

## 8 Standards and Regulations

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### Introduction

Farmer 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 legislative initiatives were developed by some European countries (e.g. Austria, France) in the 1980s. In 1991, the EU passed the organic regulation 2092/91 and set standards with major implications for international trade, and included not only production standards, but also standards for labeling and inspection. Various countries in Europe, Latin America and Asia introduced legislation in the 1990s. In 1999, Codex Alimentarius approved the first guidelines for organic plant production. Livestock production was included in 2001. In the new millennium, most major economies have implemented legislation on organic production; in 2002, the US National Organic Program came into force in 2002, and the Chinese legal framework was finalized in 2005.

2006 was again a dynamic year in the development of a legal framework for organic production; both Canada and Paraguay passed legislation, and others refined drafts or revised existing legislation. A complete list of countries with regulations on organic agriculture and those in the process of drafting regulations is included below.

The revision process for EU regulation 2092/91 on organic agriculture, however, has been a focus of international attention. A process that began at the end of 2005, the European Agriculture and Fisheries Council agreed on the outline of the new organic regulation in December 2006. The final decision is expected in the spring of 2007. As part of this process, the European Council revised the import regulations, introducing an approval system not only for Third Countries, but also for inspection bodies operating in Third Countries. Details about the revision of the EU regulation are described in the following subchapters.

**Table 6: Countries with regulations on organic agriculture**

Region	Country	Remark	Website (where available)
European Union (27)	Austria	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Belgium	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Bulgaria	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Cyprus	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Czech Republic	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Denmark	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Estonia	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/">http://eur-lex.europa.eu/LexUriServ/site/</a>

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Region	Country	Remark	Website (where available)
			en/consleg/1991/R/01991R2092-20060506-en.pdf
	Finland	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	France	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Germany	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Greece	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Hungary	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Ireland	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Italy	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Latvia	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Lithuania	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Luxembourg	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Malta	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Poland	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Portugal	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Romania	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Slovak Republic	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Slovenia	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Spain	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	Sweden	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	The Netherlands	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
	United Kingdom	Fully implemented	<a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf</a>
Others Europe (10)	Albania	Not fully implemented	
	Croatia	Fully implemented	
	Iceland	Fully implemented	<a href="http://www.landbunadarraduneyti.is/log-og-reglugerdir/Reglugerdir/Allar_reglugerdir/nr/79">http://www.landbunadarraduneyti.is/log-og-reglugerdir/Reglugerdir/Allar_reglugerdir/nr/79</a>
	Macedonia	Fully implemented	
	Moldova	Fully implemented	
	Montenegro	Fully implemented	<a href="http://www.skupstina.cg.yu/skupstinaweb/tekstovi_list.php?s_id_zakoda=110">http://www.skupstina.cg.yu/skupstinaweb/tekstovi_list.php?s_id_zakoda=110</a>
	Norway	Fully implemented	
	Serbia	Not fully implemented	
	Switzerland	Fully implemented	<a href="http://www.admin.ch/ch/d/sr/c910_18.html">http://www.admin.ch/ch/d/sr/c910_18.html</a>
	Turkey	Fully implemented	
Asia and Pacific Region (11)	Australia	Only export regulations	<a href="http://www.affa.gov.au/corporate_docs/publications/word/quarantine/approg/nationalstandard2.doc">http://www.affa.gov.au/corporate_docs/publications/word/quarantine/approg/nationalstandard2.doc</a>
	Bhutan	Not fully implemented	
	China	Fully implemented	
	India	Only export	<a href="http://www.apeda.com/organic/index.html">http://www.apeda.com/organic/index.html</a>

Region	Country	Remark	Website (where available)
		regulations	
	Israel	Only export regulations	
	Japan	Fully implemented	<a href="http://www.maff.go.jp/soshiki/syokuhin/hinshitu/e_label/index.htm">http://www.maff.go.jp/soshiki/syokuhin/hinshitu/e_label/index.htm</a>
	New Zealand	Only export regulations	
	Philippines	Not fully implemented	
	Korea South	Fully implemented	
	Taiwan	Fully implemented	
	Thailand	Fully implemented	<a href="http://www.acfs.go.th/">http://www.acfs.go.th/</a>
The Americas & Caribbean (14)	Argentina	Fully implemented	
	Bolivia	Not fully implemented	<a href="http://www.aopeb.org/">http://www.aopeb.org/</a>
	Brazil	Fully implemented	<a href="http://www.planetaorganico.com.br">www.planetaorganico.com.br</a>
	Canada	Not fully implemented	
	Chile	Fully implemented	
	Costa Rica	National regulations not fully implemented	<a href="http://www.mag.go.cr/doc_d/reg_ley_mag.html">http://www.mag.go.cr/doc_d/reg_ley_mag.html</a>
	Dominican Republic	Not fully implemented	
	Ecuador	Fully implemented	<a href="http://www.sica.gov.ec/agronegocios/productos%20para%20invertir/organicos/principal.htm">http://www.sica.gov.ec/agronegocios/productos%20para%20invertir/organicos/principal.htm</a>
	El Salvador	Not fully implemented	<a href="http://www.elsalvadororganico.com.sv/">http://www.elsalvadororganico.com.sv/</a>
	Honduras	Fully implemented	<a href="http://www.senasa.gob.hn">www.senasa.gob.hn</a>
	Mexico	Not fully implemented	
	Paraguay	Not fully implemented	
	Peru	Not fully implemented	
	US	Fully implemented	<a href="http://www.ams.usda.gov/nop/indexIE.htm">http://www.ams.usda.gov/nop/indexIE.htm</a>
Africa (2)	Ghana	Not fully implemented	
	Tunisia	Fully implemented	

Source: Huber, Silva, Gelman, FiBL Switzerland, survey 2006

**Table 7: Countries in the process of drafting regulations**

Region	Country	
Europe (3)	Bosnia & Herzegovina	
	Russia	
	Ukraine	
Asia and Pacific Region (8)	Armenia	
	Azerbaijan	
	Georgia	<a href="http://www.elkana.org.ge">http://www.elkana.org.ge</a>
	Hong Kong	
	Indonesia	
	Lebanon	
	Saudi Arabia	
	Vietnam	

Region	Country	
The Americas & Caribbean (3)	Cuba	
	Nicaragua	
	St. Lucia	
Africa (4)	Cameroon	
	Egypt	
	Madagascar	
	South Africa	<a href="http://www.afrisco.net/Html/Product_Standards.htm">http://www.afrisco.net/Html/Product_Standards.htm</a>

Source: Huber, Silva, Gelman, FiBL Switzerland, survey 2006

Remark: The data on legislation in the world was collected among authorities and experts. The classification whether the legislation is 'not yet fully' or 'fully implemented' is based on the feedback of the persons interviewed, and was not subject to verification. Responses from experts and authorities from 60 percent of the countries were received. It may be assumed that a majority of the 40 percent non-responding countries did not pass legislation on organic production, although the share of countries that are in the process of developing legislation is probably higher than reflected. Please send comments or information on countries not listed to Beate Huber (e-mail [beate.huber@fibl.org](mailto:beate.huber@fibl.org)).

### ***International standards***

#### ***IFOAM Standards***

The IFOAM Basic Standards (IBS)<sup>1</sup> 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 provide a framework for certification bodies and standard-setting organizations worldwide to develop their own certification standards, and thus cannot be used for certification on their own. In close co-operation and consultation with IFOAM member organizations and other interested parties, The IFOAM Standards Committee develops the IBS. The IFOAM Basic Standards are presented as general principles, recommendations, basic standards and derogations. IFOAM is currently working on a revision of the IFOAM Organic Guarantee System; one of the activities being a complete revision of the IFOAM Basic Standards.

#### ***The Codex Alimentarius***

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

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<sup>1</sup> At the homepage of IFOAM <http://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 can be ordered. The homepage also provides information on the IFOAM Accreditation Program (see next chapter).

The Codex Alimentarius Commission, a joint FAO/WHO Food Standards Program, began in 1991 (with participation of observer organizations such as IFOAM) with the development of Guidelines for the production, processing, labelling and marketing of organically produced food. The Codex Commission approved plant production guidelines in June 1999 and animal production guidelines in July 2001<sup>1</sup>. The requirements in these Codex Guidelines are in line with the IFOAM Basic Standards and the EU regulation 2092/91. There are, however, differences with regard to the details and the areas covered by the standards.

The trade guidelines on organic food take into account the current regulations in several countries, in particular EU regulation 2092/91, as well as the 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.

In the view of IFOAM, which was actively involved in the development of these Guidelines, this Codex Document is an important step in the harmonization of international rules and the effort to build consumer trust. They will be important in determining equivalence judgments under the rules of the World Trade Organization (WTO). In terms of market development, the completion of the Codex Guidelines are important in giving guidance to governments in developing national regulations for organic food.

Since 2005 a revision process of the annex lists of substances has begun, and in particular focusing on food processing, based on amended criteria for the use of new substances. A working group within the Codex Committee for Food Labelling is responsible for this work. It meets regularly each year in May; the government of Canada organizes the meetings.

### **Revision of the EU regulation**

In December 2005, the European Union published the first revised draft of the EU regulation 2092/91 on organic agriculture. The decision to revise the regulation was announced in the Organic Action Plan, published by the European Commission in 2004. The draft was a surprise for most of the stakeholders, since it foresaw a complete revision of the structure and text of the regulation. The proposal included changes that would have had major implications on the regulation of organic production in Europe, and would also have affected all export-oriented countries outside of Europe. When the European Commission published the first draft, it explained that the new regulation was meant to improve clarity for both consumers and farmers: “The new rules should be simpler, and should allow a certain flexibility to take account of regional differences in climate and conditions.”

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<sup>1</sup> Information about Codex Alimentarius is available via the homepage [www.codexalimentarius.net](http://www.codexalimentarius.net). The Codex-Alimentarius-Guidelines on organic agriculture can be downloaded from [http://www.codexalimentarius.net/download/standards/360/CXG\\_032e.pdf](http://www.codexalimentarius.net/download/standards/360/CXG_032e.pdf)

Although the aim to simplify the regulation was appreciated, the opposition by the organic sector and the majority of the Member States was strong. In the subsequent months, many meetings were held and compromise papers published in an effort to improve the proposal. Finally, on December 19, 2006, the EU Agricultural Council reached agreement on the outlines, or 'general approach' of the new organic regulation; only slight technical changes will be possible in 2007. The proposed regulation shall come into force on January 1, 2009. As of the publication of this study, only the working papers and reports of the Agricultural Council's meeting are publicly available. The final text and minutes have not been published, and therefore, it is not possible to provide precise information on the planned changes. What is known is that the new regulation will contain the following changes:

- New chapters on the objectives and principles of organic production have been established.
- Segments of production-related technical annexes will be included in the main regulation.
- The regulation will also cover production rules for animal aquaculture, seaweed and yeast.
- Detailed criteria for the approval of farm inputs, additives and processing aids will be included.
- Regional flexibility will be introduced through 'exceptional production rules'.
- The European organic logo will become mandatory.
- The EU's official food and feed control system (regulation 882/2004) now applies as well to organic inspection.
- The existing (temporary) rules for imports will be replaced by permanent and more consistent procedures.

The generally agreed compromise text for the Council regulation from December 2006 has taken up several major concerns of the private sector and member states, such as the protection of the word 'organic', a stronger system approach, the deletion of the labelling rules for mixed products with 70 percent ingredients and proposed restrictions for the private sector, etc. Other private sector concerns remain, such as the lack of formal stakeholder involvement in the procedures, the provisions on GMOs, the mandatory use of the European logo, the missing clarification regarding the food and feed control regulation (882/2004), the exclusion of non-food products from the scope of the regulation and the missing details regarding the implementation of the flexibility rules (IFOAM EU Regional Group, press release of December 12, 2006). How the details can be altered under the German Presidency is still open, and also depends on the content of the report from the European Parliament. A final decision by the EU Agricultural Council is expected in spring 2007.

The published draft only considers the legislative basics of organic production. It does not cover most of aspects currently regulated in annexes I to VIII, such as production rules, minimum inspection rules, lists of approved farm inputs, ingredients, aids and additives. The European Commission will have the task of developing the detailed implementation rules once agreement is finally reached on the Council regulation. The detailed implementation rules will include the revision of the current technical annexes, which will need to be harmonized with the new regulation.

Information on the revision of the EU regulation is available at the IFOAM EU Group revision info page<sup>1</sup>. The EUR-Lex website leads to an updated consolidated version of the EU regulation 2092/91. It is available in the languages of the European Union<sup>2</sup>.

### ***US and EU import procedures***

Since the US NOP came into effect in October 2002, it has joined the EU regulation in having a great deal of influence upon organic production standards worldwide. From the perspective of the consumer, one might say that production and inspection standards of US organic products, EU organic products and organic products from many other parts of the world are equivalent with each other. However, there are many differences in details. Even when considering application for certification, farmers or traders who want to export organic products should know the potential final destination(s) of their products in order to assure that both production standards and procedures for imported products in the target market(s) are met.

### ***Importing goods into the EU***

At the end of December 2006, the EU published new regulations on imports of organic products<sup>3</sup>. The new procedures came into force in January 2007, and they will be also adopted in the new general EU regulation, which is expected to come into force in 2009. The revised import procedures replace the current (temporary) system of import authorizations by an approval system for inspection bodies operating in countries outside of the EU. The existing system for approval of countries in the so-called 'Third Country List' will be maintained, although amended. The rules and procedures for implementing the revised import provisions have not yet been developed. Therefore, the principles of the new procedures can be described, but the technical details and practical implementation still need to be developed.

For importing products in the EU, products must 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 which have been accredited according to EN 45011/ISO 65 and which apply an inspection system and production rules **compliant** with the EU regulation.

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<sup>1</sup> [www.ifoam.org/about\\_ifoam/around\\_world/eu\\_group/web\\_Revision/Revision\\_info\\_page.html](http://www.ifoam.org/about_ifoam/around_world/eu_group/web_Revision/Revision_info_page.html)

<sup>2</sup> 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 and amendments: <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1991/R/01991R2092-20060506-en.pdf>

<sup>3</sup> Council Regulation (EC) No 1991/2006 of 21 December 2006 amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 411, 30.12.2006); [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/L\\_027/L\\_02720070202en00110014.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/L_027/L_02720070202en00110014.pdf)

The provision on compliance with the EU regulation is new. So far, the EU only requested equivalency with the EU requirements. It will have to be determined what compliance means in other circumstances, such as with tropical climates or Internal Control Systems (smallholder group certification) in developing countries, which are currently accepted by the EU.

2) List of inspection bodies which apply an inspection system and production standards **equivalent** to the EU regulation.

The previous EU legislation requested 'equivalency' with the production and inspection provisions of the EU regulation for imported products. It does not require accreditation of the certification bodies, and allows certification bodies to apply their own standards as long as they are 'equivalent' with EU provisions. However, the EU did not yet define 'equivalency,' and it is difficult to predict how the authorities will 'determine' equivalency in contrast to 'compliance'.

3) List of countries whose system of production complies with rules **equivalent** to the EU production and inspection provisions.

This list corresponds to the existing Third Country List, and procedures for getting listed will presumably remain the same.

Under option 1) and 2), the inspection bodies can either be located within or outside the EU. Inspection bodies or authorities shall provide to the EU the assessment reports issued by the accreditation body or, as appropriate, the competent authority on the regular on-the-spot evaluation, monitoring and multi-annual reassessment of their activities. The EU provides the option of assigning experts to conduct 'on-the-spot' examinations, and shall ensure appropriate supervision of the recognized inspection bodies by regularly reviewing their recognition. It can be assumed that the EU will supervise inspection bodies itself, but will rely on the reports provided by competent bodies such as the national accreditation bodies or the International Organic Accreditation Service (IOAS), a wholly owned but independent subsidiary of IFOAM.

Under option 2) and 3), (the equivalency-option) imported products have to be covered by a certificate of inspection, a provision that is not described under option 1). For option 2) and 3), 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 based upon their own initiative, and can prove their recognition prior to engaging in trade relationships. This reduces the risk of importers when importing products certified by non-European and/or less known inspection bodies.



The EU has not yet developed implementation rules for the new import procedures. Therefore, it is not yet defined how and when inspection bodies can apply for recognition, and it is not clear when the first lists of approved inspection bodies will be published. The Member States can continue to issue import authorities for a period that begins on January 1, 2007 and ends twelve months after the publication of the first list of recognized inspection bodies and authorities. Any import authorizations issued before December 31, 2006 shall expire on December 31, 2007 at the latest.

### ***Importing goods into the US***

The US NOP requires all produce labeled as organic in the US to meet the US standards, including imported products. The US system approves certification bodies as agents to operate the US certification program that is published as a component of the rule. Retroactive certification is not possible. Inspections have to be conducted by inspectors trained on the NOP and use 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 or out of the US. 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.

### ***Recognition procedures in the US and EU***

Both the US and EU have provisions to accept other governmental systems on a bilateral agreement. The procedures on how to meet such agreements are described quite poorly in the respective regulations and leave the impression that such agreements are based on political negotiations rather than technical assessments.

According to the EU regulation 2092/91, export countries have to submit a request to be listed on the third country list. They have to supply the necessary information, which might be examined on the spot by an expert group authorized by the European Commission. Based upon this assessment, the European Commission decides on the listing (see above). These provisions also remain under the new import regulation, which came into force in January 2007.

The US so far has accepted a few foreign governments' accreditation procedures. Certification bodies accredited according to the US requirements by Denmark, Great Britain, India, Israel, New Zealand and Quebec are accepted by the USDA for certifying according to the US NOP without being directly accredited by 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 fulfil 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 that negotiations with the EU have been suspended, at least in regard to animal production issues.

### **Private Standards**

In some countries in Europe, farmers' associations had already formulated their private standards and labeling schemes long before national regulations came into force. The promotion of these quality marks or logos, such as in the UK, in Denmark, Austria, Sweden and Switzerland, are trusted by consumers and are one of the reasons for the current boom in the market for organic products in these countries. These quality marks are listed in the IFOAM Membership directory, which is also available on the IFOAM homepage<sup>1</sup>.

Compared to national regulations, private standards are developed from the bottom up rather than imposed from above. However, since the implementation of national regulations, private standards have been forced to comply, and state authorities are increasingly making decisions on standards decisions as opposed to farmers' associations.

In 2002, UNCTAD, the FAO and IFOAM initiated the International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF)<sup>2</sup>. This partnership between the private organic community and the United Nations offers a forum for public and private discussions, and aims to initiate the development of a constructive and effective partnership between the private and the public sector.

### **Relationship to Fair Trade**

Many producer associations in the emerging markets and markets in transition conform to the requirements of fair trade organizations such as the Fair Trade Labeling Organization International (FLO), Transfair, Max Havelaar and World Shops (Weltlaeden). Having a fair-trade label does not necessarily mean, however, that the products can also be sold as 'organic'. In order to use and communicate the term 'organic,' the product must be subject to accredited organic inspection procedures.

IFOAM maintains close contacts with FLO and its members, due to the fact that a large number of projects conform to the standards of both organizations. The combination of 'organic' and 'fair trade' labeling can enhance a product's market prospects. Additional information and regulations can be downloaded at [www.flo-international.org](http://www.flo-international.org).

### **Literature**

- Commins, Ken (2003): Overview of current status of standards and conformity assessment systems, Discussion Paper on the International Task Force on Harmonization, October 2003
- Kilcher Lukas et al (2004): The Market for Organic Food and Beverages in Switzerland and the European Union. Overview and market access information, pp 156, Forschungsinstitut fuer biologischen Landbau (FiBL) und Swiss Import Promotion Program (SIPPO), Second Edition Frick/Zuerich January 2004, ISBN 3-906081-03-06
- Kilcher, Lukas; Huber, Beate and Schmid, Otto (2006) Standards and Regulations. In: Willer, Helga and Yussefi, Minou, Eds. The World of Organic Agriculture. Statistics and Emerging Trends 2006, pp. 74-83. International Federation of Organic Agriculture Movements IFOAM, Bonn, Germany and Research Institute of Organic Agriculture FiBL, Frick, Switzerland. <http://orgprints.org/10375/>

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<sup>1</sup> Organic Directory Online: [http://www.ifoam.org/organic\\_world/directory/index.html](http://www.ifoam.org/organic_world/directory/index.html)

<sup>2</sup> International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF): [http://www.unctad.org/trade\\_env/itf-organic/welcome1.asp](http://www.unctad.org/trade_env/itf-organic/welcome1.asp)

## **Websites**

- [www.fao.org/organicag/](http://www.fao.org/organicag/) Information on organic agriculture published by FAO with detailed country reports on the structure and legal situation
- <http://www.organic-europe.net/>  
Extensive country reports and address database
- <http://www.ams.usda.gov/nop/indexIE.htm>  
Information about the US National Organic Program (NOP)
- <http://organicrules.org/>  
Database which compares national and private standards with the EU Regulation
- [http://www.unctad.org/trade\\_env/itf-organic/welcome1.asp](http://www.unctad.org/trade_env/itf-organic/welcome1.asp)  
International Task Force on Harmonization and Equivalency in Organic Agriculture (ITF)
- [ftp://ftp.fao.org/codex/standard/en/CXG\\_032e.pdf](ftp://ftp.fao.org/codex/standard/en/CXG_032e.pdf). or [http://www.codexalimentarius.net/download/standards/360/CXG\\_032e.pdf](http://www.codexalimentarius.net/download/standards/360/CXG_032e.pdf)  
Codex-Alimentarius standards