

歐洲經濟共同體理事會 1991 年 6 月 24 日第 2092/91 號規章（摘錄）

有機農製品和糧食製品（OJ L 198, 22.7.1991, p.1）

歐洲經濟共同體委員會

注意歐洲經濟共同體之條約，並且特別是第 43 條，
因此，

注意到委員會之提案(1)，

注意到歐洲議會之觀點(2)，

注意到經濟和社會委員會之觀點(3)，

消費者對有機生產的農產品和糧食之需求為之增加；
一個新的市場因此農產品之需求而誕生；

此類產品之市場價格較高，其採用介入程度較低之
土地利用方式；但是，因此，就一般農業政策的重定位
之情形，這類型生產貢獻了比以往更好的供需平衡、農
產品、環境保護和農村保存；

COUNCIL REGULATION (EEC) No 2092/91 of 24 June 1991

on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 198, 22.7.1991, p. 1)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas demand from consumers for organically produced agricultural products and foodstuffs is increasing; whereas a new market for agricultural products is thus being created by this phenomenon;

Whereas the market price for such products is higher, while the way in which they are produced involves less intensive use of land; whereas, therefore, in the context of the reorientation of the common agricultural policy, this type of production may contribute towards the attainment of a better balance between supply of, and demand for, agricultural products, the protection of the environment and the conservation of the countryside;

外國消費者保護法（十三）

但是，為回應上升的需求，購買方被明示或暗示市場上之農產品和糧食是有機生產或沒有使用合成性化學製品；

但是，一些會員國已經針對這些提示，採取相關規範和實施檢查；

有關生產之團體規範架構中，標示和檢查將使有機種植受到保護，只要它將保證在產品的生產商之間維持公平競爭的情況，並給予市場上之有機產品特殊之外形識別，使消費者能藉此增加對於生產所有階段中之處理方式與透明度的信賴；

農場之分級係由其有機生產之方式所決定；產品之生產方式、成分等資訊應予標示；

但是，為順利推動與施行，某些技術細節與措施的相關規範應以更具彈性之規程予以修正，解釋與適用上應予從寬，俾利經驗之獲取與累積；但是，在相當的期間內，包括家畜生產方面之規範，將以規則之方式補充章程之內容；

但是，針對與有機產品有關聯之生產者與購買者之間，其生產方式之規定，應在極嚴格之原則下制定規範；

Whereas, in response to the rising demand, agricultural products and foodstuffs are being placed on the market with indications stating or implying to purchasers that they have been produced organically or without the use of synthetic chemicals;

Whereas some Member States have already adopted rules and inspection arrangements for the use of such indications;

Whereas a framework of Community rules on production, labelling and inspection will enable organic farming to be protected in so far as it will ensure conditions of fair competition between the producers of products bearing such indications and give the market for organic products a more distinctive profile by ensuring transparency at all stages of production and processing, thereby improving the credibility of such products in the eyes of consumers;

Whereas organic production methods constitute a specific form of production at farm level; whereas, consequently, it should be provided that, on the labelling of processed products, indications referring to organic production methods should relate to the ingredients obtained by such methods;

Whereas, for the implementation of the arrangements concerned, provision should be made for flexible procedures whereby certain technical details or measures may be amended, amplified or further defined in order to take account of experience gained; whereas, within a suitable period, this Regulation will be supplemented by equivalent rules covering livestock production;

Whereas, in the interests of the producers and purchasers of products bearing indications referring to organic production methods, the minimum principles which must be complied with in order for pro-

有機生產方式中所涉及對環境有害或是導致殘留有害物質於農產品中的肥料及殺蟲劑問題，應有顯著之約束與規範；此議案已被委員會接受：

- (1) OJ 編號 C 4，9. 1. 1990 年，p4；及
OJ 編號 C 101，18. 4. 1991 年，p13.
- (2) OJ 編號 C 106，22. 4. 1991 年，p27.
- (3) OJ 編號 C 182，23. 7. 1990 年，p12.

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當此規則為委員會所接受與採用時則必須一體適用之；未來，有關此種植方式之產品的管理原則必須被確定；

此外，對於有機耕作中之作業方式和對非合成肥料與低可溶性改良劑之用途限制；鑑於這些規定之實行，應對於某些非合成產品之使用，規範其限制條件；

依必要將制定相關程序規範，依附錄 I 之內容，避免生產過程中之合成性化學肥料或其殘留物污染於此類農業產品或環境之中；

ducts to be presented with such indications should be laid down;

Whereas organic production methods entail significant restrictions on the use of fertilizers and pesticides which may have detrimental effects on the environment or result in the presence of residues in agricultural produce; whereas, in this context, practices accepted in the Community——

- (1) OJ No C 4, 9. 1. 1990, p. 4; and
OJ No C 101, 18. 4. 1991, p. 13.
- (2) OJ No C 106, 22. 4. 1991, p. 27.
- (3) OJ No C 182, 23. 7. 1990, p. 12.

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when this Regulation is adopted must be complied with in accordance with codes of practice followed in the Community when this Regulation is adopted; whereas, moreover, in the future, the principles governing the authorization of products which may be used in this type of farming must be established;

Whereas, moreover, organic farming involves varied cultivation practices and limited use of non-synthetic fertilizers and conditioners of low solubility; whereas these practices should be specified and conditions for the use of certain non-synthetic products laid down;

Whereas the procedures laid down make possible, if this appears necessary, the addition to Annex I of more specific provisions aimed at avoiding the presence of certain residues of synthetic chemicals from sources other than agriculture (environmental contamination) in the products obtained by such production methods;

外國消費者保護法（十三）

但是，為確保在生產與市場銷售過程之中，產品皆符合此規範，則必須進行檢查工作；

但是所有生產、自行調製、進口或市場銷售之產品經營者，必須遵守此一規定之檢查，

委員會所規定及擇定的委任檢驗機構和經批准與指導的檢驗單位；並應依委員會所指示之規定將此資訊標示於外，

採取了這個規章：

標示

第 5 條

1. 條文 1 (1)(a)所指定有關產品的標示和廣告中，所涉及的有機生產方法：
 - (a)並應清楚標示其與農業生產方式之關聯；
 - (b)產品依 M10 第 6 條之規範進行生產或依條文 11 之規範自第三國進口；
 - (c)產品係由經營者所生產或進口，並依第 8 條和第 9 條之規範進行檢查；

Whereas, to ensure compliance with the rules on production, all stages of production and marketing should normally be subject to inspection;

Whereas all operators producing, preparing, importing or marketing products bearing indications referring to organic production methods must be subject to a regular inspection system, meeting minimum

Community requirements and carried out by designated inspection authorities and/or by approved and supervised bodies; whereas provision should be made for a Community indication of inspection to appear on the labelling of the products concerned,

HAS ADOPTED THIS REGULATION:

Labelling

Article 5

1. The labelling and advertising of a product specified in Article 1 (1)
 - (a) may refer to organic production methods only where:
 - (a) such indications show clearly that they relate to a method of agricultural production;
 - (b) the product was produced in accordance with the rules laid down in M10 Article 6. or imported from a third country under the arrangements laid down in Article 11;
 - (c) the product was produced or imported by an operator who is subject to the inspection measures laid down in Articles 8 and 9;

- (d)自 1997 年 1 月 1 日以後，經營者應於產品中標示有關驗證機構或單位之名稱或編號。會員國並應將此驗證機構或單位之名稱和編號通知委員會。

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3. 第 1 條所稱產品應有之標示及廣告

(1)(b)產品中所涉及有關有機生產方式之描述：

- (a)產品之原料中應有 95%以上之成分係符合第 6 條之規定的農產原料，或係自符合第 11 條規定之第三國所進口之原料；

- (b)其他之產品成分須符合附錄 VI，C 節所規範之來源，或會員國依據第 7 項之規定所批准之臨時與適當性的措施；

- (c)產品中所符合附錄 VI，A 節所列之非農產製品之單一物質；

- (d)(a)款所規範有機農產品之產品或成分中，不含有附錄 VI，B 節所列之原料；

- (e)產品本身與農業原料成分不得經離子化輻射處理；

- (d) in the case of products prepared after 1 January 1997, the labelling refers to the name and/or the code number of the inspection authority or body to which the operator is subject. Member States shall decide whether to require a reference to the name and/or to the code number and shall notify the Commission accordingly.

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- 3. The labelling and advertising of a product specified in Article 1
 - (1) (b) may bear indications referring to organic production methods in the sales description of the product only where:
 - (a) at least 95 % of the ingredients of agricultural origin of the product are, or are derived from, products obtained in accordance with the rules laid down in Article 6 or imported from third countries under the arrangements laid down in Article 11;
 - (b) all the other ingredients of agricultural origin of the product are included in Annex VI, Section C or have been provisionally authorized by a Member State in accordance with any implementing measures adopted where appropriate pursuant to paragraph 7;
 - (c) the product contains only substances listed in Annex VI, Section A, as ingredients of non-agricultural origin;
 - (d) the products or its ingredients of agricultural origin, referred to in subparagraph (a), have not been subjected to treatments involving the use of substances not listed in Annex VI, Section B;
 - (e) the product or its ingredients have not been subjected to treat-

(f) 不論是經營者自行調製或進口之產品，必須依第 8 條和第 9 條進行檢查；

(g) 1997 年 1 月 1 日以後，經營者應在有機標示中，明列有機驗證機構名稱與編號。各會員國應告知歐洲共同體理事會有機驗證機構與單位的名稱與編號。

有關其有機生產之方法描述中，應清楚說明原料成分與生產方式之關聯；除非已在成分清單中已有說明；

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(h) 產品中不含有基因改造成分及其衍生物。

3.a A2 經由第 1 項到第 3 項之失效，依第 2 條所適用之商標中的標示規定將延用至 2006 年 7 月 1 日；

一商標之註冊應適用在 1991 年 7 月 22 日之前一除第二款如下申請之外一及是依從 1988 年 12 月 21 日歐

ments involving the use of ionizing radiation;

(f) the product has been prepared or imported by an operator who is subject to the inspection measures laid down in Articles 8 and 9;

(g) in the case of products prepared after 1 January 1997, the labelling refers to the name and/or the code number of the inspection authority or body to which the operator who has carried out the most recent preparation operation is subject. Member States shall decide whether to require a reference to the name and/or to the code number and shall notify the Commission accordingly.

The indications referring to organic production methods must make it clear that they relate to a method of agricultural production and must be accompanied by a reference to the ingredients of agricultural origin concerned, unless such reference is clearly given in the list of ingredients;

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(h) the product has been produced without the use of genetically modified organisms and/or any products derived from such organisms.

3a. A2 By way of derogation from paragraphs 1 to 3, trade marks which bear an indication referred to in Article 2 may continue to be used until 1 July 2006 in the labelling and advertising of products which do not comply with this Regulation provided that:

— registration of the trade mark was applied for before 22 July 1991 - unless the second subparagraph below applies - and is in

外國消費者保護法（十三）

洲經濟共同體第一理事會 89 / 104 / 號方針，有關會員國的法律與商標(1)，及

—商標中已經有符合規範之標示和說明。

首行中的第一款所適用之日期是，1995 年 1 月 1 日為芬蘭、奧地利、及瑞典；2004 年 5 月 1 日為捷克、愛沙尼亞、塞浦路斯、拉脫維亞、立陶宛、匈牙利、馬爾他、波蘭、斯洛伐尼亞和斯洛伐克。

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4. 包括在附錄 VI，C 節所列之有機農產品成分中，不得違反第 6 條規定，或按照由歐洲經濟共同體所作之 92/10/號決議修改(OJ L 6, 11.1.1992, p35)之 1991R2092-EN-01.05.2004-018.003-8 (1) OJ L 40, 11.2.1989，p1.之方針進行大量生產。

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不得自第 11 條所規定之第三國進口。

conformity with the First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (1), and

- the trade mark is already reproduced with a clear, prominent, and easily readable indication that the products are not produced according to the organic production method as prescribed in this Regulation.

The date of application referred to in the first indent of the first subparagraph is, for Finland, Austria, and Sweden, 1 January 1995 and, for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, 1 May 2004.

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4. Ingredients of agricultural origin may be included in Annex VI, Section C only where it has been shown that such ingredients are of agricultural origin and are not produced in sufficient quantity in the Community in accordance with the rules laid down in Article 6, or - (1) OJ L 40, 11.2.1989, p. 1. Directive as amended by Decision 92/10/EEC (OJL 6, 11.1.1992, p. 35).;

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cannot be imported from third countries in accordance with the rules laid down in Article 11.

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5. 在下列情形中，農製品之標示或廣告應符合第 1 項或第 3 項涉及有關轉換為有機生產方式之規範：

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- (a) 充分滿足符合第 1 項或第 3 項之規定，但符合附錄 I 第 I 項有關轉換期間長度之規範除外；
- (b) 該農場至少在收成前，須進行 12 個月的轉換期間；
- (c) 標示應注意不得誤導買方關於第 1 項或第 3 項的所有要求之產品的區分。在 1996 年 1 月 1 日以後，於有機轉換期間所生產的作物產品，必須明列「本產品為轉換成有機農業時所生產的產品」的說明，且說明文字的顏色、大小與字體，不得比產品本身的銷售描述更為明顯，同時標示內容中，「有機農業」的字樣，亦不得比「本產品為轉換成有機農業時所生產的產品」更為顯著。

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- (d) 產品包含單一的農業原料成分；

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5. Crop products labelled or advertised in accordance with paragraphs 1 or 3 may bear indications referring to conversion to the organic production method, provided that:

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- (a) the requirements referred to in paragraph 1 or paragraph 3 respectively are fully satisfied, with the exception of that concerning the length of the conversion period referred to in paragraph 1 of Annex I;
- (b) a conversion period of at least 12 months before the harvest has been complied with;
- (c) such indications do not mislead the purchaser of the product regarding its difference from products which satisfy all the requirements of paragraphs 1 or 3. After 1 January 1996, such indications must take the form of the words 'product under conversion to organic farming', and must appear in a colour, size and style of lettering which is not more prominent than the sales description of the product; in this indication the words 'organic farming' shall not be more prominent than the words 'product under conversion to' ;

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- (d) the product contains only one crop ingredient of agricultural origin;

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- (e) 1997 年 1 月 1 日以後，有機產品的標示，必須包括有機驗證機構的名稱與編號。各會員國應告知歐洲共同體理事會有機驗證機構與單位的名稱與編號；

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- (f) 產品中不得含有基因改造物及其衍生物。

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- 5.a 不違第 3 項規範下，產品的標示和廣告須依第 1 (1)(b) 項規定，標示有機生產方法：

- (a) 成分中應至少有 70% 的農業原料，其係符合第 6 條之規定或依第 11 條所規定之第三國所進口；

- (b) 產品中之其它成份的農業原料，包括在附錄 VI，C 節所列或由會員國臨時批准之措施中，符合第 7 項所規定者；

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- (e) for products prepared after 1 January 1997, the labelling refers to the name and/or the code number of the inspection authority or body to which the operator who has carried out the most recent production or preparation operation is subject. Member States shall decide whether to require a reference to the name and/or to the code number and shall notify the Commission accordingly;

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- (f) the product has been produced without the use of genetically modified organisms and/or any products derived from such organisms.

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- 5a. Without prejudice to the provisions of paragraph 3, the labelling and advertising of a product as referred to in Article 1 (1) (b) may only bear indications referring to organic production methods where:
 - (a) at least 70 % of the ingredients of agricultural origin are, or are derived from, products obtained in accordance with the rules laid down in Article 6 or imported from third countries under the arrangements laid down in Article 11;
 - (b) all the other ingredients of agricultural origin of the product are included in Annex VI, Section C or have been provisionally authorized by a Member State in accordance with any imple-

- (c)有機生產方法所列之成份名單及第 6 條所明確規定之相關成分或依第 11 條規定自第三國進口者；應以同樣顏色和相同大小之文字和樣式，明列在成份名單中。此類說明應清楚並另為標示其符合第 6 條和第 11 條之規定的原料成分所佔之比重。應說明「本農業原料中，有 X%之成分係符合有機生產規範」，並應以明顯之方式標示之。

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- (d)產品包含有附錄 VI，A 節中，所列之作為非農來源的單一原料；
- (e)產品或其成分中，涉及附錄 VI，B 節第(a)款所未列出之原料；

mentation measures adopted where appropriate pursuant to paragraph 7;

- (c) the indications referring to organic production methods appear in the list of ingredients and only in clear relation to those ingredients obtained according to the rules laid down in Article 6 or imported from third countries under the arrangements laid down in Article 11; they appear in the same colour and with an identical size and style of lettering as the other indications in the list of ingredients. Such indications must also appear in a separate statement set in the same visual field as the sales description and indicating the percentage of the ingredients of agricultural origin or derived therefrom which were obtained in accordance with the rules laid down in Article 6 or were imported from third countries under the arrangements laid down in Article 11. 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 shall be in the following form: 'X % of the agricultural ingredients were produced in accordance with the rules of organic production' ;

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- (d) the product contains only substances listed in Annex VI, Section A as ingredients of non-agricultural origin;
- (e) the product or its ingredients of agricultural origin referred to in subparagraph (a) have not been subjected to treatments involving the use of substances not listed in Annex VI, Section

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- (f) 產品或其成份中，不得經電離輻射處理；
- (g) 經營者調製或進口之產品由是依第 8 條和第 9 條之規定所檢查；
- (h) 1997 年 1 月 1 日以後，有機產品的標示，必須包括有機驗證機構的名稱與編號。各會員國應告知歐洲共同體理事會有機驗證機構與單位的名稱與編號；

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- (i) 產品不得含有基因改造物及其衍生物。

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- 6. 1997 年 12 月 31 日為過渡期間之期限，產品之標示和廣告中，部分成分不符合第 1 (1)(b) 條規定但卻提及下列有關有機生產方式係符合第 3(a) 條：

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- (f) the product or its ingredients have not been subjected to treatments involving the use of ionizing radiation;
- (g) the product has been prepared or imported by an operator who is subject to the inspection measures laid down in Articles 8 and 9;
- (h) for products prepared after 1 January 1997, the labelling refers to the name and/or the code number of the inspection authority or inspecting body to which the operator who has carried out the most recent production or preparation operation is subject. Member States shall decide whether to require a reference to the name and/or to the code number and/or shall notify the Commission accordingly;

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- (i) the product has been produced without the use of genetically modified organisms and/or any products derived from such organisms.

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- 6. During a transitional period expiring on 31 December 1997, the labelling and advertising of a product as referred to in Article 1 (1)
 - (b) prepared partly from ingredients not satisfying the requirements

(a)成份中至少含有符合第3(a)條的農業原料達50%以上；

(b)產品符合第3項之(c)，(d)，(e)，和(f)之規定；

(c)說明中提到有機生產方法：

- 出現只在成份名單如所提供為在方針79/112/EEC（歐洲經濟共同體），按照最後由89/395/EEC號指導原則修改，
- 清楚地參見唯一那些成份被獲得根據規則提到在第6條或被進口根據安排被制定在第11條；

(d)成份和他們的相對水平出現在遞減次序由重量在成份名單；

(e)表示在成份名單出現在同樣顏色和以字法相同大小和樣式。

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7. 依據第14條之規定所作之詳細規則。

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8. 依據第14條之規定，產品和原料之規範名單，係在附錄VI，A、B和C節之第3(b)，(c)和(d)項和第5.a(b)，

in paragraph 3 (a) may refer to organic production methods provided that:

- (a) at least 50 % of the ingredients of agricultural origin satisfy the requirements referred to in paragraph 3 (a);
- (b) the product satisfies the requirements referred to in paragraph 3 (c), (d), (e) and (f);
- (c) the indications referring to organic production methods:
 - appear only in the list of ingredients as provided for in Directive 79/112/EEC, as last amended by Directive 89/395/EEC,
 - clearly refer to only those ingredients obtained according to the rules referred to in Article 6 or imported under the arrangements laid down in Article 11;
- (d) the ingredients and their relative levels appear in descending order by weight in the list of ingredients;
- (e) indications in the list of ingredients appear in the same colour and with an identical size and style of lettering.

B

7. Detailed rules concerning the implementation of this Article may be established according to the procedure laid down in Article 14.

M10

8. Limitative lists of the substances and products referred to in paragraph 3 (b), (c) and (d) and paragraph 5a (b), (d) and (e) shall be es-

(d)和(e)項。

B

有機成分與原料之用途的指示

在第 14 條所規定提及之增修名單，應包含會員國之具保、人事檔案及增修原因之資料，以送至理事會審查。

M10

9. 在第 3 項和第 6 項所規定之百分比重之計算，適用 79/112/EEC 號方針中之第 6 條和第 7 條之應用。

M15

10. 產品中有第 1 (1)條(a)項和(b)項所提及之成份，不與第 6 條所規定之成分相存在。

established in Annex VI, Sections A, B and C, according to the procedure laid down in Article 14.

B

Conditions of use and compositional requirements of these ingredients and substances may be specified.

Where a Member State considers that a product should be added to the abovementioned lists or that amendments should be made thereto, it shall ensure that a dossier giving the reasons for the inclusion or the amendments is sent officially to the other Member States and the Commission, which shall present it to the Committee referred to in Article 14.

M10

9. For the calculation of the percentages referred to in paragraphs 3 and 6, the rules provided for in Articles 6 and 7 of Directive 79/112/EEC shall be applied.

M15

10. In a product as referred to in Article 1 (1), paragraphs (a) and (b), an ingredient obtained according to the rules laid down in Article 6 shall not be present together with the same ingredient not obtained according to those rules.

M10

11. 在 1999 年 1 月 1 日之前，委員會將重新檢視此條文和第 10 條條文之相關修正提案。

M10

11. Before 1 January 1999, the Commission shall review the provisions of this Article and of Article 10 and submit any appropriate proposals for their revision.