

Standards and Regulations

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Introduction

Farmers' associations developed the first standards for organic production in the middle of the last century. The first international standards were published by IFOAM in 1980. The first governmental regulations were introduced by some European countries, including Austria and France, in the 1980s. In 1991, the EU passed the organic EU Regulation 2092/91 and set standards with major implications for international trade; they covered not only production standards, but standards for labeling and inspection as well. Various countries in Europe, Latin America and Asia - including Japan - introduced legislation in the 1990s. In 1999, the Codex Alimentarius approved the first guidelines for organic plant production, which were amended with requirements for livestock production in 2001. In the new millennium, most major economies have established a regulation for organic production. On January 1, 2009, the completely revised Regulation on Organic Production EU Regulation (EC) 834/2007 and its implementation rules came into force.

For a list of countries with regulations or in the process of drafting regulations on organic agriculture, see Table 17. The data on regulations around the world were collected from authorities and experts. The classification of whether the regulation is “not yet fully” or “fully implemented” is based on feedback from the persons interviewed, but was not subject to verification. We received responses from experts and authorities in 60 percent of the countries. It is assumed that a majority of the 40 percent of non-responding countries did not pass legislation on organic production, although the share of countries in the process of developing legislation is probably greater than reflected. Please send comments or information on countries not listed to beate.huber@fiBL.org.

Table 17: Regulations: Countries with regulations on organic agriculture

Region	Country	Remark
European Union (27) ³	Austria	Fully implemented
	Belgium	Fully implemented
	Bulgaria	Fully implemented
	Cyprus	Fully implemented
	Czech Republic	Fully implemented
	Denmark	Fully implemented
	Estonia	Fully implemented
	Finland	Fully implemented

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³ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/92. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:189:0001:0023:EN:PDF>

STANDARDS AND REGULATIONS: OVERVIEW

Region	Country	Remark
	France	Fully implemented
	Germany	Fully implemented
	Greece	Fully implemented
	Hungary	Fully implemented
	Ireland	Fully implemented
	Italy	Fully implemented
	Latvia	Fully implemented
	Lithuania	Fully implemented
	Luxembourg	Fully implemented
	Malta	Fully implemented
	Poland	Fully implemented
	Portugal	Fully implemented
	Romania	Fully implemented
	Slovak Republic	Fully implemented
	Slovenia	Fully implemented
	Spain	Fully implemented
	Sweden	Fully implemented
	The Netherlands	Fully implemented
	United Kingdom	Fully implemented
Others Europe (11)	Albania	Not fully implemented
	Croatia	Fully implemented
	Iceland ¹	Fully implemented
	Kosovo	Not fully implemented
	Macedonia, The former Yugoslav Republic	Fully implemented
	Moldova	Fully implemented
	Montenegro ²	Fully implemented
	Norway	Fully implemented
	Serbia	Fully implemented
	Switzerland ³	Fully implemented
	Turkey	Fully implemented
Asia&Pacific Region (11)	Azerbaijan	Not fully implemented
	Australia ⁴	Only export regulations
	Bhutan	Not fully implemented ⁵
	China	Fully implemented
	Georgia	Not fully implemented
	India ⁶	Only export regulations ⁷
	Israel	Only export regulations ¹

¹ www.landbunadarraduneyti.is/log-og-reglugerdir/Reglugerdir/Allar_reglugerdir/nr/79

² www.skupstina.cg.yu/skupstinaweb/tekstovi_list.php?s_id_zakoda=110

³ www.admin.ch/ch/d/sr/c910_18.html

⁴ www.affa.gov.au/corporate_docs/publications/word/quarantine/approg/nationalstandard2.doc.

⁵ National framework, but no labeling regulation.

⁶ National program for Organic Production (NPOP), www.apeda.com/organic/index.html

⁷ National regulation expected to be passed in 2009.

Region	Country	Remark
	Japan ²	Fully implemented
	New Zealand ³	Only export regulations
	Philippines	Not fully implemented
	Korea South	Fully implemented
	Taiwan	Fully implemented
	Thailand ⁴	Fully implemented
The Americas & Caribbean (17)	Argentina	Fully implemented
	Bolivia ⁵	Fully implemented
	Brazil ⁶	Fully implemented
	Canada	Not fully implemented
	Chile	Fully implemented
	Costa Rica ⁷	Fully implemented
	Colombia	Fully implemented
	Dominican Republic	Not fully implemented
	Ecuador ⁸	Fully implemented
	El Salvador ⁹	Not fully implemented
	Guatemala	Fully implemented
	Honduras ¹⁰	Not fully implemented
	Mexico	Not fully implemented
	Paraguay ¹¹	Not fully implemented
	Peru ¹²	Fully implemented
	USA ¹³	Fully implemented
	Venezuela	Not fully implemented
Africa (3)	Ethiopia	Not fully implemented
	Ghana	Not fully implemented
	Tunisia	Fully implemented

Source: Huber, Silva, Gelman, FiBL 2006 updated 2009

¹ Regulation for national market will come into force in 2009.

² JAS Standards for organic plants and organic processed foods
www.maff.go.jp/soshiki/syokuhin/hinshitu/e_label/specificJAS-organic.htm

³ New Zealand Food Safety Authority (NZFSA) Official Assurance program for Organic Products
www.nzfsa.govt.nz/organics/index.htm

⁴ Homepage of the National Bureau of Agricultural Commodity and Food Standards www.acfs.go.th/eng/index.php

⁵ www.aopeb.org/

⁶ www.planetaorganico.com.br

⁷ www.mag.go.cr/doc_d/reg_ley_mag.html

⁸ www.sica.gov.ec/agronegocios/productos%20para%20invertir/organicos/principal.htm

⁹ www.elsalvadororganico.com.sv/

¹⁰ www.senasa.gob.hn

¹¹ www.senave.gov.py/index.php?pag=ampliamos&Cod_noticias=102

¹² www.senasa.gob.pe/0/modulos/JER/JER_Interna.aspx?ARE=0&PFL=0&JER=671

¹³ www.ams.usda.gov/nop/indexIE.htm

Table 18: Countries in the process of drafting regulations

Region	Country
Europe (3)	Bosnia & Herzegovina
	Russia
	Ukraine
Asia and Pacific Region (7)	Armenia
	Hong Kong
	Indonesia
	Lebanon
	Saudi Arabia
	Sri Lanka
	Vietnam
The Americas & Caribbean (4)	Cuba
	Nicaragua
	St. Lucia
	Uruguay
Africa (7)	Cameroon
	Egypt
	Kenya
	Madagascar
	Morocco
	South Africa ¹
	Tanzania

Source: Huber, Silva, Gelman, FiBL 2006 updated 2009

International standards & regulations

IFOAM Organic Guarantee System

The IFOAM Basic Standards² define how organic products are grown, produced, processed and handled. They reflect the current state of organic production and processing methods. The IFOAM Basic Standards - together with the IFOAM Accreditation Criteria - constitute the IFOAM Norms, which provide a framework for certification bodies and standard-setting organizations worldwide to develop their own certification standards.

Based on the decision of the IFOAM General Assembly in September 2005, IFOAM has been revising the Organic Guarantee System (OGS) with the aim of creating more access to

¹ www.afrisco.net/Html/Product_Stardards.htm

² On the homepage of IFOAM www.ifoam.org under "Organic Guarantee System," the IFOAM Norms, consisting of the IFOAM Basic Standards for Organic Production and Processing and the IFOAM Accreditation Criteria for Bodies certifying Organic Production and Processing may be purchased. The website also provides information on the IFOAM Accreditation Program.

it. IFOAM decided that the OGS, while always upholding the integrity of organic agriculture, should aim to facilitate trade and be able to accommodate all serious organic certification bodies and their clients.

The Codex Alimentarius Guidelines

The need for clear and harmonized rules has not only been taken up by private bodies, IFOAM and state authorities, but also by United Nations Organizations, including the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO) and the United Nations Conference on Trade and Development (UNCTAD). The FAO and WHO consider international guidelines on organically produced food products to be important instruments for consumer protection and to facilitate trade. They also provide assistance to governments wishing to develop regulations in this area, in particular in developing countries and countries in transition economies.

The Codex Alimentarius Commission was created in 1963 by the FAO and WHO to develop food standards, guidelines and related texts such as codes of practice under the Joint FAO/WHO Food Standards Program; it established the Guidelines for the Production, Processing, Labeling and Marketing of Organically Produced Foods. The Codex Commission approved plant production guidelines in June 1999, and animal production guidelines in July 2001¹ The requirements in these Codex Guidelines are in line with the IFOAM Basic Standards and the EU Regulation (EEC) 2092/91. There are, however, differences with regard to the details and some specific areas that are covered by the varying standards.

The trade guidelines on organic food take into account the current regulations in several countries, in particular the former EU Regulation 2092/91, private standards applied by producer organizations - especially those based on the IFOAM Basic Standards. These guidelines define the nature of organic food production and prevent claims that could mislead consumers about the quality of the product or the way it was produced.

From IFOAM's perspective, the Codex Guidelines are an important step towards the harmonization of international rules that serve to build consumer trust. They will be important for equivalence judgments under the rules of WTO. In terms of developing the market for organically produced food, these Codex Guidelines provide guidance to governments in developing national regulations for organic food.

The annex lists, which define what substances can be used in organic food and farming systems, have been under revision since 2005, with a focus on substances for food processing and the criteria for the use of new substances. A working group within the Codex Committee for Food Labeling (CCFL), which meets every year in May and is supported by the government of Canada, is charged with this work. The Codex Commission adopted several amendments in the annex lists that were proposed by the CCFL in July 2008. Other substances, like nitrate, nitrates and ascorbates for meat processing and phosphates as food additives, however, were rejected for inclusion in the Codex Guidelines for organic food. In 2009, the discussion about deleting or restricting substances for pest control (in particular

¹ Information about Codex Alimentarius is available via the homepage www.codexalimentarius.net. The Codex-Alimentarius-Guidelines on organic agriculture can be downloaded from http://www.codexalimentarius.net/download/standards/360/CXG_032e.pdf.

Rotenone) and concerning the use of ethylene other than for bananas and kiwi fruits will continue.

EU Regulation on Organic Agriculture

Revision of the basic rules

In their conclusions on the European Action Plan on Organic Agriculture in 2004, the European Council requested that the EU Regulation 2092/91 on organic farming be revised in order to achieve a simplified, more coherent and less detailed regulation. In July 2007, 'Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labeling of organic products and repealing Regulation (EEC) No 2092/91' was adopted. This regulation describes the objectives, principles and basic requirements of regulations for organic production. It does not cover most of those sections that are currently regulated by annexes I to VIII, including production rules, minimum inspection rules, list of approved farm inputs, ingredients, aids and additives.

The new regulation was completely restructured and rephrased. It replaces EU Regulation (EEC) 2092/91 and came into force on January 1, 2009. Although the European Commission aimed at conserving the main content of the regulation 2092/91, there are abundant changes in the details, some of which may have serious impacts on organic farming in future. Changes relevant to producers and traders can be found in the following areas:

- Labeling requirements: the EU logo becomes mandatory for pre-packaged products produced in the EU from mid 2010 onwards. The use of the EU logo for imported products is voluntary. The EU has announced a revision of the current EU logo. The new design is expected to be published in 2009. Other changes include the introduction of the indication of origin and the labeling of organic ingredients in products that are mainly non-organic.

Overview on the structure of the new EU Regulation on Organic Production (EU Reg. 834/2007 and its implementation rules)

Basic Regulation

- Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labeling of organic products and repealing Regulation (EEC) No 2092/91

Implementation Rules

- COMMISSION REG. (EC) No 889/2008 ... for the implementation of Council Reg. (EC) No 834/2007... with regard to organic production, labeling and control
- COMMISSION REG. (EC) No 1235/2008 ... for implementation of Council Reg. (EC) No 834/2007...regarding the arrangements for imports of organic products from third countries

Further implementation rules,
such as for aquaculture, wine...

Guidelines

Guidance document for ... organic producer group certification schemes applied in developing countries
Further guidelines, including those on imports of organic products into the EU

- Flexibility rules: The rules shall be more flexible to reflect different regional frameworks and allow for suitable reactions in catastrophic circumstances.
- There is a standard form for certificates.
- The import scheme will be completely revised (see below).

The IFOAM EU Group has published an introduction and interpretation on the new EU regulation.¹ The revised Regulation 834/2007 and its implementation rules are published on the EUR-Lex website. They are available in all official languages of the European Union.

Revised import procedures

At the end of December 2006, the EU published new regulations concerning the importation of organic products. The revised import procedures will replace the current (temporary) system of import authorizations by an approval system for inspection bodies operating in countries outside of the EU. Import authorizations will only be issued 12 months after the EU has published the first list of approved inspection bodies operating in Third Countries. The list is expected to be published in 2010 or 2011.

The existing system for approval of countries in the so-called ‘Third Country List’ is maintained. In the future, products can only be imported into the EU if they have been certified by an inspection body or authority recognized by the European Commission. The EU will publish lists of approved inspection bodies and authorities as well as approved third countries. There will be three different lists:

- 1) List of inspection bodies that apply an inspection system and production standards equivalent to the EU regulation.
- 2) List of inspection bodies that have been accredited according to EN 45011/ISO 65 and that apply an inspection system and production rules compliant with the EU Regulation. The provision on compliance with the EU regulation is new.
- 3) List of countries whose system of production complies with rules equivalent to the EU production and inspection provisions.

Under options 1) and 2), the inspection bodies can either be located within or outside the EU.

Under options 2) and 3) (equivalency-option), the imported products have to be covered by a certificate of inspection, which is not a provision under option 1. For options 2) and 3), the Codex Alimentarius shall be taken into account for assessing equivalency.

The new import regulation allows a more consistent and effective control system for imported products and improves the possibilities for supervision of inspection bodies operating in Third Countries. It further increases transparency by publishing lists of recognized inspection bodies. In the current system, it was difficult for inspection bodies outside the EU to prove the acceptance of their certification in the EU. They depended on European importers willing to take the hurdle to apply for an import authorization with a new or unknown inspection body. The new system allows inspection bodies from non-EU-countries to apply for recognition at their own initiative; they may prove their recognition prior to the

¹http://www.ifoam.org/about_ifoam/around_world/eu_group/eu_group.html

start of trade relationships. This reduces the risk of importers when importing products certified by non-European and/or less known inspection bodies.

Import requirements of major economies

The most important import markets for organic products are the EU, US and Japan. All have strict regimes for the importation of organic products. In the EU, US and Japan, products may only be imported if the certifying agency has been approved by the respective competent authority.

Approval of certification bodies requires compliance or equivalency with the requirements of the importing countries, which can be achieved by the following options: a) Bilateral agreements between the exporting and the target import country and b) direct acceptance of the certifying agency by the target import country.

Bilateral agreements between the exporting and the target import country:

Most importing countries - including US, EU and Japan - have options for bilateral recognition. A country may confirm that another country's control system and the standards are in line with the national requirements, and that the products certified in those countries can be sold on the national market. The EU currently recognizes seven countries.¹ The bilateral agreements are largely political agreements that depend on the will and political negotiations of the governments, rather than the results of technical assessments.

So far, the US has accepted few foreign governments' accreditation procedures. Certification bodies accredited according to the US requirements by Denmark, UK, India, Israel, New Zealand and Quebec are accepted by the USDA for certifying according to the US National Organic Program (NOP)² without being directly accredited by United States Department of Agriculture (USDA). This is just recognition of the accreditation procedures; the respective certification bodies still have to meet the requirements of NOP to issue certificates accepted by the US.

In addition, the US is negotiating equivalency agreements with Australia, the European Union, India and Japan. This means that USDA would determine that their technical requirements and conformity assessment system adequately fulfill the objectives of the NOP, and double certification would not be necessary for imports. The US announced that equivalency determinations are very complex and time consuming, and for the time being, negotiations with the EU are on hold, especially for animal production.

Acceptance of the certifying agency by the target import country

The US, EU and Japan have options for recognizing certification bodies operating outside the country. The technical requirements for achieving such recognition are difficult to meet, and the associate fees are high. Maintaining recognition and/or the necessary accreditation requires substantial financial capacity and personnel from the certification agency.

¹ Argentina, Australia, Costa Rica, New Zealand, India, Israel, Switzerland

² National Organic Program (NOP) <http://www.ams.usda.gov/nop/indexIE.htm>

The US NOP requires all produce labeled as organic in the US to meet the US standards, including imported products. The US system provides for the approval of certification bodies as agents to operate a US certification program. Retroactive certification is not possible. Inspections have to be conducted by inspectors trained in NOP requirements using NOP questionnaires, and only certificates issued by certification bodies accredited by the US Department of Agriculture USDA are accepted. It is not relevant whether the certification body is based in the US or elsewhere. So far, almost 100 certification bodies have been accredited according to NOP by the USDA, and only produce certified by these certification bodies may be exported to the US.

Literature

- Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91; eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:189:0001:0023:EN:PDF
- Commission Regulation (EC) No 1254/2008 of 15 December 2008 amending Regulation (EC) No 889/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control; eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:337:0080:0082:EN:PDF
- Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries; eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:334:0025:0052:EN:PDF
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- IFOAM EU Group (2009): The New Organic Regulation for Organic Food and Farming in Europe: EC 834/2007 - Background, assessment and interpretation for stakeholders. IFOAM European Union Group, Brussels

Websites

- www.fao.org/organicag/: Information on organic agriculture by FAO with detailed country reports including the on legal situation
- www.ifoam.org/about_ifoam/standards/index.html: IFOAM Guarantee system
- www.ams.usda.gov/nop/indexIE.htm: Information about the US National Organic Program (NOP)
- www.unctad.org/trade_env/itf-organic/welcome1.asp: International Task Force on Harmonization and Equivalency in Organic Agriculture (ITF).
- www.codexalimentarius.net/download/standards/360/CXG_032e.pdf The Codex Alimentarius Commission and the FAO/WHO Food Standards Program: Organically Produced Foods, Rome 2007
- ec.europa.eu/agriculture/qual/organic/: Internet site of the European Commission on organic farming in all EU languages

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www.ifoam.org/about_ifoam/around_world/eu_group/web_Revision/Revision_info_page.html : IFOAM EU Info page on the Revision process of EU Regulation 2092/91.

www.unctad.org/trade_env/ITF-organic/welcome1.asp: Minutes and working documents of the International Task Force on Harmonization and Equivalence in Organic Agriculture

www.certcost.org: EU project on the “economic analysis of certification systems for organic food and farming”