the organic production method.

5. Inspection measures and precautions for imports of organic foods from third countries and imports of animal organic foods from EU Member States, cf. sections 13 to 15

On import of organic foods from third countries and import of animal organic foods from other EU Member States, the operator shall observe the above terms as well as the following:

5.1 Notification of imports from third countries

The importer shall notify the inspection authority of all consignments imported from a third country to Denmark.

5.2 Accounts

Written accounts must be kept in accordance with the guidelines stated in Section 1. Moreover, at the request of the inspection authority, the operator shall give any details on the transport arrangements from the exporter in the third country to the importer's premises or storage facilities and details on the transport arrangements from the importer's premises or storage facilities to the consignees.

5.3 Separation from non-organic foods

Where imported organic foods are stored in facilities where also conventional foods are stored, they must be kept separate from other agricultural products and foods. Every measure must be taken to ensure identification of organic lots and to prevent them from being mixed with other non-organic foods.

5.4 Transports from third countries

Organic foods may only be imported from a third country in packaging or containers closed in a manner preventing substitution of the content. The packaging or container must be provided with an exporter identification and labels and numbers rendering it possible to establish correspondence between lot and inspection certificate.

On receipt of the lot, the operator shall check that the packaging or containers are closed in the correct manner and that the lot is identical to the lot stated in the inspection certificate provided for in Article 11(1)(b) of the EC Organic Production Regulation or a similar certificate. The result of this verification must be explicitly stated in the accounts.

Where the check leaves any doubt as to whether the foods concerned satisfy the conditions of sections 13 to 15 of this Order or Article 11 of the EC Organic Production Regulation, the foods may be marketed only after such doubt has been dispelled - unless the foods concerned are marketed without indications referring to the organic production method.

Organic foods may be transported to other operators - including wholesalers and retailers, only in packaging or containers closed in a manner preventing substitution of the content.

The packaging or containers must be provided with a label stating, without prejudice to any other indications required by law:

- The name and address of the importer of the foods or a statement which enables the receiving unit and the inspection authority to identify unequivocally the person responsible for the importation of the foods.
- The name of the foods concerned, including a reference to the organic production method in accordance with the labelling rules of the EC Organic Production Regulation and this Order.

List of code numbers of inspection authorities, cf. section 11

Local Food Inspection Unit, town	Code No.
København	DK-Ø-01
Frederiksberg	DK-Ø-02
Skovlunde	DK-Ø-03
Glostrup	DK-Ø-04
Frederikssund	DK-Ø-06
Helsingør	DK-Ø-07
Hillerød	DK-Ø-08
Køge	DK-Ø-09
Holbæk	DK-Ø-11
Ringsted	DK-Ø-12
Slagelse	DK-Ø-13
Næstved	DK-Ø-15
Nykøbing F.	DK-Ø-16
Rønne	DK-Ø-18
Odense	DK-Ø-20
Svendborg	DK-Ø-21
Haderslev	DK-Ø-22
Åbenrå	DK-Ø-25
Esbjerg	DK-Ø-26
Ribe	DK-Ø-27
Varde	DK-Ø-28
Fredericia	DK-Ø-29
Horsens	DK-Ø-30
Vejle	DK-Ø-31
Herning	DK-Ø-32
Randers	DK-Ø-35
Århus	DK-Ø-37
Thisted	DK-Ø-39
Viborg	DK-Ø-40
Frederikshavn	DK-Ø-41
Hjørring	DK-Ø-42
Aalborg	DK-Ø-43
State inspection authorities	
Danish Plant Directorate	DK-Ø-50
Danish Veterinary and Food Administration	DK-Ø-60

Concerning both vegetable and animal foods

Organic inspection logo, cf. section 12

The organic inspection logo must be applied by the operator who prepares the foods subject to inspection. At retailing of prepackaged organic foods, the retailer may use the organic inspection logo for boards and advertising.

The organic inspection logo must be

- (1) red in nuances corresponding to pantone 032 C or corresponding co-prints of 100 per cent yellow and 100 per cent magenta in four-colour printing, or
- (2) black.

The logo must be reproduced on a white or light background with mutual distances, locations and proportions as indicated here:



On coloured surfaces or photos, the organic inspection logo is reproduced in a white rectangle with rounded corners as indicated here:



”Ø” with a crown can be used without text on eggs or cheese wax or as a special meat stamp.

The meat stamp can be used on carcasses and offal of organically reared animals in immediate connection with the health labels required by law. Any use of the stamp must comply with the general rules on dyes in connection with stamping of meat.