

THE HOUSE OF REPRESENTATIVES OF THE PARLIAMENT OF CROATIA

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Pursuant to Article 89 of the Constitution of the Republic of Croatia, I am passing this

DECISION

PROCLAIMING THE ACT ON ORGANIC PRODUCTION OF AGRICULTURAL PRODUCTS AND FOODSTUFFS

adopted by the House of Representatives of the Parliament of Croatia at its session of 31
January 2001

No. : 01-081-01-377/2
Zagreb, 6 February 2001

President
of the Republic of Croatia
Stjepan Mesić (signed)

THE ACT

ON ORGANIC PRODUCTION OF AGRICULTURAL PRODUCTS AND FOODSTUFFS

I. GENERAL PROVISIONS

Article 1

(1) This Act shall govern the organic production of agricultural products and foodstuffs (hereinafter: organic production), processing in organic production, trade in organic products, non-processed plant and animal products, as well as products wholly or partly composed of such products, the labelling methods in organic production, technical inspection and other matters relevant to the implementation of a comprehensive organic production system.

(2) The purpose of organic production is to protect the health and life of people, the natural environment and the consumers.

Article 2

For the purposes of this Act, particular terms and expressions shall have the following meanings:

1. "*organic production*" means a special system of sustainable management in agriculture and forestry comprising plant and animal growing, production of food, raw materials and natural fibres, as well as processing of primary products, and including any organically, commercially and socially justified technological methods, operations and systems, by using in the most convenient ways soil fertility and available water resources, the natural properties of plants, animals and landscape, increasing the yield and resistance of plants by means of natural forces and laws, combined with appropriate use of fertilisers and agents for the protection of plants and animals, in accordance with internationally adopted standards and principles,

2. “*conventional production*” of agricultural products and foodstuffs means the production of products which cannot be declared and labelled under this Act and the regulations passed by virtue of this Act,

3. “*transitional period in organic production*” means the prescribed period required for the transition from conventional to organic production,

4. “*producer in organic production*” means a legal or natural person engaged in commercial production, processing or trade in organic products, and entered in the Register of Organic Producers of Agricultural and Food Products,

5. “*organic product*” means any product produced and labelled under this Act and the regulations passed by virtue of this Act,

6. “*certificate*” means a document whereby a legal person accredited to issue organic production certificates certifies that the production, process or service at an organic production unit complies with the prescribed general requirements for organic production,

7. “*logo of an organic product*” (hereinafter: the logo “*organic product*”) means a unique prescribed logo for products produced in compliance with this Act and the regulations passed by virtue of this Act,

8. “*inspection body for organic production*” (hereinafter: inspection body) means an accredited legal person which performs technical inspection of organic production and organic products in accordance with the provisions of this Act and the regulations adopted by virtue of this Act,

9. “*accredited laboratory*” means a legal entity engaged in analysing soil, raw materials, semi-products and products of plant and animal origin and testing the general requirements applicable to organic products,

10. “*organic production unit*” means a whole farm or a part of it clearly separated from any other unit and producing in conformity with the provisions of this Act and the regulations passed by virtue of this Act,

11. “*organic production materials*” (hereinafter: production materials) means any living organisms or their parts with which an organic production is initiated or maintained, except for the genetically modified organisms and their derivatives.

Article 3

(1) For the encouragement, promotion, development and monitoring of organic production, as well as giving expert opinions and proposals related to organic production, a Commission for Organic Production of Agricultural Products and Foodstuffs (hereinafter: the Commission) shall be established at the Ministry of Agriculture and Forestry (hereinafter: the Ministry).

(2) By a decision to be published in the Official Gazette, the Minister of Agriculture and Forestry (hereinafter: the Minister) shall appoint the chairperson, members and secretary of the Commission from among researchers and engineers, the representatives of government agencies, producers and consumers, as well as NGOs engaged in the promotion of organic production.

(3) The Commission shall operate on the basis of its adopted Rules of Procedure.

(4) The Minister may set up working groups to deal with specific jobs referred to in paragraph 1 of this article.

(5) The chairperson, members and secretary of the Commission, as well as members of the working groups, shall be entitled to remuneration for their work at a rate to be determined by the Minister.

Article 4

(1) Legal or natural persons entered in the appropriate register can engage in organic production, importation of organic products, technical inspection of organic production and testing of general requirements for organic products within the meaning of this Act.

(2) The Ministry shall keep the following registers covering the activities specified in the foregoing paragraph:

1. Register of Producers in the Organic Production of Agricultural Products and Foodstuffs (hereinafter: Register of Producers),

2. Register of Importers of Organic Products (hereinafter: Register of Importers),

3. Register of Inspection Bodies for Technical Inspection of Organic Production (hereinafter: Register of Inspection Bodies);

4. Register of Accredited Laboratories.

(3) The Minister shall define the requirements to be met by legal and natural persons for entry in the registers referred to in paragraph 2 of this article, the format and method of keeping registers.

Article 5

(1) The Ministry shall issue a decision on entry in the registers referred to in Article 4, paragraph 2 of this Act, upon request by a legal or natural person, if that legal or natural person meets the requirements defined in this Act and the regulations adopted by virtue of this Act.

(2) A legal or natural person entered in the register referred to in Article 4, paragraph 2 of this Act shall be deleted from the register at his/ her own request upon a decision by the Ministry or if the Ministry finds that the person has ceased to fulfil the conditions defined in this Act and the regulations adopted by virtue of this Act.

(3) The Ministry shall compile a list of legal and natural persons entered in or deleted from the register referred to in Article 4, paragraph 2 of this Act by virtue of a final decision.

(4) The lists referred to in the foregoing paragraph shall be published by the Ministry in the Official Gazette.

Article 6

(1) A legal or natural person entered in the register referred to in Article 4, paragraph 2, points 1 and 2 of this Act shall be deleted from that register by a decision of the Ministry if the person repeats the infringement for which sanctions under Article 42, paragraph 1, and Article 43, paragraph 1 of this Act were already imposed on him/her.

(2) A legal or natural person deleted from the register through a decision as described in the foregoing paragraph may apply for re-entry in the register only after expiry of the period of time prescribed in organic production as a transitional period.

II. ORGANIC PRODUCTION OF AGRICULTURAL PRODUCTS AND FOODSTUFFS

Article 7

Organic production includes compliance with the regulations and rules of organic production being passed by the Minister at the proposal of the Commission by virtue of this Act and in accordance with other regulations and bylaws enacted in the Republic of Croatia.

Article 8

The Government of the Republic of Croatia, at the proposal of the Ministry, shall define incentives for the development of organic production.

Article 9

(1) Organic production in plant growing and production of plant products comprises the

application of agricultural engineering to arable areas and the utilisation of untilled areas in a manner and to an extent required for long-term maintenance of soil fertility and water quality, resistance of plants to pests, biological diversity, productivity, capacity to regenerate and vitality in agricultural and forest eco-systems.

(2) The Minister, in agreement with the Minister for Environmental Protection and Physical Planning, shall define minimum soil management requirements for organic production in plant growing and production of plant products, which include specific methods and plant growing standards, as well as organic production management, such as: the unit's schedule and production records relevant to technical inspection, conditions of transitional period, parallel-running production, choice of plants and sorts, fertility maintenance, crop rotation, list of allowed fertilisers, soil improvement and plant protection agents, management of perennial crops (forests, orchards, vineyards) and natural areas, with a view to preventing environmental pollution, preserving the landscape and conserving soil and water.

Article 10

(1) Organic production in animal breeding and production of animal products includes applied zootechnology in animal husbandry and aquaculture, and is intended to satisfy the basic physiological and ethological needs of animals, to maintain the diversity and sustainability of an eco-system.

(2) The Minister shall define minimum requirements of applied zootechnology in animal breeding and production of animal products, which include the rules, techniques and specific standards of animal husbandry, such as the unit's production schedule and records relevant to technical inspection, the conditions of transitional period, the species and breed of animals, the method of keeping animals, requirements in reproduction, feeding, care, veterinary treatment and slaughtering of animals.

Article 11

(1) Organic production in natural fibre processing includes the application of organically produced raw materials (cotton, flax, hemp, animal wool, silk) and the allowed methods applied in the production of all types of textile products (thread, fabrics, finished garments, carpets, upholstery, bonded fabrics), with a view to reducing pollution through textile processing, upgrading social conditions in textile production and expanding markets for organic raw materials.

(2) The organic production regulations in fibre processing contain rules, methods and specific standards applicable to organic production and raw material processing, their origin, types, continuous technical control, list of allowed and prohibited ingredients, processing agents, auxiliary agents, paints and pigments, and other substances which should become a part of textile, working conditions and a waste disposal plan to be passed by the Minister upon a previous opinion of the Ministry of the Economy, the Ministry of Environmental Protection and Physical Planning, and the Ministry for Trades, Small and Medium-Sized Businesses.

Article 12

(1) Used in the processing of organic products intended for human and animal nutrition are auxiliary substances and other products of non-agricultural origin, as well as products of agricultural origin which have not been organically produced, and they include ingredients, additives and auxiliary substances which are allowed for use in foodstuff processing, except for wine, consisting of one or more plant ingredients and applied in accordance with current regulations on foodstuff production.

(2) The regulation on the processing of organic products shall be passed by the Minister.

Article 13

(1) The transitional period in organic production for any type of organic production shall be prescribed by the Minister.

(2) The Minister may, at the proposal of the Commission, shorten the period referred to in the foregoing paragraph, if the requirements for organic production have been met or the producer proves that his production complies with this Act.

Article 14

(1) The reproduction material (seeds, young plants, seedlings, eggs, queen bees, offsprings, etc.) shall be organically produced.

(2) As an exception to the foregoing paragraph, used in organic production can be reproduction material other than that obtained through organic production and according to the requirements applicable to the transitional period, if used for experimentation and in case of proven market shortages.

(3) The market shortages of reproduction materials shall be determined by the Ministry on the basis of data received from the Institute for Seed Breeding and Plant Nursery and the Croatian Cattle Selection Centre and published in the Official Gazette.

(4) In the published announcement referred to in the foregoing paragraph the Minister shall specify the stocks and varieties, required quantities and the period of time within which it is allowed to use materials mentioned in paragraph 2 of this Article in organic production.

Article 15

(1) In organic production it is prohibited to use genetically modified organisms and any products which contain such ingredients or are produced from such organisms.

(2) It is prohibited to use genetically modified organisms as reproduction materials, secondary raw materials, additives, auxiliary substances or packaging.

III. DECLARING, LABELLING, MARKING, PACKING, STORING AND TRADING IN ORGANICALLY PRODUCED AGRICULTURAL PRODUCTS AND FOODSTUFFS

Article 16

(1) Declaring organically produced products means stating data on the products or their packaging whereby the organic products are identified in terms of their conformity with prescribed requirements, data on the producer, the legal or natural person who places such products on the market.

(2) A declaration of organic product is mandatory for each product and must contain at least the name and type of the product, the name and address of the producer and the importer, the logo "organic product" and other data prescribed by this Act and the regulations passed by virtue of this Act.

(3) A declaration for an organically produced product in the transitional period shall additionally contain the text: "Produced in the transitional period".

(4) The declaration shall be written out in the Croatian language.

(5) The form and content of the declaration shall be defined by the Minister.

Article 17

(1) An organic production unit shall be labelled "organic".

(2) In addition to the labelling prescribed in the foregoing paragraph, during the transitional period the unit shall bear the label "in the transitional period".

(3) The decision on the use of labels referred to in paragraphs 1 and 2 of this Article shall

be made by the Ministry if conditions have been fulfilled as prescribed by this Act and the regulations passed by virtue of this Act.

Article 18

(1) Based on the records of the latest technical inspection and the received certificate, the producer shall apply to the Ministry for the designation “organic product”.

(2) Upon verifying that conditions have been fulfilled for acquiring the designation “organic product”, the Ministry shall issue a decision on the right to its use.

(3) The form, content, procedure and conditions for acquiring the designation “organic product” shall be defined by the Minister.

(4) Marking and labelling of products of organic production means placing on the product or its packaging or otherwise the conformity marks or other labels prescribed by this Act and the regulations passed by virtue of this Act, highlighting of all prescribed data for an organic product and of the prescribed logo “organic product”.

(5) Labelling includes placing signs or symbols showing how to handle a consignment, to store, transfer or transport and handle a product in storage or keeping, as well as affixing code signs.

Article 19

(1) Packing, handling and storing of organic products shall be carried out in separate place or time from other products.

(2) An organic product shall be properly labelled to prevent its mixing or replacement with another (conventional) product.

(3) The conditions and methods of packing, handling and storing shall be prescribed by the Minister.

Article 20

(1) The transport of organic products shall be adapted to the type of organic products.

(2) Organic products shall be transported separate from other products and if transported together with other products they shall be clearly labelled.

(3) The allowed conditions and methods of transport shall be prescribed by the Minister.

Article 21

(1) Trade in organic products can be carried out by legal and natural persons registered for trade.

(2) Retail trade in organic products may be carried out at the organic production unit, at sales outlets and outside them, if requirements are met under the Trade Act.

(3) Organic products at sales outlets and outside them shall be labelled as stipulated in this Act and displayed apart from other products.

Article 22

(1) Importers of organic products can be legal and natural persons registered as traders and entered in the register referred to in Article 4, paragraph 2, point 2 of this Act.

(2) An imported product of organic production shall possess a certificate issued by an accredited certification body of the exporting country, where the conformity assessment system conforms with the provisions of this Act and the pertaining regulations, and a declaration issued by the producer of the exporting country, plus a declaration as provided in Article 16 of this Act when placed on the market in the territory of the Republic of Croatia.

(3) The products of organic production imported to the Republic of Croatia shall meet the

import requirements of the Trade Act, of this Act and the pertaining regulations.

(4) The list of accredited certification bodies referred to in paragraph 2 of this Article shall be published by the Ministry in the Official Gazette.

IV. THE CONFORMITY ASSESSMENT SYSTEM FOR ORGANIC PRODUCTION

Article 23

(1) Conformity assessment in organic production shall be carried out in order to determine the conformity of organic production, organic products, processes and services in organic production with the basic requirements for organic production, organic products, processes or services in organic production.

(2) Establishing a conformity assessment system in organic production involves testing, technical inspection, certification and accreditation of entities for certification, of inspection bodies and laboratories.

(3) The Minister, in agreement with the Director of the State Office for Standardisation and Metrology, shall define conditions to be fulfilled by certification bodies, inspection bodies and accredited laboratories in the area of organic production, pass accreditation decisions, prescribe certificate issuance requirements, as well as the content and format of the certificate.

(4) The list of bodies accredited for certification in organic production, inspection bodies and accredited laboratories shall be published by the Ministry in the Official Gazette.

Article 24

(1) Basic requirements to be met by organic production, an organic product, a process or a service in organic production (hereinafter: basic requirements) include the protection of the life and health of people, the protection and preservation of the environment, and the preservation of consumer confidence in the principles of organic production.

(2) The basic requirements and the ways of assessing conformity with them shall be defined by the Minister.

(3) Conformity with the basic requirements is mandatory.

(4) An organic product shall receive a certificate after a completed conformity assessment procedure.

Article 25

(1) Organic production shall be subject to mandatory technical inspection.

(2) For the purpose of technical inspection a producer engaged in organic production shall keep production records, the form and subject-matter of which, as well as the method of keeping, shall be prescribed by the Minister.

(3) Technical inspection of organic production shall be carried out by an inspection body.

(4) The Minister shall define the methods of technical inspection of organic production, the required qualifications of the inspection staff, the subject-matter of the minutes of technical inspection and the report on the work of an inspection body.

(5) The minutes of technical inspection and the report on work shall be submitted by the inspection body to the Ministry and the accredited certification body.

Article 26

If the inspection body during its inspection finds any irregularities in the implementation of this Act and the pertaining regulations, it shall immediately notify the Ministry and the responsible inspection service.

Article 27

Testing of the basic requirements for raw materials, semi-products and organic products in organic production shall be performed by an accredited laboratory on the basis of this Act and the pertaining regulations.

Article 28

(1) The producer of organic products shall cover the costs of technical inspection and assessment of conformity with basic requirements.

(2) The rate of compensation from the foregoing paragraph shall be defined by the Minister.

V. ADMINISTRATIVE AND INSPECTION CONTROL

Article 29

(1) The administrative control of the implementation of the provisions of this Act and the pertaining regulations shall be performed by the Ministry.

(2) The inspection control of the implementation of this Act and the pertaining regulations shall be performed on the first-instance level by the county offices and the Zagreb Municipality office responsible for agricultural inspection (hereinafter: the county's agricultural inspection), or the Ministry if so provided by this Act, and on the second-instance level by the Ministry (hereinafter: agricultural inspection at the Ministry).

(3) The market inspectors of the State Inspectorate and the inspection services of other state administration bodies shall, within their competencies under special regulations, oversee the provisions of this Act related to trade, quality, declaring, marking, labelling, packing and storing of marketed organic products.

Article 30

Inspection control over organic production within the responsibility of the county's agricultural inspection and the agricultural inspection at the Ministry shall be exercised by the agricultural inspectors for organic production (hereinafter: agricultural inspector).

Article 31

(1) The duties of an agricultural inspector can be performed by a graduated agricultural engineer who has passed a state examination for agricultural inspector and has at least five (5) year experience in the field.

(2) The curriculum of the special part of the state examination for agricultural inspector in the area of organic production shall be prescribed by the Minister.

Article 32

(1) The agricultural inspector shall carry a special card and a badge in evidence of his or her official status, identity and powers.

(2) The form of the card and the appearance of the badge, the procedure of their issuance and the way of keeping records of issued IDs and badges referred to in the foregoing paragraph shall be defined by the Minister.

Article 33

(1) The county's agricultural inspection shall perform all duties of first-instance inspection control, except for duties assigned under this Act to the agricultural inspection at the Ministry

(2) The county's agricultural inspection shall:

1. oversee the work of producers entered in the register,
2. oversee organic production, facilities for production, processing and storing of organic

products, equipment, means of transportation and required records,

3. oversee the application of fertilisers, soil improvement agents, plant protection and other agents, additives and auxiliary substances the application of which is allowed under this Act and the pertaining regulations,

4. review the documents of organic products produced in the transitional period,

5. take samples of organic products, soil, fertilisers, soil improvement agents and other agents applied in the production and processing of organic products,

6. ban the production and placing on the market of organic products found to have been produced in a manner contravening the provisions of this Act and the pertaining regulations,

7. temporarily ban the use of the logo “organic product”, pending a final decision, if it is found that an organic product has not been produced in compliance with this Act and the pertaining regulations,

8. keep official data for the area of a county on violations of this Act and the pertaining regulations,

9. notify the competent state administration bodies about detected irregularities and seek enforcement of specific procedures, unless itself accredited to take direct action,

10. bring charges for violations of this Act and the pertaining regulations.

(3) The agricultural inspection at the Ministry shall:

1. oversee compliance of legal and natural persons entered in the Register of Producers,

2. oversee the work of inspection bodies and accredited laboratories,

3. oversee the work of the county’s agricultural inspection,

4. deal with the complaints lodged against the decisions of the county’s agricultural inspection,

5. keep official data on violations of this Act and the pertaining regulations,

6. bring charges for violations of this Act and the pertaining regulations,

7. oversee other operations envisaged under this Act.

Article 34

(1) The legal and natural persons who are subject to agricultural inspection shall enable the agricultural inspector to carry out his or her work, provide required data and information and ensure unimpeded work.

(2) The legal and natural persons referred to in the foregoing paragraph shall, at the request of the agricultural inspector and in a given period of time, provide and prepare data and materials required for the work of the agricultural inspector.

(3) The period of time referred to in the foregoing paragraph shall correspond to the type of the request.

Article 35

(1) The agricultural inspector shall conduct the inspection procedure, compile the minutes of the inspection and issue a decision in cases where so authorised under this Act and the pertaining regulations.

(2) Actions by the agricultural inspector are subject to the provisions of the General Administrative Procedure Act, unless otherwise provided in this Act.

Article 36

(1) Should the agricultural inspector establish a violation of this Act or the pertaining regulations, he or she shall issue a decision ordering that the established irregularities or defects be eliminated within a specified period of time.

(2) The decision referred to in the foregoing paragraph shall be made by the agricultural

inspector without delay and not later than 15 days following the completion of the inspection.

(3) The agricultural inspector shall make a verbal decision and immediately order compliance if a legal or natural person is found to be engaged in activities contravening the imposed ban which has meanwhile become final and enforceable.

(4) The decision referred to in the foregoing paragraph shall be entered in the minutes of inspection.

Article 37

(1) Pending a decision on committed infringement or a sentence, the agricultural inspector can temporarily seize documents and objects which may be used as evidence in legal proceedings.

(2) For temporarily seized documents or objects referred to in the foregoing paragraph a receipt shall be issued.

Article 38

(1) Should the agricultural inspector have any doubts about the product's compliance with the requirements prescribed under this Act and the pertaining regulations, he or she shall take a certain number of samples and send them to an accredited laboratory for analysis.

(2) Samples for analysis shall be submitted under a codename.

(3) The method of taking samples, their number and quantity shall be prescribed by the Minister.

Article 39

(1) The producer of an organic product (hereinafter: the sample owner) may within eight days of the receipt of analysis results ask the agricultural inspector to send another specimen of the sample to another accredited laboratory for repeated analysis.

(2) In case of doubt about analysis results, a repeated analysis may also be demanded by the agricultural inspector within the period of time set out in the foregoing paragraph.

(3) The finding of the repeated analysis shall be considered final and disputable only under the conditions and in the manner as provided for contesting public documents.

(4) The sample owner shall cover the costs of analysis or repeated analysis if the product from which samples were taken is found to deviate from the prescribed requirements.

(5) If through an analysis the samples are found to meet the requirements of this Act and the pertaining regulations, the costs of the analysis or a repeated analysis shall be covered by the authority whose agricultural inspector has forwarded the samples.

(6) The owner of the product from which a sample was taken shall not be entitled to any compensation for the value of the sample.

Article 40

If it is found through an analysis or a repeated analysis that a product does not meet the requirements prescribed by this Act or the regulations adopted by virtue of this Act, the agricultural inspector shall prohibit the use of the logo "organic product".

Article 41

(1) A decision of the county's agricultural inspection based on this Act may be disputed by lodging a complaint with the Ministry within fifteen (15) days of service of the decision.

(2) The complaints from the foregoing paragraph shall be considered by the Agricultural Inspection at the Ministry.

(3) No complaint may be lodged against the Ministry's decisions made on the basis of this Act in the first-instance procedure, but an administrative proceeding can be initiated.

(4) A complaint lodged against decisions issued by virtue of this Act shall not delay enforcement of the decisions.

VI. PENAL PROVISIONS

Article 42

(1) A fine of Kn 10,000 to 100,000 shall be imposed on a legal or natural person who:

1. produces, declares and labels organic products within the meaning of this Act without being entered in the Register of Producers (Article 4, paragraph 2),
2. fails to observe provisions on the transitional period (Article 13, paragraph 1),
3. uses reproduction material in organic production in opposition to the provisions of Articles 14 and 15 of this Act,
4. if the organic product on sale is not declared as prescribed (Article 16),
5. if the organic product on sale is not marked and labelled as prescribed (Article 18, paragraph 4, Article 19, paragraph 2, Article 20, paragraph 2 and Article 21, paragraph 3),
6. imports organic products in contravention of Article 22 of this Act,
7. if product conformity with the basic requirements of Article 23 of this Act has not been assessed,
8. if organic production has not been subjected to mandatory inspection by an inspection body as provided in Article 25 of this Act.

(2) For an infringement described in paragraph 1 of this Article a fine from Kn 5,000 to 10,000 shall also be imposed on the responsible person of the legal entity.

Article 43

(1) A fine from Kn 10,000 to 50,000 shall be imposed on a legal or natural person who in plant and animal growing, agricultural engineering or zootechnology, processing of fibres and organic products, conformity assessment in organic production, packing, handling, storing and transport of organic products fails to comply with the provisions of this Act and the pertaining regulations (Articles 9, 10, 11, 12, 13, 19 and 20, paragraph 1).

(2) For an infringement from the foregoing paragraph the responsible person of the legal entity shall also be fined from Kn 1,000 to 3,000.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 44

The regulations that the Minister is authorised to pass by virtue of this Act the Minister shall pass within three months of the day of entry into force of this Act.

Article 45

This Act shall enter into force on the eighth day following its publication in the Official Gazette and shall become enforceable three months after its entry into force.

File No.: 310-26/00-01/01

Zagreb, 31 January 2001

THE HOUSE OF REPRESENTATIVES
OF THE PARLIAMENT OF CROATIA
Speaker

Zlatko Tomčić (signed)