



**IFOAM**

# **Harmonization and Equivalence in Organic Agriculture**

## **Volume 4**

Background Papers of the  
International Task Force on  
Harmonization and Equivalence  
in Organic Agriculture



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### **Background Papers of the International Task Force on Harmonization and Equivalence in Organic Agriculture**

An initiative of the

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## PREFACE

The organic market is confronted with hundreds of private sector standards and governmental regulations, two international standards for organic agriculture (Codex Alimentarius and IFOAM) and a host of conformity assessment and accreditation systems. Mutual recognition and equivalency among these systems is extremely limited. Discussions in a number of forums including FAO, IFOAM and UNCTAD, have indicated that the plethora of certification requirements and regulations are considered to be a major obstacle for a continuous and rapid development of the organic sector, especially for producers in developing countries.

In 2001, IFOAM, FAO and UNCTAD decided to join forces to search for solutions to this problem. Together they organized the Conference on International Harmonization and Equivalence in Organic Agriculture, in Nuremberg, Germany 18–19 February 2002. This event was the first of its kind, where the partnership between the private organic community and United Nations institutions offered a forum for public and private discussions. One of the key recommendations of the Conference was that a multi-stakeholder Task Force, including representatives of governments, FAO, UNCTAD and IFOAM, should be established in order to elaborate practical proposals and solutions.

In response, the International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF) was launched on 18 February 2003 in Nuremberg, Germany. Its agreed aim was to act as an open-ended platform for dialogue between private and public institutions involved in trade and regulatory activities in the organic agriculture sector. At this first meeting the ITF agreed on its Terms of Reference and a work plan for the first 18 months.

The second meeting of the ITF was held on 20–21 October 2003 in Geneva, Switzerland. Discussions centred around four background documents that reviewed the current situation in the sector and identified models and mechanisms for harmonization, equivalency and mutual recognition. These papers were published in Volume 1 of the ITF publication series.

The third meeting of the ITF was held on 17–19 November 2004 in Rome, Italy. It focused on new discussion papers that identified potential short-term actions and long-term solutions. A summary of these potential actions and solutions was published in Volume 2 of the ITF publication series, which also includes a report of the Rome meeting and a report of the fourth ITF meeting, which was held in Nuremberg on the 28 February 2005.

The fourth meeting of the ITF in Nuremberg, Germany in February 2005, and fifth meeting, held in Hammamet, Tunisia in December 2005 further developed several potential solutions. Volume 3 in the ITF publication series is a compilation of four discussion papers on these potential solutions, and the report of the fifth meeting.

This publication presents papers of the sixth meeting of the ITF, held in Stockholm, Sweden in October 2006. Also included here is the first draft of the International Requirements for Organic Certification Bodies (IROCB), which is a tool for equivalence of organic conformity assessment systems. In addition, the volume contains an ITF Communiqué.

The ITF work has continued in 2007 and 2008. In particular, the IROCB has been going through intensive consultations and is, at the time of printing of this volume, in its near final form. It is hoped that the IROCB will be used by governments and other accreditation bodies as a basis for recognizing the certification bodies under each other's control. Such recognition would streamline trade of certified products.

We would like to take the opportunity to thank the Swedish International Development Agency (Sida) and the Government of Switzerland for their generous financial support of the ITF.

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## ABBREVIATIONS

- CAC:** Codex Alimentarius Commission of FAO and WHO
- CAC Guidelines on Equivalence:** Codex Alimentarius Commission Guidelines for the Development of Equivalence Agreements regarding Food Import and Export Inspection and Certification Systems
- CAC/GL 20:** Principles for Food Import and Export Inspection and Certification
- CAC/GL 26:** Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems
- CASCO:** ISO Committee on Conformity Assessment
- CB:** Certification Body
- CBTF:** UNEP-UNCTAD Capacity Building Task Force on Trade, Environment and Development
- CODEX:** Codex Alimentarius Guidelines for the Production, Processing, Marketing and Labeling of Organically Produced Foods
- EEC 2992/91:** 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
- EU Regulation:** Term often used to refer to the Council Regulation (EEC) No 2092/91
- FAO:** Food and Agriculture Organization of the United Nations
- GMO:** Genetically Modified Organisms
- Guide ISO61:** ISO/IEC Guide 61: 1996 “General requirements for assessment and accreditation of certification/registration bodies”
- Guide ISO65:** ISO/IEC Guide 65: 1996 “General requirements for bodies operating product certification systems”
- Guide ISO17011:** ISO/IEC Guide 17011: 2004 “General requirements for bodies providing assessment and accreditation of conformity assessment bodies”. An update of ISO61.
- IAC:** IFOAM Accreditation Criteria
- IAF:** International Accreditation Forum
- ICS:** Internal Control System
- IBS:** IFOAM Basic Standards
- IFOAM:** International Federation of Organic Agriculture Movements
- IFOAM Norms:** IFOAM Norms for organic production and processing comprising IFOAM Basic Standards and IFOAM Accreditation Requirements – 2002
- IOAS:** International Organic Accreditation Service
- ISO:** International Standard Organisation
- ISO 65:** ISO/IEC Guide 65: 1996(E), General requirement for bodies operating product certification systems. In the European standardisation it is called EN 45011.
- ITF:** FAO/IFOAM/UNCTAD International Task Force on Harmonization and Equivalence in Organic Agriculture
- JAS:** Japan Agricultural Standard
- MLA:** Multilateral Recognition Agreement

**NOP:** National Organic Program (USA)  
**TBT:** Agreement on Technical Barriers to Trade  
**UNCTAD:** United Nations Conference on Trade and Development  
**USDA:** United States Department of Agriculture  
**WTO:** World Trade Organization



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# Executive Summary

This volume presents the discussion papers, Report, and Communiqué from the Sixth Meeting of the International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF), held in Stockholm, Sweden in October 2007.

## Discussion Papers

At this meeting, the participants considered four discussion papers:

- Study and Recommendations for International Requirements for Organic Certification Bodies
- Common Objectives of Organic Standards Systems
- Review of the ITF Consumer Research Question
- Best Practices for Organic Marketing Regulation, Standards and Conformity Assessment: Guidance for Developing Countries

*Study and Recommendations for International Requirements for Organic Certification Bodies* is the first step in developing a set of requirements that can serve as a common basis for recognizing certification bodies' services in the course of international trade. Based on the previous ITF study "Requirements for Certification – Situation and Scope for Harmonization" and further discussions, this study outlines preliminary recommendations for "International Requirements for Organic Certification Bodies". The requirements are based on ISO Guide 65 for bodies operating product certification systems. For clarity, additional sector specific explanations are provided. The recommendations propose additional sector-specific requirements addressing organic circumstances. A few ISO Guide 65 requirements are proposed for deletion. Some so-called "progress requirements" are proposed, considering that there are different stages of development of the organic sector in certain areas.

*Common Objectives of Organic Standards Systems* follows up on a previous paper that proposed a framework for identifying objectives in organic standards. Presented in 2005, the earlier paper concluded that for the most part, the objectives should include the guiding principles, values and programmatic objectives as they are expressed through, and underline, the more detailed programme guidance. The current paper summarizes and compares organic objectives, proposes a set of common organic objectives and explores how they might be more formally identified.

The standards used in the exercise were the EU Council Regulation 2092/91, the organic standards in the Japan Agricultural Standards (JAS), the US National Organic Program (NOP) standards, China's Organic Food Development Center standards, Codex Alimentarius Organic Guidelines, IFOAM Basic Standards, Soil Association Standards and the American Organic Standards of the Organic Trade Association.

A review of these standards led to a proposal for the following overarching objectives in organic standards:

- protecting and enhancing soil quality;
- minimizing or avoiding use of synthetic chemical fertilizers, pesticides and fungicides;
- protecting and enhancing biodiversity;
- avoiding pollution;
- responsible use of other resources, e.g. soil water and air;
- responsible treatment of farm animals;
- prohibiting use of other technologies (biotechnology and irradiation);
- planning for (management plan) organic production;
- verifying (certifying to) all of the above (this includes use of organic seeds, auditing, traceability of products and labelling for the market);
- maintaining the organic integrity of the processing systems used for organically produced products.

The paper ends with suggestions for possible venues that could host the establishment and adoption of international common objectives of organic standards.

*Review of the ITF Consumer Research Question* briefly considers the existing body of research on consumer attitudes and values about organic agriculture, products and standards.

The paper undertakes the following four objectives:

- Review past ITF discussions and decisions on research on consumer sensitivity to organic standards.
- Present a general overview of the body of recent organic consumer research.
- Characterize the conclusions of the existing research on the topics that are most closely related to the ITF issue of consumer sensitivity to organic standards.
- Provide references to major studies and reports, some of which are now posted on the ITF website, in order to give ITF members convenient access to detailed results of organic consumer research.

The result is a report on the most recent, robust and relevant research. The report also addresses several questions in terms of results of the research. The question most relevant to the ITF is about the degree to which consumers are sensitive to differences in organic standards. A high degree of sensitivity of consumers to the standards in one country may affect the prospects for establishing equivalence with difference standards in another country. Based on the review, there is no existing consumer survey that addresses the question of sensitivity to differences in standards. However, given the conclusion in the review that consumer knowledge of standards is generally low, one can conclude with some confidence that consumers are not sensitive to the differences in the various standards and technical regulations.

However, consumers in Europe do seem to prefer local and regional organic products to those transported long distances from overseas. The preference is related to all three main values consumers associate with organic products – health and safety, product quality and environmental protection. Overall, the preference is also associated with trust in the labels and controls.

*Best Practices for Organic Marketing Regulation, Standards and Conformity Assessment: Guidance for Developing Countries* identifies best practices and lessons learned in countries around the world, regarding standards, certification and marketing regulations in organic agriculture. It is largely based on a paper developed for the UNEP-UNCTAD Capacity Building Task Force on Trade, Environment and Development (CBTF) entitled *Best Practices for Organic Policy: What developing country Governments can do to promote the organic sector.* (UNCTAD/DITC/TED/2007/3).

The scope of the paper covers regulations concerning claims in the market place for a product to be organic. It first presents facts on organic regulations and the main components of such regulations, followed up by a discussion on these issues, and finishes with a review of the options for how the organic sector can be regulated. It also asks whether organic regulation is necessary at all. No direct answer is given; rather the paper attempts to develop ideas on what the objectives of regulations are, when a regulation is appropriate and, where there are regulations, how they can be constructed. The paper argues that mandatory regulations should be considered only when the need is clearly established and other simpler options have been ruled out. In the early stage of development of the organic sector, it is not likely to be the best policy response. It is important that regulations be “farmer-friendly” and “trade-friendly”, including “import friendly”. The paper makes reference to seven case studies from Chile, Costa Rica, Denmark, Egypt, Malaysia, South Africa and Thailand. These case studies, other experiences and a literature search are the basis for the analysis and recommendations. The full case studies are not included in the paper, but can be found in the paper developed for the UNEP-UNCTAD CBTF.

## **Sixth Meeting Report**

The meeting report summarizes the discussion and decisions taken on the four discussion papers. It also describes other topics taken up in this meeting, including reports from ITF members on their country and/or international programmes, an oral report on Participatory Guarantee Systems, and terms of reference and concept notes for proposed additional ITF papers. A summary list of decisions and achievements of the meeting is provided in the report. Included in an annex of the report is a report of an expert workshop on certification requirements that was held prior to the main meeting, whose purpose was to lay the groundwork for the main meeting discussion of the paper, *Study and Recommendations for International Requirements for Organic Certification Bodies*. A list of participants is also included.

## **Communiqué**

Participants in the Sixth Meeting decided to develop a document that can be taken by ITF members to their constituencies with the purpose of seeking engagement. The ITF Communiqué summarizes the aims, work, agreements and results of the ITF from its inception in 2003 through 2006. The summarized results include both tools and recommendations in support of achieving ITF objectives.

# **Study and Recommendations for International Requirements for Organic Certification Bodies**

*Mildred Steidle*

Organic Services

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## 1 Background and Objective

This Study has been prepared as a background document for the International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF)<sup>1</sup>.

The overall objective of the ITF is to facilitate trade of organic products as a response to difficulties faced by organic producers and exporters due to the hundreds of different organic regulations, standards and labels worldwide.

With this study ITF is focusing specifically on requirements that certification bodies must meet in order to get approved or accredited as organic certification bodies. There are several regulatory as well as private systems imposing such requirements on organic certification bodies for approval or accreditation. Similar to varying standards, requirements for organic certification bodies also vary. This causes difficulties for certification bodies and finally for organic producers to get organic certified products accepted in different markets.

The ITF, therefore, aims to develop a common set of International Requirements for Organic Certification Bodies (IROCB) in order to facilitate the recognition of certification bodies' services in the course of international trade. The requirements to be developed are understood as those requirements organic certification bodies must meet in order for their certification services to be recognized in the course of international trade.

This study is based on a previous ITF study, "Requirements for Certification – Situation and Scope for Harmonization", and in addition considers the discussion and results of the ITF Accreditation workshop of 5 December 2005 and the ITF meeting of 6 December, 2005.

Based on the previous work and discussion and a detailed table viewing the existing requirements (see annex 2 of this paper), the study drafts preliminary recommendations for essential certification requirements to facilitate further discussion.

These preliminary recommendations of the study will be discussed in a workshop on Requirements for Organic Certification to be held on 9 October 2006 and during the sixth ITF meeting on 11-13 October 2006 in Stockholm, Sweden.

## 2 Concept

Based on the previous study and discussions, the Terms of Reference of this Study require the drafting of preliminary recommendations for International Requirements for Organic Certification Bodies. The Requirements shall reflect the minimum requirements that are really

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<sup>1</sup> International Task Force on Harmonization and Equivalence in Organic Agriculture, convened by UNCTAD, FAO, IFOAM, serves as an open-ended platform for dialogue between private and public institutions involved in trade and regulatory activities in the organic agriculture sector.

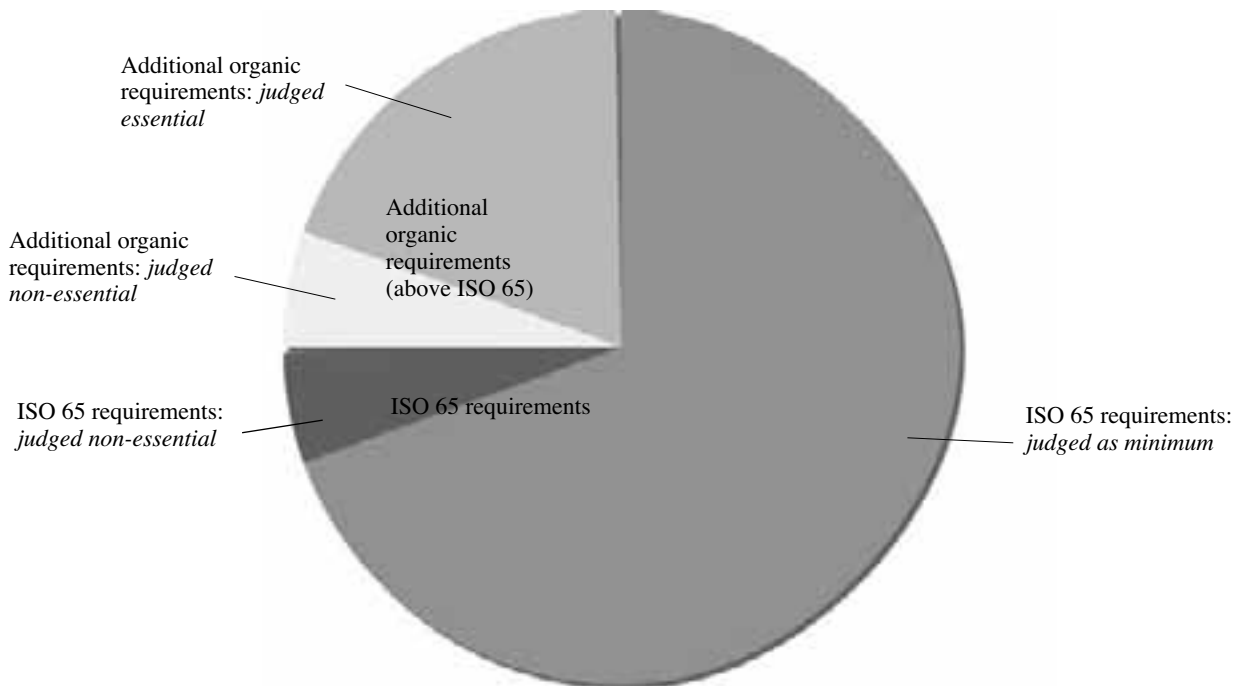
necessary for assuring organic integrity. Based on the discussions and findings so far, ITF expects the recommended set of International Requirements to mainly consist of ISO Guide 65 Requirements for Bodies Operating Product Certification Systems, but also including a set of essential organic certification requirements. However, the ITF also requests that the option of dropping single ISO Guide 65 requirements owing to their inappropriateness and/or difficulty to enforce in the case of organic certification, is taken into account. In addition, an attempt should be made to recommend flexible requirements for scale and stage of development of certification bodies.

## 2.1 Graphical representation

The following graphic illustrates the structure of the International Requirements for Organic Certification Bodies that the ITF aims to develop. Note that the graphic does not necessarily represent the relative percentage of the requirements.

Those requirements that go beyond ISO Guide 65 are considered as additional organic requirements (see the green and yellow areas); they are to be identified based on the analysis of different regulatory and private systems. The two darker areas represents ISO Guide 65 requirements. Requirements of both areas are assessed against the criteria whether or not they can be considered as essential (or minimum) in order to assure organic integrity.

**International Requirements for Organic Certification Bodies**





## 2.2 Areas of requirements (boxes)

Previous discussions in the Workshop on Accreditation and Certification Bodies and the ITF meeting suggest thinking about organic certification requirements as if they are located in boxes<sup>2</sup>.

Three boxes (areas) have been identified; each representing a specific focus organic certification requirements address. These are:

Box 1: the area containing requirements for agricultural production and processing (production standards); relevance to this paper is only in identifying certification requirements that should be allocated to the realm of standards for organic agriculture and processing.

Box 2: the area containing requirements for how organic certification is conducted, e.g. what specific records the certification body must check, such as grower group inspection requirements, and verifying the GMO prohibition. Box 2 requirements are sector specific and more prescriptive, detailing the applicable certification scheme.

Box 3: the area containing requirements for the competency of the certification body (most related to the content of ISO Guide 65).

The International Requirements for Organic Certification Bodies will include requirements of Boxes 2 and 3. Box 2 contains organic sector specific requirements; Box 3 mainly relates to ISO Guide 65. Although considered as a separate box, the content of Box 2 cannot be seen as independent because it is impacted by Box 3.

For example:

“Box 3: See ISO Guide 65,

8.2 Application

8.2.2 The applicant as a minimum shall provide the following information:

a) ...

b) a definition of the products to be certified, the certification system, and the standards against which each product is to be certified if known to the applicant.”

Organic certification is a process certification, evaluating and certifying a production method. ISO 8.2 b) requirement translated for organic circumstances, therefore, requests applicants to define the production method/process to be certified.

Based on that, organic schemes specify the kind of information an applicant shall submit with its application in order to provide proper definition of the process to be certified. Information provided by the applicant shall enable the certification body to carry out the evaluation.

The three given examples below demonstrate, on the one hand, how differently the respective Box 3 requirement has been translated to adapt it to organic certification, and on the other

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<sup>2</sup> See the report of the fifth Meeting of the ITF, 5-7 December 2005.

hand, how different it is regarding the level of specificity and prescription in certification requirements.

See IFOAM Accreditation Criteria (IAC)<sup>3</sup>:

“Application form

6.1.2 The certification body shall require completion of an official application form, signed by the applicant. This shall determine at least the following information:

- a. The scope of the desired certification<sup>4</sup>.
- b. Sufficient information about the production system to enable appropriate assignment of the inspector and proper preparation by the inspector

Guidance: This shall include disclosure of denial of organic certification by another certification body. Such a disclosure shall include the reasons for denial<sup>5</sup>.”

See EU Regulation for Organic Production (EEC 2092/91):

“Annex III, 3. Initial inspection

When the inspection arrangements are first implemented the operator responsible must draw up

- a full description of the unit and/or premises and/or activity,
- all the practical measures to be taken at the level of the unit and/or premises and/or activity to ensure compliance with this regulation, and in particular with the requirements in this annex.

The description and practical measures concerned must be contained in a declaration, signed by the responsible operator.

....”

See National Organic Program (NOP), subpart E:

“§ 205.401 Application for Certification.

A person seeking certification of a production or handling operation under this subpart must submit an application for certification to a certifying agent. The application must include the following information:

- (a) An organic production or handling system plan, as required in § 205.200;
- (b) The name of the person completing the application; the applicant’s business name, address, and telephone number; and, when the applicant is a corporation, the name, address, and telephone number of the person authorized to act on the applicant’s behalf;

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<sup>3</sup>. IFOAM Accreditation Criteria for Bodies Certifying Organic Production and Processing, published February 2006 in *The IFOAM Norms for Organic Production and Processing*, Version 2005.

*The following explanatory notes are taken from the IAC citation above:*

<sup>4</sup>. Explanatory Note 6.1.2a: This also includes the production and area to be certified, and in cases where the certification body offers more than one certification programme, the standards against which the product is to be certified.

<sup>5</sup>. Explanatory Note 6.1.2c: Regions where there is only one certification body are not considered relevant.

§ 205.201 Organic production and handling system plan.

- (1) A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed;
- (2) A list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable;
- (3) A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented;
- (4) A description of the recordkeeping system implemented to comply with the requirements established in § 205.103;
- (5) A description of the management practices and physical barriers established to prevent commingling of organic and non-organic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances; and
- (6) Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.”

## 2.3 Additional conceptual principles

The discussion and analysis so far indicates that there is a need to address the process certification situation with special organic requirements. These requirements are sector specific, and are different to ISO Guide 65 requirements that are applicable for any third party conformity assessment system regardless of which standard.

However, the examples above show how different organic certification requirements are regarding the level of specificity. So the question is how detailed and descriptive common organic system requirements should be.

It has been expressed that prescriptive details related to inspection audit, review/evaluation and certification (decision) are adequate for a process certification system. It also has been addressed that certification bodies compete with each other, which drives the need for greater “specificity” for “fair” competition working under the same conditions.

However, it also has been clarified and accepted that, generally, setting requirements should be “outcome” based rather than based on specific requirements, which tend to become out of date. The author understood this statement as applicable for all areas (boxes) of certification requirements (not only for setting standards for organic production but also for other requirements applicable for certification bodies)<sup>6</sup>.

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<sup>6</sup>. See page 21 of the report of the ITF Workshop on Accreditation and Certification Bodies, 5 December 2005 (appendix 1 of the report of the fifth ITF meeting, 5-7 December 2005).

It is not possible to follow both instructions equally; they are incompatible and contradicting. In order to solve this problem the following approach has been decided for drafting the preliminary recommendations for International Requirements for Organic Certification Bodies:

- Requirements shall be outcome based.
- If prescriptive details are included, they shall be based on an assessment of whether a certain requirement including the descriptive details is essential for assuring organic integrity.

The focus on organic integrity generally guides drafting the International Requirements for Organic Certification Bodies. However, though used commonly the term “organic integrity” is not defined specifically. It might be trivial, however the following examples (taken from the NOP production standard sections and from IAC) should help to clarify the term.

NOP uses the term in § 205.272 Commingling and contact with prohibited substance prevention practice standard:

“(2) The use or reuse of any bag or container that has been in contact with any substance in such a manner as to compromise the organic integrity of any organically produced product or ingredient placed in those containers, unless such reusable bag or container has been thoroughly cleaned and poses no risk of contact of the organically produced product or ingredient with the substance used.”

IAC uses the term, amongst others, in section 7.7 Sanction:

“7.7.3 Where a non-conformity that affects organic integrity is found, the certification body shall require that the certification mark or any other indication of certification is removed from the entire production run or product affected by the non-conformity concerned.”

IAC definition section includes following two definitions:

“Non-conformity: An instance where a particular standard is not being met.

Violation: Breach of requirement other than standards.”

Organic integrity refers to the organic production system and the applicable organic production standard an operator shall meet. Organic integrity is affected when operators fail to meet organic standards. By working on the development of “essential organic certification requirements” it has been focused on those sector specific requirements without which conformity to the organic standards cannot be ensured or verified.

It also shall be noted that such an assessment is rather more subjective than objective and will also be influenced by cultural, traditional and social conditions.

## **2.4 Flexible requirements considering the stage of development**

### **2.4.1 Rationale**

By developing the International Requirements for Organic Certification Bodies the stage of development of certification bodies should be taken into account. The objective is to allow for some flexibility. ITF specifically targets ways to facilitate market access, particularly for developing countries and smallholders. It is understood that the request to also consider flexible requirements targets areas in which an organic sector is just emerging, where there are only a few operations, small or even no local market development and no actors such as certification bodies.

So the question is whether allowance for flexibility supports the development of local conformity assessment systems and at the same time still facilitates operators to access international markets? Again it is a question of whether organic integrity can be assured and must, therefore, be considered very carefully.

See IFOAM Accreditation Criteria<sup>7</sup>:

The Criteria require that the certification body has an effective quality system in accordance with the relevant elements of the Criteria and which is appropriate for the type, range and volume of work performed. It is recognized that new programs operating in economically less favored areas may have less developed quality systems.

IAC further lists examples where varying solutions could be applied:

- Where the criteria have clearly been developed for organizations with large numbers of staff or several offices.
- Where the criteria have clearly been developed for certification bodies with large numbers of operators or more complex operations.
- Where the criteria become particularly onerous due to cultural or developmental reasons, such as poor communication systems or low levels of literacy.

The first bullet point addresses the complexity of certification bodies' internal organization; the second bullet point addresses the number and complexity of operators a certification body is certifying; and the third bullet point addresses developmental reasons such as lack of infrastructure and literacy.

Neither ISO Guide 65, nor other organic schemes, provide something comparable; there is no experience yet as to how this is going to be implemented as it was only introduced into IAC last year.

### **2.4.2 Minimum and progress requirements**

In order to lower barriers it could be an option to distinguish between minimum requirements,

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<sup>7</sup> See IAC, Page 74, Introduction.

for which fulfilment can be demonstrated from the beginning, and progress requirements for which continued improvement can be demonstrated.

A certification body applying for approval or accreditation shall fulfil at least all minimum requirements; it further shall demonstrate that it continuously improves and will also reach compliance with those requirements that are classified as progress requirements.

In order to monitor progress of improvement, a requirement for gradual fulfilment of the progress requirements over a certain time period should be defined. This concept would lower the requirements to enter into business; it would allow for further development and finally it would assure that after a certain development period requirements apply equally.

However, it is difficult to decide the circumstances under which fulfilment of minimum requirements is satisfactory, as opposed to those circumstances where all requirements apply from the beginning. This needs to be discussed thoroughly.

Based on these theoretical ideas, some proposals for minimum and progress requirements are made in the following chapter.

### **3 Preliminary Recommendation for International Requirements for Organic Certification Bodies**

#### **3.1 Introduction to the table**

In the following table preliminary recommendations for International requirements for Organic Certification Bodies are provided. The table follows the structure of ISO Guide 65, it shows ISO Guide 65 numbering and complete ISO Guide text (see the first two headings (headings “No.” and “ISO Guide 65”). The next heading provides space for proposed additional “essential” organic requirements in order to safeguard organic integrity (headed as “+ essential organic”).

The next heading (“sector specific explanation”) includes additional sector specific explanations of the requirements. The explanation is provided for fostering better understanding on how to translate the sector unspecific ISO Guide 65 requirements for application under organic certification systems.

The heading “m/p/d” judges whether the respective requirement is considered minimum (“m”), is introduced as progress requirement (“p”) or proposed for deletion (“d”). The final heading raises some points for discussion. A “m+” indicates that the requirement is considered as minimum, and is proposed as a sector specific requirement in addition to ISO Guide 65 requirements.

Sector specific requirements (most are requirements of box 2) are added following the respective box 3 requirement, which is the general competence requirement. Each added box 2 requirement specifies how certification shall be carried out in order to address specific organic circumstances. No so-called box 3 requirements (competence requirements) have been added.

Twenty requirements have been added as essential organic requirements, 11 ISO Guide requirements are proposed for deletion; two requirements are proposed for progress requirement, each of them containing a list of several sub points.

### 3.2 Table

<b>No.: 1 Scope</b>	
<p><b>No.: 1.1</b>  <b>ISO Guide 65:</b> This Guide specifies general requirements that a third-party operating a product certification system shall meet if it is to be recognized as competent and reliable. In this Guide the term “certification body” is used to cover any body operating a product certification system. The word “product” is used in its widest sense and includes processes and services; the word “standard” is used to include other normative documents such as specifications or technical regulations.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> Organic certification is the certification of a process. Subject to evaluation and certification should be the entire production process/ method (entire production chain) and not just the final product.  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>	<p>scribed in ISO/IEC Guide 53:                      a) type testing or examination;                      b) testing or inspection of samples taken from the market or from supplier’s stock or from a combination of both;                      c) testing or inspection of every product or of a particular product, whether new or already in use;                      d) batch testing or inspection;                      e) design appraisal;  <i>NOTE 1: ISO/IEC Guide 28 may be consulted for a model of one form of a third-party product certification system</i>  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> The Organic Certification System applies throughout the entire production chain; it should be based on document review and on-site inspection visits in order to verify whether a defined production method standard has been met.                      Sample analyses may serve as an additional tool for clarifying suspicious facts.</p>
<p><b>No.: 1.2</b>  <b>ISO Guide 65:</b> The certification system used by the certification body may include one or more of the following, which could be coupled with production surveillance or assessment and surveillance of the supplier’s quality system or both, as de-</p>	<p><b>m/p/d:</b> m  <b>Points for discussion:</b> Chain of custody: Clarification that the certification system applies throughout the entire chain of custody is added as explanation in the scope area and is taken up again under 10, Evaluation.</p>

<b>No.: 2 References</b>	
...	
<b>No.: 3 Definitions</b>	
<p>For the purposes of this Guide, the relevant definitions given in ISO/IEC Guide 2 and ISO 8402 apply, together with the following definition.</p> <p><b>m/p/d:</b> Def.</p> <p><b>No.: 3.1</b></p> <p><b>ISO Guide 65:</b> Supplier: The party that is responsible for ensuring that products meet and, if applicable, continue to meet, the requirements on which the certification is based.</p> <p><b>+ essential organic:</b></p> <p><b>Sector specific explanation:</b> Operator: an individual or business enterprise, responsible for ensuring that production meets, and continues to meet, the organic standard on which certification is based.</p>	<p>Process/Production Method Standard: A standard that sets out criteria for the processes and/or production methods by which a product is produced.</p> <p><b>m/p/d:</b> Def.+</p> <p><b>Points for discussion:</b> Adding definition of process/production method standard? See definition provided in IAC for “operator” and the ISEAL code that provides a definition of a process/production method standard. Adding a definition of what constitutes a major non-conformity/compliance versus a minor non-conformity? (Major: a situation that would raise significant doubt as to the conformity of the applicable production method standard; minor: breach of requirements other than standard.)</p>
<b>No.: 4 Certification body</b>	
<p><b>4.1 General Provision</b></p> <p><b>No.: 4.1.1</b></p> <p><b>ISO Guide 65:</b> The policies and procedures under which the certification body operates and their administration shall be non-discriminatory and shall be administered in a non-discriminatory manner. Procedures shall not be used to impede or inhibit access by applicants, other than as provided for in this Guide.</p> <p><b>+ essential organic:</b></p> <p><b>Sector specific explanation:</b></p> <p><b>m/p/d:</b> m</p> <p><b>Points for discussion:</b></p>	<p><b>No.: 4.1.2</b></p> <p><b>ISO Guide 65:</b> The certification body shall make its services accessible to all applicants whose activities fall within its declared field of operation. There shall not be undue financial or other conditions. Access shall not be conditional upon the size of the supplier or membership of any association or group, nor shall certification be conditional upon the number of certificates already issued.</p> <p><b>+ essential organic:</b></p> <p><b>Sector specific explanation:</b> Regarding financial condition – certification fee structure should be standardized and publicly available on request.</p> <p><b>m/p/d:</b> m</p> <p><b>Points for discussion:</b></p>



<p><b>No.:</b> 4.1.3  <b>ISO Guide 65:</b> The criteria against which the products of a supplier are evaluated shall be those outlined in specified standards. Requirements for standards suitable for this purpose are contained in ISO/IEC Guide 7. If an explanation is required as to the application of these documents for a specific certification system, it shall be formulated by relevant and impartial committees or persons possessing the necessary technical competence, and published by the certification body.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> Criteria against which the organic process is evaluated are given in a specified production method standard; see definition of production method standard.  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b> 4.1.4  <b>ISO Guide 65:</b> The certification body shall confine its requirements, evaluation and decision on certification to those matters specifically related to the scope of the certification being considered.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>	<p>payment; consideration for specific provisions to avoid bribery of the process, e.g. bribing inspectors, should be made.  <b>m/p/d:</b> m  <b>Points for discussion:</b> Is a further explanation to specifically address bribes necessary?  <b>No.:</b> b)  <b>ISO Guide 65:</b> ... be responsible for decisions relating to its granting, maintaining, extending, suspending and withdrawing certification  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b> c)  <b>ISO Guide 65:</b> ... identify the management (committee, group or person) that shall have overall responsibility for all of the following:  1) performance of testing, inspection, evaluation and certification as defined in this Guide  2) formulation of policy matters relating to the operation of the certification body  3) decisions on certification  4) supervision of the implementation of its policies  5) supervision of the finances of the body  6) delegation of authority to committees or individuals as required to undertake defined activities on its behalf  7) technical basis for granting certification  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b> ISO provides a descriptive list that can be summarized as: <i>Identify the management (body, group or person) that shall have the overall responsibility of the functioning of the certification body, the procedures applied including finances.</i></p>
<p><b>No.:</b> 4.2  <b>ISO Guide 65:</b> Organization  The structure of the certification body shall be such as to foster confidence in its certifications. In particular, the certification body shall:  <b>No.:</b> a)  <b>ISO Guide 65:</b> ... be impartial  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> This includes fee structure and other issues related to</p>	

<p>List of 1-7 could go into guidance to clarify what belongs to the overall functioning of the certification system.</p> <p><b>No.: d)</b>  <b>ISO Guide 65:</b> ... have documents that demonstrate it is a legal entity  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: e)</b>  <b>ISO Guide 65:</b> ... have a documented structure that safeguards impartiality including provisions to ensure the impartiality of the operations of the certification body; this structure shall enable the participation of all parties significantly concerned in the development of policies and principles regarding the content and functioning of the certification system.  <b>+ essential organic</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b> Stakeholder participation as a means to ensure the impartiality of the activities of the certification body should be established.  Also affects conflict of interest provisions!</p> <p><b>No.: f)</b>  <b>ISO Guide 65:</b> ... ensure that each decision on certification is taken by a person(s) different from those who carried out the evaluation.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: g)</b>  <b>ISO Guide 65:</b> ... have rights and responsibilities relevant to its certification activities.</p>	<p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: h)</b>  <b>ISO Guide 65:</b> ... have adequate arrangements to cover liabilities arising from its operations and/or activities.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b> Difficult to enforce anyway.</p> <p><b>No.: i)</b>  <b>ISO Guide 65:</b> ... have the financial stability and resources required for the operation of a certification system.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: j)</b>  <b>ISO Guide 65:</b> ... employ a sufficient number of personnel having the necessary education, training, technical knowledge and experience for performing certification functions relating to the type, range and volume of work performed, under a responsible senior executive.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: k)</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> ... have a quality system giving confidence in its ability to operate a certification system for products.  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>
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<p><b>No.: l)</b>  <b>ISO Guide 65:</b> ... have policies and procedures that distinguish between product certification and any other activities in which the certification body is engaged.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: m)</b>  <b>ISO Guide 65:</b> ... together with its senior executive and staff, be free from any commercial, financial and other pressures that might influence the results of the certification process.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: n)</b>  <b>ISO Guide 65:</b> ... have formal rules and structures for the appointment and operation of any committees that are involved in the certification process; such committees shall be free from any commercial, financial and other pressures that might influence decisions; a structure where members are chosen to provide a balance of interests where no single interest predominates will be deemed to satisfy this provision.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: o)</b>  <b>ISO Guide 65:</b> ... ensure that activities of related bodies do not affect the confidentiality, objectivity and impartiality of its certifications, and it shall not:</p>	<p>1) supply or design products of the type it certifies  2) give advice or provide consultancy services to the applicant as to methods of dealing with matters which are barriers to the certification requested  3) provide any other products or services that could compromise the confidentiality, objectivity or impartiality of its certification process and decisions  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> Explanations regarding the production method standard are not considered as advice or consultancy. General information may be given as long as this service is offered to all applicants/operators in a non-discriminatory manner.  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: p)</b>  <b>ISO Guide 65:</b> ... have policies and procedures for the resolution of complaints, appeals and disputes received from suppliers or other parties about the handling of certification or any other related matters  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> Appeals are against certification decisions, complaints are related to the performance of the CB itself or certified operators. The appeals procedure should include specific provisions to ensure impartiality of the appeals process, meaning that a person or body responsible for a decision that is being appealed should not be involved in the decision on that appeal.  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>
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**No.: 4.3**

**ISO Guide 65:** The certification body shall take all steps necessary to evaluate conformance with the relevant product standards according to the requirements of specific product certification system (see clause 3). The certification body shall specify the relevant standards or parts thereof and any other requirements such as sampling, testing and inspection requirements which form the basis for the applicable certification system.

In conducting its certification operations, the certification body shall observe, as appropriate, the requirements for the suitability and competence of body(ies) or person(s) carrying out testing, inspection and certification/registration as specified in ISO/IEC Guides 25, 39 and 62.

**+ essential organic:** The CB shall specify any other certification requirements such as documentation, reporting and inspection requirements and if applicable sampling and testing requirements.

**Sector specific explanation:**

**m/p/d:** m

**Points for discussion:** Adapted to the procedures organic certification applies.

**No.: 4.4**

**ISO Guide 65:** Subcontracting: When a certification body decides to subcontract work related to certification (e.g. testing or inspection) to an external body or person, a properly documented agreement covering the arrangements including confidentiality and conflict of interest shall be drawn up. The certification body shall:

**+ essential organic:**

**Sector specific explanation:**

**m/p/d:** m

**Points for discussion:**

**No.: a)**

**ISO Guide 65:** ... take full responsibility for such subcontracted work and maintain its responsibility for granting, maintaining, extending, suspending or withdrawing certification.

**+ essential organic:**

**Sector specific explanation:**

**m/p/d:** m

**Points for discussion:**

**No.: b)**

**ISO Guide 65:** ... ensure that the subcontracted body or person is competent and complies with the applicable provisions of this Guide and other standards and guides relevant to testing, inspection or other technical activities (see clause 2), and is not involved either directly or through the person's employer with the design or production of the product in such a way that impartiality would be compromised.

**+ essential organic:**

**Sector specific explanation:** As long as the subcontracted body is subject to criteria deemed to be equal competency is ensured.

**m/p/d:** m

**Points for discussion:**

**No.: c)**

**ISO Guide 65:** ... obtain the applicant's consent.

**+ essential organic:**

**Sector specific explanation:**

**m/p/d:** d

**Points for discussion:** Delete: as long as the operation is informed with the application that e.g. inspection is subcontracted, the specific requirement to obtain applicant's consent specifically related to this point is not necessary.

<p><b>Notes</b>  <b>ISO Guide 65:</b>                  2 Where work related to certification has been undertaken prior to the application for certification, the body may take account of it, provided it can take responsibility as detailed in 4.4 a) and satisfy itself regarding the matters detailed in 4.4 b) - 3 The requirements given in 4.4 a) and b) are also relevant, by extension, when a certification body uses, for granting its own certification, work performed by another certification body with which it has signed an agreement.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b> Chain of custody is addressed under 1 scope and 10. Evaluation.</p>	<p>This quality system shall be documented and the documentation shall be available for use by the certification body staff. The certification body shall ensure effective implementation of the documented quality system, procedures and instructions. The certification body shall designate a person having direct access to its highest executive level who, irrespective of other responsibilities, shall have defined authority for                  a) ensuring that a quality system is established, implemented and maintained in accordance with this Guide, and                  b) reporting on the performance of the quality system to the body's management for review and as a basis for improvement of the quality system.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>
<p><b>4.5 Quality System</b></p> <p><b>No. 4.5.1</b>  <b>ISO Guide 65:</b> The management of the certification body having executive responsibility for quality shall define and document its policy for quality and its objectives for, and commitment to, quality. The management shall ensure that this policy is understood, implemented and maintained at all levels of the organization.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: 4.5.2</b>  <b>ISO Guide 65:</b> The certification body shall operate an effective quality system in accordance with the relevant elements of this Guide and appropriate for the type, range and volume of work performed.</p>	<p><b>No.: 4.5.3</b>  <b>ISO Guide 65:</b> The quality system shall be documented in a quality manual and associated quality procedures, and the manual shall contain or refer to at least the following:                  a) a quality policy statement                  b) a brief description of the legal status of the certification body, including the names of its owners and, if different, names of the persons who control it                  c) the names, qualifications, experience and terms of reference of the senior executive and other certification personnel, both internal and external                  d) an organization chart showing lines of authority, responsibility and allocation of functions stemming from the senior executive                  e) a description of the organization of the</p>

certification body, including details of the management (committee, group or person) identified in 4.2 c), its constitution, terms of reference and rules of procedure

f) the policy and procedures for conducting management reviews

g) administrative procedures including document control;

h) the operational and functional duties and services pertaining to quality, so that the extent and limits of each person's responsibility are known to all concerned

i) the procedure for the recruitment, selection and training of certification body personnel and monitoring of their performance

j) a list of its approved subcontractors and the procedures for assessing, recording and monitoring their competence

k) its procedures for handling nonconformities and for assuring the effectiveness of any corrective and preventive actions taken

l) the procedures for evaluating products and implementing the certification process, including

- 1) the conditions for issue, retention and withdrawal of certification documents
- 2) controls over the use and application of documents employed in the certification of products

m) the policy and procedure for dealing with appeals, complaints and disputes

n) its procedures for conducting internal audits, based on the provisions of ISO 10011-1

**+ essential organic:**

**Sector specific explanation:** See i)

Training procedures should distinguish between initial (including onsite ap-

prenticeship period for new inspectors) and ongoing training for staff involved in certification.

See i) the procedure to monitor performance should include periodical witness audits of inspectors work.

See l)1) the certification body should have a documented range of sanctions including measures to deal with minor nonconformities.

**m/p/d: p**

**Points for discussion:** Proposed for progress requirement:

Depending on type, range and volume performed, a certification body starting shall have at least the following documented procedures for:

- training of certification body personnel and monitoring of their performance (i)
- handling non-conformities and for assuring effectiveness of corrective actions (k)
- for evaluating the production method/process and implementing the certification process (including application, preparation of inspection, on-site inspection procedures, sampling, reporting and taking the certification decision. The latter includes issuing of sanctions such as corrective actions, retention, and withdrawal of certification documents. (l)
- dealing with appeals (m)
- to ensure continuous quality improvement (internal audits) (n)

Documents are part of the Quality Manual documentation of a certification body that shall be completed referring to at least a) – n) latest within 5 years.

<p><b>4.6 Conditions and procedures for granting, maintaining, extending, suspending and withdrawing certification.</b></p> <p><b>No.:</b> 4.6.1  <b>ISO Guide 65:</b> The certification body shall specify the conditions for granting, maintaining and extending certification and the conditions under which certification may be suspended or withdrawn, partially or in total.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b> 4.6.2  <b>ISO Guide 65:</b> The certification body shall have procedures to</p> <ol style="list-style-type: none"> <li>grant, maintain, withdraw and, if applicable, suspend certification</li> <li>extend or reduce the scope of certification</li> <li>re-evaluate, in the event of changes significantly affecting the product's design or specification, or changes in the standards to which compliance of the product is certified, or changes in the ownership, structure or management of the supplier, if relevant, or in the case of any other information indicating that the product may no longer comply with the requirements of the certification system.</li> </ol> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> Additional organic requirement:</p>	<p>The certification body shall have procedures to</p> <ol style="list-style-type: none"> <li>impose sanctions or corrective actions</li> <li>monitor implementation of corrective actions imposed including timelines set</li> <li>grant exceptions, if applicable</li> <li>prevent any misleading claims as with regard to the status of certification in case major-nonconformities are found</li> </ol> <p><b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b> See also IAF guidance to clause 4.6, misleading claims and product recall.</p>
	<p><b>4.7 Internal audits and management reviews</b></p> <p><b>No.:</b> 4.7.1  <b>ISO Guide 65:</b> The certification body shall conduct periodic internal audits covering all procedures in a planned and systematic manner, to verify that the quality system is implemented and is effective.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> Findings of the performance reviews conducted periodically are part of the internal audit  <b>m/p/d:</b> p  <b>Points for discussion:</b> <i>Proposed for progress review specified as:</i> The extent of internal audits and management reviews depend on type, range and volume performed: it shall be demonstrated that the CB seeks for and achieves continuous quality improvement.</p> <p><b>No.:</b> 4.7.2  <b>ISO Guide 65:</b> The body's management with executive responsibility shall review its quality system at defined intervals that are sufficiently short to ensure its continuing suitability and effectiveness in</p>

<p>satisfying the requirements of this Guide and the stated quality policy and objectives. Records of such reviews shall be maintained.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> p  <b>Points for discussion:</b> See comment above.</p>	<p><b>Sector specific explanation:</b> b) specifies the following:</p> <ul style="list-style-type: none"> <li>- the production method standard(s) for which certification is granted</li> <li>- sanctions that will be applied in case non-conformities are found.</li> <li>- the fee structure</li> </ul> <p>g) includes the following information:</p> <ul style="list-style-type: none"> <li>- list of certified operators including the scope for which certification is granted, e.g. processing, grower group.</li> </ul> <p><b>m/p/d:</b> m  <b>Points for discussion:</b></p>
<p><b>4.8 Documentation</b></p> <p><b>No.:</b> 4.8.1  <b>ISO Guide 65:</b> The certification body shall provide (through publications, electronic media or other means), update at regular intervals, and make available on request, the following</p> <ul style="list-style-type: none"> <li>a) information about the authority under which the certification body operates</li> <li>b) a documented statement of its product certification system, including its rules and procedures for granting, maintaining, extending, suspending and withdrawing certification</li> <li>c) information about the evaluation procedures and certification process related to each product certification system</li> <li>d) a description of the means by which the organization obtains financial support and general information on the fees charged to applicants and to suppliers of certified products</li> <li>e) a description of the rights and duties of applicants and suppliers of certified products, including requirements, restrictions or limitations on the use of the certification body's logo and on the ways of referring to the certification granted</li> <li>f) information about procedures for handling complaints, appeals and disputes</li> <li>g) a directory of certified products and their suppliers.</li> </ul> <p><b>+ essential organic:</b></p>	<p><b>No.:</b> 4.8.2  <b>ISO Guide 65:</b> The certification body shall establish and maintain procedures to control all documents and data that relate to its certification functions. These documents shall be reviewed and approved for adequacy by appropriately authorized and competent personnel prior to issuing any documents following initial development or any subsequent amendment or change being made. A listing of all appropriate documents with the respective issue and/or amendment status identified shall be maintained. The distribution of all such documents shall be controlled to ensure that the appropriate documentation is made available to personnel of the certification body or suppliers when they are required to perform any function relating to the certification body's activities.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>4.9 Records</b></p> <p><b>No.:</b> 4.9.1  <b>ISO Guide 65:</b> The certification body shall maintain a record system to suit its</p>



<p>particular circumstances and to comply with existing regulations. The records shall demonstrate that the certification procedures have been effectively fulfilled, particularly with respect to application forms, evaluation reports, surveillance activities and other documents relating to granting, maintaining, extending, suspending or withdrawing certification. The records shall be identified, managed and disposed of in such a way as to ensure the integrity of the process and the confidentiality of the information. The records shall be kept for a period of time so that continued confidence may be demonstrated for at least one full certification cycle, or as required by law.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b> Operator records shall be up to date and contain all relevant information, including inspection reports and certification history.  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b></p> <ul style="list-style-type: none"> <li>- Separate records shall be kept for exceptions granted.</li> <li>- Records shall be kept for a period not less than the period of conversion request plus one full production cycle.</li> </ul> <p><b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b></p> <p><b>No.:</b> 4.9.2  <b>ISO Guide 65:</b> The certification body shall have a policy and procedures for retaining records for a period consistent with its contractual, legal or other obligations. The certification body shall have a policy</p>	<p>and procedures concerning access to these records consistent with 4.10.1</p> <p><i>Note 4: The question of the length of time for retention of records requires specific attention in the light of legal circumstances and recognition arrangements.</i></p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <hr/> <p><b>4.10 Confidentiality</b></p> <p><b>No.:</b> 4.10.1  <b>ISO Guide 65:</b> The certification body shall have adequate arrangements consistent with applicable laws to safeguard confidentiality of the information obtained in the course of its certification activities at all levels of its organization, including committees and external bodies or individuals acting on its behalf.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b> 4.10.2  <b>ISO Guide 65:</b> Except as required in this Guide or by law, information gained in the course of certification activities about a particular product or supplier shall not be disclosed to a third-party without the written consent of the supplier. Where the law requires information to be disclosed to a third-party, the supplier shall be informed of the information provided as permitted by the law.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>
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<p><b>ISO Guide 65:</b> Information exchange excluded from confidentiality requirements</p> <p><b>No.:</b>  <b>+ essential organic:</b> In case of serious suspicion that a production method standard has been violated throughout the chain of custody, information between certification bodies may be exchanged without written consent of the operator concerned in order to verify the case.</p> <p><b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b></p>	<p><b>No.:</b>  <b>+ essential organic:</b> In case of dual or multiple certifications within the same scope, provisions between certification bodies shall be taken, including information exchange, in order to prevent misuse of certificates.</p> <p><b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b></p>
<p><b>No.: 5 Certification body personnel</b></p>	
<p><b>5.1 General</b></p> <p><b>No.: 5.1.1</b>  <b>ISO Guide 65:</b> The personnel of the certification body shall be competent for the functions they perform, including making required technical judgements, framing policies and implementing them.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.: 5.1.2</b>  <b>ISO Guide 65:</b> Clearly documented instructions shall be available to the personnel describing their duties and responsibilities. These instructions shall be maintained up to date.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>	<p><b>5.2 Qualification criteria</b></p> <p><b>No.: 5.2.1</b>  <b>ISO Guide 65:</b> In order to ensure that evaluation and certification are carried out effectively and uniformly, the minimum relevant criteria for the competence of personnel shall be defined by the certification body.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b> Can be deleted, see 5.2.3</p> <p><b>No.: 5.2.2</b>  <b>ISO Guide 65:</b> The certification body shall require its personnel involved in the certification process to sign a contract or other document by which they commit themselves:</p> <p>a) to comply with the rules defined by the certification body, including those relating to confidentiality and independence from commercial and other interest; and</p>

<p>b) to declare any prior and/or present association on their own part, or on the part of their employer, with a supplier or designer of products to the evaluation or certification of which they are to be assigned.</p> <p>The certification body shall ensure that, and document how, any contracted personnel for their own part, and on the part of their employer if any, satisfy all the requirements for personnel outlined in this Guide.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b> This can be covered in a working contract.  Declarations of any prior or present association shall be updated regularly.</p> <p><b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> All persons that have declared an association that constitutes a conflict of interest situation shall be excluded from work, discussion and decisions in all stages of the certification process related to the potential conflict. The exclusion of such persons shall be recorded in minutes or other records.  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b></p>	<p><b>No.:</b> 5.2.3  <b>ISO Guide 65:</b> Information on the relevant qualifications, training and experience of each member of the personnel involved in the certification process shall be maintained by the certification body. Records of training and experience shall be kept up to date, in particular the following:</p> <ol style="list-style-type: none"> <li>a) name and address</li> <li>b) organization affiliation and position held</li> <li>c) educational qualification and professional status</li> <li>d) experience and training in each field of the certification body’s competence</li> <li>e) date of most recent updating of records</li> <li>f) performance appraisal</li> </ol> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b> See proposal in next line below as replacement.</p> <p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> Records of training and experience shall be kept, demonstrating that evaluation and certification personnel has and continues to have the technical knowledge and experience for performing certification functions.  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b> ISO 5.2.3 is a too descriptive requirement; should focus on the “outcome” – to ensure that personnel is experienced to carry out their tasks.</p>
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<b>6. Changes in the certification requirements</b>	
<p><b>No.:</b>  <b>ISO Guide 65:</b> The certification body shall give due notice of any changes it intends to make in its requirements for certification. It shall take account of views expressed by interested parties before deciding on the precise form and effective date of the changes. Following decision on, and publication of, the changed requirements, it shall verify that each supplier makes any necessary adjustments within such time as, in the opinion of the certification body, is reasonable.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b> Replaced by the following (see next entry).</p>	<p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> The certification body shall ensure each operator to be notified of any changes in the certification requirements without unnecessary delay. It shall verify the operator's implementation of such change in a timely manner, considering the given implementation periods.</p> <p><b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b> Stakeholder involvement is already covered in 4.2.e</p>
<b>7. Appeals, complaints and disputes</b>	
<p><b>No.:</b> 7.1  <b>ISO Guide 65:</b> Appeals, complaints and disputes brought before the certification body by suppliers or other parties shall be subject to the procedures of the certification body.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>	<p><b>No.:</b> 7.2  <b>ISO Guide 65:</b> Each certification body shall:</p> <ul style="list-style-type: none"> <li>a) keep a record of all appeals, complaints and disputes and remedial actions relative to certification</li> <li>b) take appropriate subsequent action</li> <li>c) document the action taken and its effectiveness</li> </ul> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>

<b>8. Application for certification</b>	
<p><b>8.1 Information on the procedure</b></p> <p><b>No.: 8.1.1</b></p> <p><b>ISO Guide 65:</b> The certification body shall provide to applicants an up to date detailed description of the evaluation and certification procedures, appropriate to each certification scheme, and the documents containing the requirements for certification, the applicants' rights and duties of suppliers that have certified products (including fees to be paid by applicants and suppliers of certified products).</p> <p><b>+ essential organic:</b></p> <p><b>Sector specific explanation:</b> This includes at least the applicable production method standard or the relevant parts thereof, an adequate description of the inspection, certification and appeals procedure, possible sanctions and contractual requirements, e.g. fee schedule.</p> <p><b>m/p/d:</b> m</p> <p><b>Points for discussion:</b></p> <p><b>No.: 8.1.2</b></p> <p><b>ISO Guide 65:</b> The certification body shall require that a supplier:</p> <p>a) always complies with the relevant provisions of the certification programme.</p> <p>b) makes all necessary arrangements for the conduct of the evaluation, including provision for examining documentation and access to all areas, records (including internal audit reports) and personnel for the purposes of evaluation (e.g. testing,</p>	<p>inspection, assessment, surveillance, reassessment) and resolution of complaints.</p> <p>c) makes claims regarding certification only in respect of the scope for which certification has been granted.</p> <p>d) does not use its product certification in such a manner as to bring the certification body into disrepute and does not make any statement regarding its product certification which the certification body may consider misleading or unauthorized.</p> <p>e) upon suspension or cancellation of certification, discontinues its use of all advertising matter that contains any reference thereto and returns any certification documents as required by the certification body.</p> <p>f) uses certification only to indicate that products are certified as being in conformity with specified standards</p> <p>g) endeavours to ensure that no certificate or report nor any part thereof is used in a misleading manner.</p> <p>h) in making reference to its product certification in communication media such as documents, brochures or advertising, complies with the requirements of the certification body.</p> <p><b>+ essential organic:</b></p> <p><b>Sector specific explanation:</b> Necessary arrangements for conducting the evaluation include provisions that the operator shall provide access also to non-organic parts or areas of its operations if relevant.</p> <p><b>m/p/d:</b> m</p> <p><b>Points for discussion:</b></p>

<p><b>No.:</b> 8.1.3  <b>ISO Guide 65:</b> When the desired scope of certification is related to a specific system or type of system operated by the certification body, any explanation needed shall be provided to the applicant.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> An example for a specific system or type of system may be group certification or certification of wild collection  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b> 8.1.4  <b>ISO Guide 65:</b> If requested, additional application information shall be provided to the applicant.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b> Does this add anything? Compare with 8.1.1 and 8.1.3; to answer questions is part of the service mentality each CB has, but it should not be a requirement.</p>	<p>fication and to supply any information needed for evaluation of products to be certified.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b> 8.2.2  <b>ISO Guide 65:</b> The applicant, as a minimum, shall provide the following information:  a) corporate entity, name, address and legal status.  b) a definition of the products to be certified, the certification system, and the standards against which each product is to be certified if known to the applicant.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> b) Definition of the products to be certified herewith means definition of the production system in place to enable appropriate verification of compliance with the production method standard.  <b>m/p/d:</b> m  <b>Points for discussion:</b> See additional requirement proposed below.</p>
<p><b>8.2 The application</b></p> <p><b>No.:</b> 8.2.1  <b>ISO Guide 65:</b> The certification body shall require completion of an official application form, signed by a duly authorized representative of the applicant, in which or attached to which are the following:  a) the scope of the desired certification.  b) a statement that the applicant agrees to comply with the requirements for certi-</p>	<p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> The applicant shall provide information, records and documentation as specified by the CB that enables evaluation of the production process to be certified.  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b></p>

<b>9. Preparation of evaluation</b>	
<p><b>No.: 9.1</b>  <b>ISO Guide 65:</b> Before proceeding with the evaluation, the certification body shall conduct, and maintain records of, a review of the application for certification to ensure that:</p> <ul style="list-style-type: none"> <li>a) the requirements for certification are clearly defined, documented and understood;</li> <li>b) any difference in understanding between the certification body and the applicant is resolved, and</li> <li>c) the certification body has the capability to perform the certification service with respect to the scope of the certification sought and, if applicable, the location of the applicant's operations and any special requirements such as the language used by the applicant.</li> </ul> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b> Also see organic requirement proposed below.</p> <p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> Before scheduling the inspection, the certification body shall review the application documents to ensure that:</p> <ul style="list-style-type: none"> <li>- documents are complete and significant</li> <li>- the applicant will be able to comply with the applicable production method standard</li> <li>- it has the capability to perform the certification service with respect to the scope of the certification sought.</li> </ul> <p><b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b> It may also be a sector specific explanation to 9.1</p>	<p><b>No.: 9.2</b>  <b>ISO Guide 65:</b> The certification body shall prepare a plan for its evaluation activities to allow for the necessary arrangements to be managed.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b> Not necessary as operator specific plan because evaluation procedures have to be communicated in general anyway. Also see proposed additional requirements under 10 Evaluation.</p> <hr/> <p><b>No.: 9.3</b>  <b>ISO Guide 65:</b> The certification body shall assign personnel appropriately qualified to perform the tasks for the specific evaluation. Personnel shall not be assigned if they have been involved in, or been employed by a body involved in, the design, supply, installation or maintenance of such products in a manner and within a time period that could conflict with impartiality.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <hr/> <p><b>No.: 9.4</b>  <b>ISO Guide 65:</b> To ensure that a comprehensive and correct evaluation is carried out, the personnel involved shall be provided with the appropriate working documents.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>

<p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> Inspector shall be informed about non-compliances and corrective actions issued previously</p>	<p>to enable the inspector to verify whether they have been implemented.  <b>m/p/d:</b> m+  <b>Points for discussion:</b> Could a sector specific explanation also be added to 9.4?</p>
<b>10. Evaluation</b>	
<p><b>No.: 10</b>  <b>ISO Guide 65:</b> The certification body shall evaluate the products of the applicant against the standards covered by the scope defined in its application against all certification criteria specified in the rules of the scheme.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> The certification body evaluates the production method/process implemented by the operator against the applicable production method standard specified. The evaluation includes a document review and an on-site inspection visit in order to verify whether the production process meets the standard.  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> The certification body shall evaluate standard compliance already during applicable conversion period. Exceptions shall only be made based on undisputable evidence that standards have been met verified by an on-site inspection visit.  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b> Could be added as sector specific explanation under 10?</p>	<p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> Measures shall be taken to verify that standards are met during the entire production process (production chain). If during the production process different certification bodies are involved measures shall be taken such as exchange of information in order to safeguard organic integrity.  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b></p> <p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> In order to verify standard compliance the inspection shall follow a specific protocol to facilitate non-discriminatory and objective inspection procedure.  <b>Sector specific explanation:</b> Depending on the organic production system evaluate, inspection protocol should include:</p> <ol style="list-style-type: none"> <li>a. assessment of production or processing system by means of visits to facilities, fields, and storage units; (this may include visits to non-organic areas as well).</li> <li>b. verification of the most recent information provided.</li> <li>c. identification and investigation of any risks that might threaten organic integrity.</li> </ol>



<p>d. review of records and accounts.  e. production/sales reconciliation on farms.  f. an input/output reconciliation and trace back audits in processing and handling.  g. interviews with responsible persons including an exit interview.  h. verification that changes that have taken place in the standards and requirements of the certification body have been effectively implemented.  i. residue sampling in accordance with the certification body's sampling policy.  j. verification that previously imposed conditions have been fulfilled.</p> <p><b>m/p/d:</b> m+  <b>Points for discussion:</b></p> <p><b>No.:</b>  <b>ISO Guide 65:</b> Specific circumstances  <b>+ essential organic:</b> When split and/or parallel production occurs, the certification body shall have appropriate requirements and inspection regimes to safeguard that the products are not mixed or contaminated.  <b>Sector specific explanation:</b> Split production: Production, handling or processing of conventional, in conversion and/or organic in the same unit.  Parallel production: production of the</p>	<p>same product at the same time in non-certified and certified quality.</p> <p><b>m/p/d:</b> m+  <b>Points for discussion:</b></p> <p><b>No.:</b>  <b>ISO Guide 65:</b> Prohibited substances  <b>+ essential organic:</b> The certification body shall implement a system to inspect and verify that prohibited substances are not used as specified in the applicable standards.  <b>Sector specific explanation:</b> Verification should be based on a risk assessment. It also applies to the verification of the use of genetically engineered organism and may include testing if appropriate.</p> <p><b>m/p/d:</b> m+  <b>Points for discussion:</b></p> <p><b>No.:</b>  <b>ISO Guide 65:</b> Specific scope  <b>+ essential organic:</b> If specific certification scope is implemented and evaluated such as certification of wild collection or group certification, measures shall be taken to safeguard proper verification of standard compliance.  <b>Sector specific explanation:</b></p> <p><b>m/p/d:</b> m+  <b>Points for discussion:</b></p>
<p><b>11. Evaluation report</b></p>	
<p><b>No.:</b>  <b>ISO Guide 65: Evaluation report</b>  The certification body shall adopt reporting procedures that suit its needs but, as a minimum, these procedures shall ensure that:</p> <p>a) personnel appointed to evaluate the conformance of the products shall provide the certification body with a report</p>	<p>of findings as to the conformity with all the certification requirements.  b) a full report on the outcome of the evaluation is promptly brought to the applicant's notice by the certification body, identifying any nonconformities that have to be discharged in order to comply with all of the certification requirements and the extent of further evaluation or testing</p>

<p>required. If the applicant can show that remedial action has been taken to meet all the requirements within a specified time limit, the certification body shall repeat only the necessary parts of the initial procedure.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b> Note: regarding b) second sentence:  Where to address that an operator can take immediate action in order to meet all requirements?  It is proposed to provide further explanation under 12. Decision of certification in order to clarify that issuing of “corrective actions” may be followed by either withholding of certification documents until there is a proof that corrective actions are implemented or issuing certification documents.</p>	<p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> Inspection reports shall follow a decided and format to facilitate a non-discriminatory, objective and comprehensive analysis of the production system. The report includes:</p> <ul style="list-style-type: none"> <li>- comprehensive information as to conformity with the production method standard</li> <li>- a risk assessment with regard to loss of organic integrity</li> </ul> <p>The report further indicates:</p> <ul style="list-style-type: none"> <li>- date and duration of the inspection</li> <li>- people interviewed</li> <li>- fields and facilitates visited</li> <li>- type of documents reviewed (input/output, yield/sales, trace back)</li> </ul> <p><b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b></p>
<p><b>12. Decision on Certification</b></p>	
<p><b>No.:</b> 12.1  <b>ISO Guide 65:</b> The decision as to whether or not to certify a product shall be taken by the certification body on the basis of the information gathered during the evaluation process and any other relevant information.</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b> The evaluation process consists of document review and an onsite inspection. New applicants shall be inspected before certification can be issued.  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>	<p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> The certification decision may include requirements for the correction of minor non-compliances within a specified time period; in case of major non-compliances, issuing of certificate may be withheld until implementation of corrective actions can be demonstrated. In serious cases certification may be denied or cancelled.  <b>Sector specific explanation:</b> A certification decision can also include a decision related to a specified area of an operation; e.g. denial of certification of a specified field or product for which major non-compliances are found.</p>

<p><b>m/p/d:</b> m+</p> <p><b>Points for discussion:</b> See paragraph 3, definitions: proposing to add definitions of major and minor non-compliances.</p> <p><b>No.:</b></p> <p><b>ISO Guide 65:</b></p> <p><b>+ essential organic:</b> In order to keep the whole process transparent, reasons for denial, withdrawal or suspension of certification shall be clearly stated. In case corrective actions are issued reference shall be made to the applicable standard or certification requirement.</p> <p><b>Sector specific explanation:</b></p> <p><b>m/p/d:</b> m+</p> <p><b>Points for discussion:</b></p> <p><b>No.:</b></p> <p><b>ISO Guide 65:</b></p> <p><b>+ essential organic:</b> If exceptions are granted there shall be criteria and procedures for granting exceptions. Exceptions shall be clearly limited in time and the rationale for any exception shall be properly recorded.</p> <p><b>Sector specific explanation:</b></p> <p><b>m/p/d:</b> m+</p> <p><b>Points for discussion:</b></p>	<p><b>No.:</b> 12.3</p> <p><b>ISO Guide 65:</b> The certification body shall provide to each supplier offering certified products, formal certification documents such as a letter or a certificate signed by an officer who has been assigned such responsibility. These formal certification documents shall permit identification of the following:</p> <ul style="list-style-type: none"> <li>a) the name and address of the supplier whose products are the subject of certification</li> <li>b) the scope of the certification granted, including, as appropriate             <ul style="list-style-type: none"> <li>1) the products certified, which may be identified by type or range of products</li> <li>2) the product standards or other normative documents to which each product or product type is certified</li> <li>3) the applicable certification system</li> </ul> </li> <li>c) the effective date of certification, and the term of the certification if applicable</li> </ul> <p><b>+ essential organic:</b></p> <p><b>Sector specific explanation:</b></p> <p><b>m/p/d:</b> m</p> <p><b>Points for discussion:</b></p>
<p><b>No.:</b> 12.2</p> <p><b>ISO Guide 65:</b> The certification body shall not delegate authority for granting, maintaining, extending, suspending or withdrawing certification to an outside person or body.</p> <p><b>+ essential organic:</b></p> <p><b>Sector specific explanation:</b></p> <p><b>m/p/d:</b> m</p> <p><b>Points for discussion:</b></p>	<p><b>No.:</b> 12.4</p> <p><b>ISO Guide 65:</b> In response to an application for amendment to the scope of a certificate already granted, the certification body shall decide what, if any, evaluation procedure is appropriate in order to determine whether or not the amendment should be made and shall act accordingly.</p> <p><b>+ essential organic:</b></p> <p><b>Sector specific explanation:</b></p> <p><b>m/p/d:</b> m</p> <p><b>Points for discussion:</b></p>

<b>13 Surveillance</b>	
<p><b>No.:</b> 13.1  <b>ISO Guide 65:</b> The certification body shall have documented procedures to enable surveillance to be carried out in accordance with the criteria applicable to the relevant certification system.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> This includes that operators are re-evaluated periodically to verify whether they continue to comply with the standard.  <b>m/p/d:</b> m  <b>Points for discussion:</b> Is it necessary to determine minimum inspection frequency?</p> <p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> Operators shall be re-evaluated and inspected periodically in order to verify continuous standard compliance. The frequency shall take into account the risk or threat to organic integrity of the production or products. Surveillance procedures shall include unannounced on site inspections of operators certified, chosen randomly and/or chosen based on risk assessment.  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b></p> <p><b>No.:</b>  <b>ISO Guide 65:</b>  <b>+ essential organic:</b> Mechanism shall be in place for the effective monitoring whether corrective actions are implemented.  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m+  <b>Points for discussion:</b></p>	<p><b>No.:</b> 13.2  <b>ISO Guide 65:</b> The certification body shall require the supplier to inform it about any of the changes cited in 4.6.2 c), such as intended modification to the product, manufacturing process or, if relevant, its quality system, which affect the conformity of the product. The certification body shall determine whether the announced changes require further investigations. If such is the case, the supplier shall not be allowed to release certified products resulting from such changes until the certification body has notified the supplier accordingly.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b> 13.3  <b>ISO Guide 65:</b> The certification body shall document its surveillance activities.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p> <p><b>No.:</b> 13.4  <b>ISO Guide 65:</b> Where the certification body authorizes the continuing use of its mark on products of a type that have been evaluated, the certification body shall periodically evaluate the marked products to confirm that they continue to conform to the standards.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b> Addressed under 13.1 and the proposed first essential organic requirement.</p>

<p><b>No.:</b>  <b>ISO Guide 65:</b> Operators shall be kept informed about the outcome of the surveillance and their certification status  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b> .</p>	
<p><b>14 Use of licences, certificates and marks of conformity</b></p>	
<p><b>No.:</b> 14  <b>ISO Guide 65:</b> Use of licences, certificates and marks of conformity  <b>+ essential organic:</b>  <b>Sector specific explanation:</b> Chapter may be applicable for circumstances in which the certification body does not own the certification mark but is entitled to exercise surveillance about proper use of marks of conformity.  <b>m/p/d:</b>  <b>Points for discussion:</b></p> <p><b>No.:</b> 14.1  <b>ISO Guide 65:</b> The certification body shall exercise proper control over ownership, use and display of licences, certificates and marks of conformity.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>	<p><b>No.:</b> 14.2  <b>ISO Guide 65:</b> Guidance on the use of certificates and marks permitted by the certification body may be obtained from ISO/IEC Guide 23.  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b></p> <p><b>No.:</b> 14.3  <b>ISO Guide 65:</b> Incorrect references to the certification system or misleading use of licences, certificates or marks, found in advertisements, catalogues, etc., shall be dealt with by suitable action.  <i>Note 5: Such actions are addressed in ISO/IEC Guide 27 and can include corrective action, withdrawal of certificate, publication of the transgression and, if necessary, other legal action.</i>  <b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> m  <b>Points for discussion:</b></p>

<b>15 Complaints to suppliers</b>	
<p><b>No.: 15</b>  <b>ISO Guide 65:</b> The certification body shall require the supplier of certified products to</p> <p>a) keep a record of all complaints made known to the supplier relating to a product's compliance with requirements of the relevant standard and to make these records available to the certification body when requested</p>	<p>b) take appropriate action with respect to such complaints and any deficiencies found in products or services that affect compliance with the requirements for certification</p> <p>c) document the actions taken</p> <p><b>+ essential organic:</b>  <b>Sector specific explanation:</b>  <b>m/p/d:</b> d  <b>Points for discussion:</b></p>

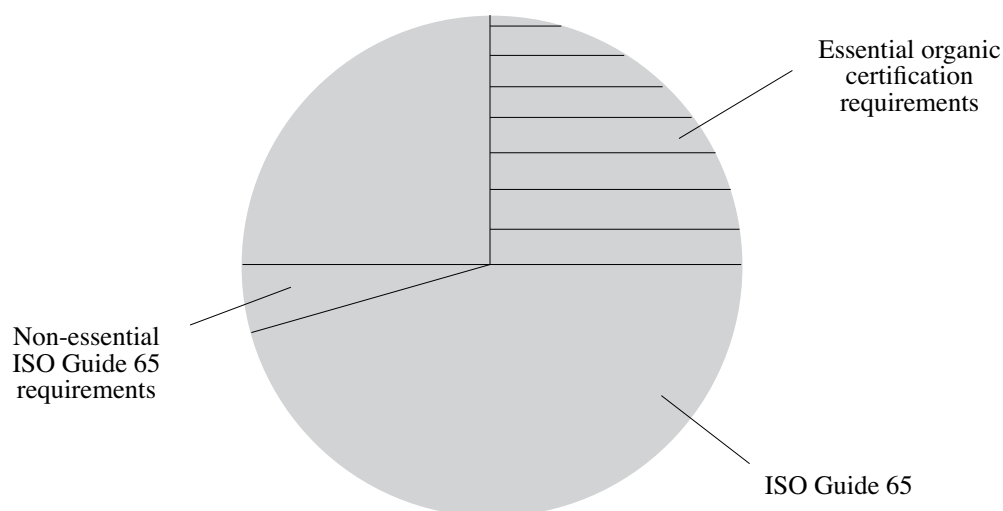
## Annex 1

### Terms of Reference

#### For an ITF Study and Recommendation on International Requirements for Organic Certification Bodies

The International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF) is interested in developing a common set of International Requirements for Organic Certification Bodies (IROCB), which are those requirements that certification bodies must meet in order for their certification services to be recognized in the course of international trade. The set of International Requirements expected to consist of the ISO Guide 65 Requirements for Bodies Operating Product Certification Systems, plus a set of essential organic certification requirements developed through the ITF process. This project aims to develop the essential organic certification requirements. The project will also recommend whether the International Requirements for Organic Certification Bodies should drop any ISO 65 requirements due to their inappropriateness and/or difficulty in enforcing in the case of organic certification.

#### A graphical representation of the structure that ITF aims to develop



Note that this graphic does not necessarily represent the relative percentage of the requirements, but only the concept.

## **Process for developing the study and recommendations**

The Study and Recommendations for International Requirements for Organic Certification Bodies will be based upon a previous ITF Study, “Requirements for Certification – Situation and Scope for Harmonization,” and on the discussion and results of the ITF Accreditation Workshop of 5 December 2005 and the ITF meeting of 6 December 2005. The new work should a) identify the existing requirements in detail (in table format) and b) draft preliminary recommendations for essential certification requirements and non-essential ISO Guide 65 requirements, which will be prepared by 1 August 2006. The consultant should attempt to provide flexible requirements for scale and stage of development of certification bodies. The draft Study and Recommendations will be presented at the second ITF Workshop on Certification Requirements on 9 October 2006. Results of that workshop will be incorporated into a Recommendation to the ITF and discussed at the ITF meeting starting on 11 October 2006.

The document will be considered a first draft of requirements that will continue to be worked on. It should reflect minimum requirements.



## **Annex 2**

### **Comparison table of the existing requirements**

#### **Introduction to the table**

Table includes the following organic regulatory/voluntary programmes:

- ISO Guide 65
- IFOAM Accreditation Criteria
- Requirements of the United States National Organic Program (NOP)
- Codex Alimentarius Guideline
- Japanese Agricultural Standard (JAS) Law

The table follows ISO 65 structure; it includes full ISO Guide 65 text; followed by respective text of the other regulations addressing the same/similar issues.

Please consider that the documents compared are heterogeneous. The information included in the table might be difficult to understand because sometimes text is taken out of the context of the respective document.

Any evaluation and judgment whether requirements provided go beyond requirements compared with requirements provided in another documents shall be seen based on the overall context and structure of the respective requirement.

#### **Note:**

Conducting a technical comparison of the requirements is a challenge because documents are heterogeneous in structure and terminology.

<b>TOPIC: Title/reference</b>
<hr/> <p><b>ISO/IEC Guide 65:1996</b></p> <hr/> <p><b>Corresponding reference:</b> Title  <b>Relevant text:</b> General requirements for bodies operating product certification systems (ISO/IEC Guide 65: 1996).  <b>Comment/evaluation of differences:</b> Scope includes any “product certification system”; there is no reference regarding the standard that is used for certification.</p> <hr/>
<p><b>IFOAM AC</b></p> <hr/> <p><b>Corresponding reference:</b> Title  <b>Relevant text:</b> IFOAM Accreditation Criteria for bodies certifying Organic Production and Processing (approved July 2005, published February 2006).  <b>Comment/evaluation of differences:</b> Scope is limited to bodies “certifying Organic Production and Processing”; the applicable certification standards used shall include at least the IFOAM Basic standards.</p> <hr/>
<p><b>EU Regulation</b></p> <hr/> <p><b>Corresponding reference:</b> Title of the entire document; plus reference where requirements for CBs can be found.  <b>Relevant text:</b> 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; the inspection system is referred to in Article 8,9 and in addition in annex III: Minimum Inspection requirements and precautionary measures under the inspection scheme referred to in Articles 8 and 9.  <b>Comment/evaluation of differences:</b> Scope of the regulation is limited to “organic production of agricultural products” as defined in annex 1, for products imported from “third countries” special requirements apply in order to safeguard “equivalency”.</p> <hr/>
<p><b>Codex Guideline</b></p> <hr/> <p><b>Corresponding reference:</b>  <b>Relevant text:</b> CODEX Alimentarius Organically Produced Foods Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (GL32-1999, Rev. 1-2001) see Section 6: Inspection and Certification Systems and Annex 3 Minimum Inspection Requirements and Precautionary Measures under the Inspection or Certification System.</p>

**NOP**

**Corresponding reference:** Title Introduction

**Relevant text:** National Organic Program

... This national program will facilitate domestic and international marketing of fresh and processed food that is organically produced and assure consumers that such products meet consistent, uniform standards. This program establishes national standards for the production and handling of organically produced products, including a National List of substances approved for and prohibited from use in organic production and handling. This final rule establishes a national-level accreditation program to be administered by AMS for State officials and private persons who want to be accredited as certifying agents. Under the program, certifying agents will certify production and handling operations in compliance with the requirements of this regulation and initiate compliance actions to enforce program requirements. ...

**Comment/evaluation of differences:** NOP includes requirements for a national level accreditation programme for certification agencies that certify operations meeting the requirements of this regulation; same requirements apply for imported products; foreign certifiers apply for accreditation equally as domestic certification agents.

**JAS**

**Corresponding reference:** Note

**Relevant text:** JAS Law has been revised and become effective on 1 March 2006

Regarding the Approval/Registration of Certifying Inspection bodies: the key amendment of the JAS law:

- transforms registered certifying bodies to private sector third-party organizations.

**TOPIC: Scope/Introduction**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** Introduction

**Relevant text:** ... The requirements contained in this Guide are written, above all, to be considered as general criteria for organizations operating product certification systems; they may have to be amplified when specific industrial or other sectors make use of them, or when particular requirements such as health and safety have to be taken into account.

....

## IFOAM AC

**Corresponding reference:** Introduction

**Relevant text:** The Criteria require that the certification body has an effective quality system in accordance with the relevant elements of the Criteria and which is appropriate for the type, range and volume of work performed. It is recognized that new programmes, and programmes operating in economically less favoured areas may have less developed quality systems. It is also recognized that cultural, traditional and social conditions may result in varying solutions.

Some example of situations where maybe varying solutions could be applied are:

- Where the criteria have clearly been developed for organizations with large numbers of staff or several offices.
- Where the criteria have clearly been developed for certification bodies with large numbers of operators or more complex operations.
- Where the criteria become particularly onerous due to cultural or developmental reasons, such as poor communication systems or low levels of literacy. Regulations or other official demands may also make it difficult or even illegal to fulfill a certain criterion. In such cases it is the prerogative of the accreditation body to determine the acceptability of the certification body's alternative solution, based on whether the integrity of organic production and certification is maintained, and whether the purpose of the specific criterion is met.

**Comment/evaluation of differences:** Compared with ISO, IAC grants possibility for "varying solutions". Based on the conditions specified in the following the accreditor may accept that CBs do not implement specific requirements whereas ISO foresees requirements to be amplified only!

## EU Regulation

**Corresponding reference:** Labelling, Article 5, 1.c

**Relevant text:** 1. The labelling and advertising of a product specified in article 1 may refer to organic production methods only where:

... c, the product was produced or imported by an operator who is subject to the inspection measures laid down in Articles 8 and 9.

**Comment/evaluation of differences:** Document introduces an inspection system, but does not specifically provide for requirements for certification bodies. It establishes the system and arranges duties between Member States, a designated approval/supervisory body and the inspection body or authority (see article 9); it also regulated how imports from so called "third countries" may enter the European Union market.

**Corresponding reference:** Article 9, 11.

**Relevant text:** ... approved inspection bodies must satisfy the requirements laid down in the conditions of standard EN 45011.

**Comment/evaluation of differences:** EU Regulations refers to EN 45011 in its entirety; CBs have to demonstrate satisfaction of the requirements to designated competent authority. Note: to demonstrate satisfaction does not mean formal accreditation carried out by an ISO 65 accreditor.

**Corresponding reference:** note

**Relevant text:** in the following only those EU requirements are included going beyond ISO Guide 65/EN45011.

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### Codex Guideline

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**Corresponding reference:** Section 6: Inspection and Certification Systems

**Relevant text:** 6.1 Inspection and Certification Systems are used to verify the labelling of, and claims for, organically produced foods. Development of these systems should take into account the Principles for Food Import and Export Inspection and Certification, the Guideline for the Design, operating, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems.(17)

*Footnote Nr. 17: see also other agreed international standards, e.g. ISO 65*

**Comment/evaluation of differences:** Document introduces the inspection and certification system and refers to ISO 65 for the development of such a system.

**Corresponding reference:**

**Relevant text:** 6.2 Competent authorities should establish an inspection system operated by one or more designated authorities and/or officially recognized inspection/certification bodies (18) ...

*Footnote 18: In organic approval processes reference is frequently made to certification performed by either a 'certification body' or an 'inspection body'. Where such functions are conducted by the same body there must be clear separation of the inspection and certification roles.*

6.3 The officially recognized inspection and certification systems should comprise at least the application of the measures and other precautions set out in Annex 3.

6.4 For the application of the inspection system operated by the official or officially recognized certification body or authority, countries should identify a competent authority responsible for the approval and supervision of such bodies.”

**Comment/evaluation of differences:** Document refers to competent authorities and their function as approval and supervision of the inspection/and certification bodies.

**NOP**

**Corresponding reference:** Subpart F / Subpart E

**Relevant text:** Subpart F - Accreditation of Certifying Agents

(a) The administration shall accredit a qualified domestic or foreign applicant in the areas of crops, livestock, wild crops, or handling or any combination thereof to certify a domestic or foreign production or handling operation as a certified operation. ...

Subpart E - Certification

A person seeking to receive or maintain organic certification under the regulations in this part must

(a) comply with the Act and applicable organic production and handling regulations of this part,

...

**Comment/evaluation of differences:** Scope includes domestic and foreign applicants. NOP includes in subpart F requirements for the accreditation of certifying agents.

Foreign certifying agents may also apply for accreditation.

Subpart F includes requirements operators shall fulfill in order to get certified by accredited certifying agents.

NOP provides its own accreditation criteria and does not refer to ISO 65&EN 45011 as the basis for accreditation.

**CATEGORY: References****JAS**

**Corresponding reference:** note

**Relevant text:** JAS Standard System refers to the certification system to attach the JAS marks to the products inspected in accordance with the Japan Agricultural Standard (JAS) Standards established by the Ministry for Agriculture, Forestry and Fisheries; organic standards are only one of several other areas covered by JAS.

**Comment/evaluation of differences:** As of October 2005, 223 standards have been set for 71 different items.

There are standards for:

- quality level, ingredients, performance etc.
- production methods (amongst others for agricultural products)
- distribution methods

**Corresponding reference:** note

**Relevant text:** For registration of certifying bodies ISO/IEC Guide 65 applies.

**Comment/evaluation of differences:** JAS refers to ISO Guide 65 in its entirety

### ISO/IEC Guide 65:1996

**Corresponding reference:** 1.1

**Relevant text:** This Guide specifies general requirements that a third-party operating a product certification system shall meet if it is to be recognized as competent and reliable. In this Guide the term “certification body” is used to cover any body operating a product certification system. The word “product” is used in its widest sense and includes processes and services; the word “standard” is used to include other normative documents such as specifications or technical regulations.

**Comment/evaluation of differences:** This is the only place in ISO 65 where it is indicated that the scope includes process certification.

### IFOAM AC

**Corresponding reference:** Introduction

**Relevant text:** Generally speaking, the IAC establishes requirements for the conduct of organic certification by the certification body, including procedures and practices of the operator that the certification body must verify. The IFOAM Criteria together with the IFOAM Basic Standards establish the requirements for certification bodies seeking IFOAM accreditation. The standards used by the certification body in their IFOAM accredited certification programme at least meet the IFOAM Basic Standards. IFOAM accreditation is carried out under contract by the International Organic Accreditation Service Inc. (IOAS), a United States based company. The structure of the IOAS and procedures for IFOAM accreditation are laid down in the IFOAM Accreditation Programme Operating Manual published by the IOAS. More detailed policies and procedures are laid down in the IOAS Quality Manual.

**Comment/evaluation of differences:** Different to ISO 65, IAC clearly restricts the scope to organic certification in the context of IFOAM accreditation; this includes evaluation against IFOAM accreditation criteria and in addition the evaluation of the standard against which certification is carried out. The respective production standard shall meet IFOAM Basic Standards (IBS).

<b>CATEGORY: Labelling</b>
<b>EU Regulation</b>
<p><b>Corresponding reference:</b> Article 5 (c)  <b>Relevant text:</b> Labelling Article 5</p> <p>The labelling and advertising of a product specified in Article 1 (1) may refer to organic production methods only where:</p> <p>... (c) the product was produced or imported by an operator who is subject to the inspection measures laid down in article 8 and 9.</p> <p><b>Comment/evaluation of differences:</b> Scope is limited to organic production of agricultural products and indications referring to the organic production method.</p>
<b>CATEGORY: Scope</b>
<b>EU Regulation</b>
<p><b>Corresponding reference:</b> Article 8  <b>Relevant text:</b> Inspection system</p> <p>Article 8: Any operator who produces, prepares or imports ... products ... for the purpose of marketing shall ...</p> <p>(b) submit his undertaking to the inspection system referred to in Article 9.</p> <p><b>Comment/evaluation of differences:</b> EU Regulation refers to an inspection system, the term “certification” is not used.</p>
<b>CATEGORY: Certification system</b>
<b>EU Regulation</b>
<p><b>Corresponding reference:</b> Article 9  <b>Relevant text:</b> 3. The inspection system shall comprise at least the application of the precautionary and inspection measures specified in Annex III</p> <p>....</p> <p>5. For the approval of the inspection body, the following shall be taken into account:</p> <p>(a) the standard inspection procedure to be followed, containing a detailed description of the inspection measures and precautions which the body undertakes to impose on operators to its inspections</p> <p>(b) the penalties the body intends to apply where irregularities and/or infringements are found</p> <p>(c) the availability of appropriate resources in the form of qualified staff ...</p>



(d) the objectivity of the inspection body vis-a-vis the operators subject to its inspection.  
**Comment/evaluation of differences:** Reference to Annex III that details minimum inspection requirements and precautionary measures under the inspection scheme. Annex III includes requirements the operator shall do and at the same time certification requirements applicable for inspection bodies.

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**Codex Guideline**

**Corresponding reference:** Section 6

**Relevant text:** 6.5 In order to attain approval as an officially recognized certification body or authority, the competent authority shall or its designate, when making its assessment should take into account the following:

- a) the standard inspection/certification procedures to be followed, including detailed description of the inspection measures and precautions which the body undertakes to impose on operators subject to inspections
- b) the penalties which the body intends to apply where irregularities and/or infringements are found
- c) the availability of appropriate resources in the form of qualified staff ...
- d) the objectivity of the body vis-a-vis the operators subject to inspection

...

6.7 Official and/or officially recognized certification bodies or authority referred to in paragraph 6.2 should:

- a) ensure that at least the inspection measures and precautions specified in Annex 3 are applied to undertakings subject to inspection and ....

**Comment/evaluation of differences:** Reference is made to Annex 3 which similar to Annex III of the EU regulation details requirements applicable for the operator as well as requirements the certification body should follow.

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**CATEGORY: Introduction**

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NOP

**Corresponding reference:** Introduction

**Relevant text:** This program establishes national standards for the production and handling of organically produced products, including a National List of substances approved for and prohibited from use in organic production and handling. This final rule establishes a national-level accreditation program to be administered by AMS for State officials and private persons who want to be accredited as certifying agents. Under the program, certifying agents will certify production and handling operations in compliance with the requirements of this regulation and initiate compliance actions to enforce program

requirements. The final rule includes requirements for labeling products as organic and containing organic ingredients. ...

**Comment/evaluation of differences:** Scope is limited to the NOP regulation; it includes the applicable production/handling requirements for operators, provides for certification requirements as well as the accreditation requirements applicable for certifying agents carrying out certification against NOP organic production and handling regulations. NOP herby is the most self-contained regulation; it does not make use or refers to any other existing standard or regulation.

**TOPIC/CATEGORY: Accreditation**

**NOP**

**Corresponding reference:** Subpart F, § 205.506 Granting accreditation

**Relevant text:** § 205.506 Granting accreditation. (a) Accreditation will be granted when: (1) The accreditation applicant has submitted the information required by §§ 205.503 through 205.505; (2) The accreditation applicant pays the required fee in accordance with § 205.640(c); and (3) The Administrator determines that the applicant for accreditation meets the requirements for accreditation as stated in § 205.501, as determined by a review of the information submitted in accordance with §§ 205.503 through 205.505 and, if necessary, a review of the information obtained from a site evaluation as provided for in § 205.508. (b) On making a determination to approve an application for accreditation, the Administrator will notify the applicant of the granting of accreditation in writing, stating: (1) The area(s) for which accreditation is given; (2) The effective date of the accreditation; (3) Any terms and conditions for the correction of minor noncompliances; and (4) For a certifying agent who is a private entity, the amount and type of security that must be established to protect the rights of production and handling operations certified by such certifying agent. (c) The accreditation of a certifying agent shall continue in effect until such time as the certifying agent fails to renew accreditation as provided in § 205.510(c), the certifying agent voluntarily ceases its certification activities, or accreditation is suspended or revoked pursuant to § 205.665.

**Comment/evaluation of differences:** Subpart F includes all applicable competence requirements for certifying agents and the applicable procedure for accreditation. §205.504, Evidence of expertise and ability covers typical competence requirements similar to some of the ISO 65 requirements. However as mentioned above, NOP is the most self-contained document compared with other requirements this applies to structure as well as to content and is therefore difficult to include in this comparison. This part even includes requirements applicable to the accreditor mentioned here as “administrator” or “Program Manager”.

**CATEGORY: Certification system**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 1.2

**Relevant text:** 1.2 The certification system used by the certification body may include one or more of the following, which could be coupled with production surveillance or assessment and surveillance of the supplier's quality system or both, as described in ISO/IEC Guide 53:

- a) type testing or examination;
- b) testing or inspection of samples taken from the market or from supplier's stock or from a combination of both,
- c) testing or inspection of every product or of a particular product, whether new or already in use;
- d) batch testing or inspection;
- e) design appraisal.

**Comment/evaluation of differences:** Measures listed in ISO are adapted to product certification systems; measures specific for process certification are lacking, e.g. chain of custody evaluation.

**IFOAM AC**

**Corresponding reference:** Introduction

**Relevant text:** The criteria have been based upon the requirements in ISO/IEC GUIDE 65:1996(E) "General requirements for bodies operating product certification systems". However, organic certification is certification of a process and not a product and this has required some adaptation. In addition, these criteria include specific requirements concerning issues confronted by a certification body operating within the organic sector.

**Comment/evaluation of differences:** IAC refers to ISO 65, however it specifies that organic certification evaluates the process and not just a product; it also refers to additional sector specific requirements.

Sampling and testing is mentioned as one of ten listed visit procedures of an inspection visit; certification bodies are required to have documented policies and procedures on residue testing, e.g. indicating the cases in which samples are taken (see IAC 6.3.3 and 6.4).

**CATEGORY: Inspection measures****EU Regulation****Corresponding reference:** Annex III**Relevant text:** 5. Full physical inspection at least once a year, ...

The inspection body or authority may take samples for testing of products not authorized under this regulation or for checking production techniques .... Samples may also be taken for detecting possible contamination by unauthorized products. However such analysis must be carried out where use of unauthorized products is suspected. ....

**Comment/evaluation of differences:** Inspection at least once a year. Taking samples for testing is considered an additional tool to verify compliance with the regulation; in case there is suspicion that unauthorized products have been used or there is a contamination.

**Codex Guideline****Corresponding reference:** Annex 3

**Relevant text:** 9. The official or officially recognized certification body or authority should ensure that a full physical inspection is undertaken, at least once a year, of the unit. .... Additional occasional unannounced visits should also be undertaken according to need or random.

**Comment/evaluation of differences:** Inspection at least once a year; introduction of additional unannounced visits.

**NOP****Corresponding reference:** subpart E certification § 205.403 On-site inspections

**Relevant text:** (a) ... An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles organic products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue.

(c) Verification of information ...

(3) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples.

**Comment/evaluation of differences:** Measures the certification agency shall take are referred to in § 205.403 On-site inspections; on-site inspections shall be conducted initially after application and later annually. Testing is mentioned as a additional measure to verify information; it is up to the certification agency to decide whether to take samples for testing in order to verify whether prohibited substances have been applied.

## ISO/IEC Guide 65:1996

**Corresponding reference:** 2

**Relevant text:** ISO 8402:1994, Quality management and quality assurance – Vocabulary.  
 ISO 10011-1:1990, Guidelines for auditing quality systems – Part 1: Auditing.  
 ISO/IEC Guide 2:1996, Standardization and related activities – General vocabulary.  
 ISO/IEC Guide 7:1994, Guidelines for drafting of standards suitable for use for conformity assessment.  
 ISO/IEC Guide 23:1982, Methods of indicating conformity with standards for third-party certification systems.  
 ISO/IEC Guide 25:1990, General requirements for the competence of calibration and testing laboratories.  
 ISO/IEC Guide 27:1983, Guidelines for corrective action to be taken by a certification body in the event of misuse of its mark of conformity.  
 ISO/IEC Guide 28:1982, General rules for a model third-party certification system for products.  
 ISO/IEC Guide 39:1988, General requirements for the acceptance of inspection bodies.  
 ISO/IEC Guide 53:1988, An approach to the utilization of a supplier’s quality system in third-party product certification.  
 ISO/IEC Guide 62:1996, General requirements for bodies operating assessment and certification registration of quality systems.

## IFOAM AC

**Corresponding reference:** Introduction

**Relevant text:** The criteria have been based upon the requirements in ISO/IEC GUIDE 65:1996(E) “General requirements for bodies operating product certification systems”. However, organic certification is certification of a process and not a product and this has required some adaptation. In addition, these criteria include specific requirements concerning issues confronted by a certification body operating within the organic sector.  
**Comment/evaluation of differences:** Reference to ISO 65; and Introduction of sector specific requirements above ISO: IAC make no reference to other ISO norms.

## ISO/IEC Guide 65:1996

**Corresponding reference:** 3. Definitions

**Relevant text:** 3. For the purposes of this Guide, the relevant definitions given in ISO/IEC Guide 2 and ISO 8402 apply, together with the following definition.

### **EU Regulation**

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**Corresponding reference:** Article 9, 11

**Relevant text:** ... approved inspection bodies must satisfy the requirements laid down in the conditions of standard EN 45011.

**Comment/evaluation of differences:** CBs are required to meet EN 45011 requirements.

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### **Codex Guideline**

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**Corresponding reference:** Section 6

**Relevant text:** 6.1 ... Development of these systems (inspection and certification systems) should take into account the Principles for Food Import and Export Inspection, the guideline for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems. (17) Footnote 17: also see other agreed international standards, e.g. ISO65.

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### **NOP**

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**Corresponding reference:** § 205.509 Peer review panel

**Relevant text:** The Administrator shall establish a peer review panel pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2 et seq.). The peer review panel shall be composed of not less than three members who shall annually evaluate the National Organic Program's adherence to the accreditation procedures in subpart F of these regulations and ISO/IEC Guide 61, General requirements for assessment and accreditation of certification/registration bodies, and the National Organic Program's accreditation decisions. ...

**Comment/evaluation of differences:** Reference is made to ISO 61, General Requirements for assessment and accreditation of certification/registration bodies applicable to accreditation bodies. Different to all other regulations there is no reference to ISO 65 as basis for the requirements that are applicable for certification agencies in terms of accreditation.

<b>TOPIC/Definitions</b>
<p><b>IFOAM AC</b></p> <hr/> <p><b>Corresponding reference:</b> Def.  <b>Relevant text:</b>  <b>Comment/evaluation of differences:</b> IAC includes its own list of definitions; definitions are either sector specific, equal to or amended ISO language.  List of definitions are not included in this table except for the following example.</p>
<p><b>ISO/IEC Guide 65:1996</b></p> <hr/> <p><b>Corresponding reference:</b> 3.1  <b>Relevant text:</b> Supplier: The party that is responsible for ensuring that products meet and, if applicable, continue to meet, the requirements on which the certification is based.</p>
<p><b>IFOAM AC</b></p> <hr/> <p><b>Corresponding reference:</b> Def  <b>Relevant text:</b> Operator: an individual or business enterprise, responsible for ensuring that production meets, and continues to meet, the requirements on which certification is based.  <b>Comment/evaluation of differences:</b> IAC uses different terminology compared with the ISO language.</p>
<p><b>EU Regulation</b></p> <hr/> <p><b>Corresponding reference:</b> Def., Article 4, 5  <b>Relevant text:</b> Operator' shall mean any natural or legal person who produces prepares or imports from a third country, with a view of the subsequent marketing thereof, products as referred to in article 1, or who markets such products.  <b>Comment/evaluation of differences:</b> List of definitions included in Article 4 of the EU Regulation does not include inspection or certification related terminology.</p>

## **Codex Guidelines**

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**Corresponding reference:** Def.

**Relevant text:** 2.2 Definitions

**Comment/evaluation of differences:** Terminology is similar to that used in the ISO Guide, in addition definitions are provided for, e.g. agricultural products and GMOs; definition of the term “inspection” provides clarification that in case of organic food inspection the “examination of the production and processing system” is included.

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## **NOP**

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**Corresponding reference:** Subpart A - Definitions

**Relevant text:** § 205.2 Terms defined.

Accreditation: A determination made by the Secretary that authorizes a private, foreign, or state entity to conduct certification activities as a certifying agent under this part

...

Certification or certified: A determination made by a certifying agent that a production or handling operation is in compliance with the Act and the regulations in this part, which is documented by a certificate of organic operation.

Certified operation: A crop or livestock production, wild-crop harvesting or handling operation, or portion of such operation that is certified by an accredited certifying agent as utilizing a system of organic production or handling as described by the Act and the regulations in this part.

...

**Comment/evaluation of differences:** NOP included a comprehensive list of definitions; this list also included accreditation/certification terminology. Definitions included must be seen in the context of NOP only and have no general meaning, e.g. see the definition of the term “Certification”.



<b>TOPIC: Certification body structure/competence</b>
<b>CATEGORY: Structure</b>
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<b>ISO/IEC Guide 65:1996</b>
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<b>Corresponding reference:</b> 4.1 General Provisions <b>Relevant text:</b> 4.1.1 The policies and procedures under which the certification body operates and their administration shall be non-discriminatory and shall be administered in a non-discriminatory manner. Procedures shall not be used to impede or inhibit access by applicants, other than as provided for in this Guide.
<hr/>
<b>IFOAM AC</b>
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<b>Corresponding reference:</b> 2.1 Non-Discrimination <b>Relevant text:</b> 2.1.1 The policies and procedures which govern the operation of the certification body shall be non-discriminatory. <b>Comment/evaluation of differences:</b> Identical to ISO
<hr/>
<b>EU Regulation</b>
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<b>Corresponding reference:</b> Article 9, 5. Objectivity <b>Relevant text:</b> 5. For the approval of a private inspection body, the following shall be taken into account: ... (d) the objectivity of the inspection body vis-a-vis the operators subject to its inspection. <b>Comment/evaluation of differences:</b> Does not add anything to the applicable ISO requirements.
<hr/>
<b>NOP</b>
<hr/>
<b>Corresponding reference:</b> § 205.501 (non discrimination) <b>Relevant text:</b> (d) No private or governmental entity accredited as a certifying agent under this subpart shall exclude from participation in or deny the benefits of the National Organic Program to any person due to discrimination because of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. <b>Comment/evaluation of differences:</b> Different in wording, but content is the same.

<b>CATEGORY: Access to service</b>
<b>ISO/IEC Guide 65:1996</b>
<p><b>Corresponding reference:</b> 4.1.2</p> <p><b>Relevant text:</b> 4.1.2 The certification body shall make its services accessible to all applicants whose activities fall within its declared field of operation. There shall not be undue financial or other conditions. Access shall not be conditional upon the size of the supplier or membership of any association or group, nor shall certification be conditional upon the number of certificates already issued.</p>
<b>CATEGORY: Access to service/ standardized fee structure</b>
<b>IFOAM AC</b>
<p><b>Corresponding reference:</b> 2.2 access to service</p> <p><b>Relevant text:</b> 2.2.1 The certification body shall make its services accessible for all applicants whose activities fall within its declared field of application. Certification requirements, inspections and decisions shall be confined to the scope of the certification being granted.</p> <p>2.2.2 Access to certification shall not be conditional upon the size of the supplier operator or membership of any association or group, nor shall certification be conditional upon the number of certificates already issued by the certification body.</p> <p>2.2.3 The fee structure shall be standardized and available on request.</p> <p><b>Comment/evaluation of differences:</b> Identical to ISO; IAC 2.2.3 (to have a standardized fee structure) is additional to ISO.</p>
<b>CATEGORY: Non discrimination</b>
<b>NOP</b>
<p><b>Corresponding reference:</b> § 205.501 non discrimination</p> <p><b>Relevant text:</b> § 205.501 General requirements for accreditation.</p> <p>(a) A private or governmental entity accredited as a certifying agent under this subpart must: ...</p> <p>(19) Accept all production or handling applications that fall within its area(s) of accreditation and certify all qualified applicants, to the extent of its administrative capacity to do so without regard to size or membership in any association or group.</p> <p><b>Comment/evaluation of differences:</b> Identical to ISO and equal to IAC adds the matter of a standardized fee structure.</p>

<p><b>CATEGORY: Fee structure</b></p>
<p><b>NOP</b></p>
<p><b>Corresponding reference:</b> § 205.501  <b>Relevant text:</b> § 205.501 General requirements for accreditation.          (a) A private or governmental entity accredited as a certifying agent under this subpart must:          ...          (16) Charge applicants for certification and certified production and handling operations only those fees and charges for certification activities that it has filed with the Administrator.  <b>Comment/evaluation of differences:</b> Requirements to fee structure is equal to IAC requirement regarding standardized fee structure.</p>
<p><b>CATEGORY: Scope of certification</b></p>
<p><b>ISO/IEC Guide 65:1996</b></p>
<p><b>Corresponding reference:</b> 4.1.3  <b>Relevant text:</b> The criteria against which the products of a supplier are evaluated shall be those outlined in specified standards. Requirements for standards suitable for this purpose are contained in ISO/IEC Guide 7. If explanation is required as to the application of these documents for a specific certification system, it shall be formulated by relevant and impartial committees or persons possessing the necessary technical competence, and published by the certification body.</p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 2.3. Certification Scope  <b>Relevant text:</b> 2.3.1 Organic certification shall be granted solely on the basis of a determination of an operation's conformity with specified published standards. These standards used by the certification body shall cover all production systems or product categories certified.</p>
<p><b>ISO/IEC Guide 65:1996</b></p>
<p><b>Corresponding reference:</b> 4.1.4  <b>Relevant text:</b> The certification body shall confine its requirements, evaluation and decision on certification to those matters specifically related to the scope of the certification being considered.</p>

<p>IFOAM AC</p> <hr/> <p><b>Corresponding reference:</b> 2.2 access to service  <b>Relevant text:</b> 2.2.1 The certification body shall make its services accessible for all applicants whose activities fall within its declared field of application. Certification requirements, inspections and decisions shall be confined to the scope of the certification being granted.</p>
<p><b>NOP</b></p> <hr/> <p><b>Corresponding reference:</b> § 205.501  <b>Relevant text:</b> § 205.501 General requirements for accreditation.          (a) A private or governmental entity accredited as a certifying agent under this subpart must:          ...          (3) Carry out the provisions of the Act and the regulations in this part, including the provisions of §§ 205.402 through 205.406 and § 205.670.  <b>Comment/evaluation of differences:</b> § 205.402 provides for requirements how the certification agent shall “review the application”; 403 covers “on site inspection”; 405, “denial of certification”; and 406, “continuation of certification”.          607, addresses conflict of interest provisions.          Reference is made to the applicable certification standards and procedures; in context of NOP regulation, requirements are equal to ISO and IAC.</p>
<p><b>CATEGORY: “Impartial” Organization</b></p>
<p><b>ISO/IEC Guide 65:1996</b></p> <hr/> <p><b>Corresponding reference:</b> 4.2 Organization  <b>Relevant text:</b> The structure of the certification body shall be such as to foster confidence in its certifications. In particular, the certification body shall ... (a-p follows).  <b>Comment/evaluation of differences:</b></p>
<p>IFOAM AC</p> <hr/> <p><b>Corresponding reference:</b> 1.1 General Requirements  <b>Relevant text:</b> 1.1.1 The certification body shall have a documented and effective structure and organization that fosters confidence in its certification.</p>

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**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.2 a)

**Relevant text:** Be impartial

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**IFOAM AC**

**Corresponding reference:** 1.3 Impartiality and Objectivity

**Relevant text:** 1.3.1 The certification body shall have structures and procedures to enable it to be free to operate without undue influence from vested interests.

1.3.2 The certification body shall be impartial. Inspection and certification shall be based on an objective assessment of relevant factors, following documented procedures.

**Corresponding reference:** 1.3.8 and 1.3.9

**Relevant text:** 1.3.8 Fee structures and other issues related to payment should not compromise objectivity.

1.3.9 The certification body or its personnel shall not accept a substantial gift or favour. The certification body shall establish a policy on what are/are not substantial gifts.

**Comment/evaluation of differences:** In addition to ISO, IAC specifically refers to fee structure and gifts as critical issues in order to safeguard objectivity and impartiality.

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**NOP**

**Corresponding reference:**

**Relevant text:** § 205.501 General requirements for accreditation. (a) A private or governmental entity accredited as a certifying agent under this subpart must:

...

(11) Prevent conflicts of interest by not permitting any employee, inspector, contractor, or other personnel to accept payment, gifts, or favors of any kind, other than prescribed fees, from any business inspected.

...

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**JAS**

**Corresponding reference:** note

**Relevant text:** Applicants for registration must not be under the control of producers, etc. of agricultural and forestry products related to the said application.

<p><b>CATEGORY: Responsibility</b></p>
<p><b>ISO/IEC Guide 65:1996</b></p>
<p><b>Corresponding reference:</b> 4.2 b)  <b>Relevant text:</b> Be responsible for decisions relating to its granting, maintaining, extending, suspending and withdrawing of certification.</p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 1.2 Responsibility  <b>Relevant text:</b> 1.2.1 The certification body shall take full responsibility for all activities operated or sub-contracted out and maintain its responsibility for granting, maintaining, extending, suspending or withdrawing certification.  1.2.2 The certification body shall not delegate authority for granting, maintaining, extending, suspending or withdrawing certification to an outside body or person.</p>
<p><b>CATEGORY: Competence</b></p>
<p><b>NOP</b></p>
<p><b>Corresponding reference:</b>  <b>Relevant text:</b> § 205.501 General requirements for accreditation  (a) A private or governmental entity accredited as a certifying agent under this subpart must:  (1) Have sufficient expertise in organic production or handling techniques to fully comply with and implement the terms and conditions of the organic certification program established under the Act and the regulations in this part;  (2) Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart;  (3) Carry out the provisions of the Act and the regulations in this part, including the provisions of §§ 205.402 through 205.406 and § 205.670;  <b>Comment/evaluation of differences:</b> Subcontracting is not mentioned, certifying agents are responsible to comply with all applicable NOP requirements; this includes implementation of certification including 404 “Granting certification”, 405 “denial of certification”, 406 “continuation of certification”.  However different to ISO and IAC, NOP is much more descriptive on how granting, denial, continuation of certification shall be carried out.</p>

**CATEGORY: Responsibility**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.2 c)

**Relevant text:** Identify the management (committee, group or person) which shall have overall responsibility for all of the following:

- 1) performance of testing, inspection, evaluation and certification as defined in this Guide
- 2) formulation of policy matters relating to the operation of the certification body
- 3) decisions on certification
- 4) supervision of the implementation of its policies
- 5) supervision of the finances of the body
- 6) delegation of authority to committees or individuals as required to undertake defined activities on its behalf
- 7) technical basis for granting certification

**CATEGORY: Responsibility**

**IFOAM AC**

**Corresponding reference:** 1.1 General Requirements

**Relevant text:** 1.1.3 The certification body shall identify the management (committee, group or person) which is responsible for all of the following:

- a. performance, inspection, evaluation and certification as defined in these criteria,
- b. formulation of policy matters relating to the operation of the certification body,
- c. decisions on certification,
- d. supervision of the implementation of its policies,
- e. supervision of the finances of the body,
- f. delegation of authority to committees or individuals as required to undertake defined activities on its behalf,
- g. technical basis for granting certification.

**CATEGORY: Responsibility and legal structure****NOP**

**Corresponding reference:** § 205.503 Applicant information

**Relevant text:** § 205.503 Applicant information. A private or governmental entity seeking accreditation as a certifying agent must submit the following information: (a) The business name, primary office location, mailing address, name of the person(s) responsible for the certifying agent's day-to-day operations, contact numbers (telephone, facsimile, and Internet address) of the applicant, and, for an applicant who is a private person, the entity's taxpayer identification number; ... (2) A private entity, documentation showing the entity's status and organizational purpose, such as articles of incorporation and by-laws or ownership or membership provisions, and its date of establishment.

**Comment/evaluation of differences:** Different to ISO and IAC, NOP explicitly requests the applicant certifying agent to identify the management responsible to manage and supervise certification related work and finances.

**CATEGORY: Legal structure****ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.2 d)

**Relevant text:** Have documents which demonstrate it is a legal entity.

**IFOAM AC**

**Corresponding reference:** 1.1 General Requirements

**Relevant text:** 1.1.2 The certification body shall have documents, which demonstrate that it is a legal entity.

**NOP**

**Corresponding reference:**

**Relevant text:** § 205.503 Applicant information.

A private or governmental entity seeking accreditation as a certifying agent must submit the following information:

...

(2) A private entity, documentation showing the entity's status and organizational purpose, such as articles of incorporation and by-laws or ownership or membership provisions, and its date of establishment.



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**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.2 e)

**Relevant text:** Have a documented structure which safeguards impartiality including provisions to ensure the impartiality of the operations of the certification body; this structure shall enable the participation of all parties significantly concerned in the development of policies and principles regarding the content and functioning of the certification system.

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**IFOAM AC**

**Corresponding reference:** 1.3 Impartiality and Objectivity, 1.3.1-1.3.3

**Relevant text:** 1.3.1 The certification body shall have structures and procedures to enable it to be free to operate without undue influence from vested interests.

1.3.2 The certification body shall be impartial. Inspection and certification shall be based on an objective assessment of relevant factors, following documented procedures.

1.3.3 The organizational structure of the certification body shall ensure that parties significantly affected by the certification system can participate in the development of its principles and policies

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**NOP**

**Corresponding reference:**

**Relevant text:**

**Comment/evaluation of differences:** Involvement of stakeholders is not required by NOP, on the contrary, conflict of interest requirements exclude any participation of stakeholders.

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**CATEGORY: Division of functions**

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**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.2 f)

**Relevant text:** Ensure that each decision on certification is taken by a person(s) different from those who carried out the evaluation.

**IFOAM AC**

**Corresponding reference:** Division of Function 1.3.10-1.3.11

**Relevant text:** 1.3.10 The certification body shall have clear division of the functions of the inspection, certification and appeals.

1.3.11 Persons responsible for a decision that is being appealed may not be involved in the decision on that appeal.

**Comment/evaluation of differences:** IAC requires that appeals are also subject to the division of function principle.

**NOP**

**Corresponding reference:** NOP

**Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must:

... (11) Prevent conflicts of interest by:

... (vi) Ensuring that the decision to certify an operation is made by a person different from those who conducted the review of documents and on-site inspection.

**Comment/evaluation of differences:** Separation of functions is the same; according to NOP appeals are not resolved by the certifying agent internally but by the administrator.

**CATEGORY: Rights and responsibilities to carry out certification****ISO/IEC Guide 65:2002**

**Corresponding reference:** 4.2 g)

**Relevant text:** Have rights and responsibilities relevant to its certification activities.

**IFOAM AC**

**Corresponding reference:** Operator Obligations 6.1.3

**Relevant text:** 6.1.3 The certification system shall be based on written agreements and clear responsibilities with all parties involved in the chain of production of a certified product.

**NOP**

**Corresponding reference:**

**Relevant text:** See subpart E Certification; includes operator obligations etc.

**Comment/evaluation of differences:** Rights and responsibilities regarding certification activities of parties involved (operator, certifying agent, administrator are part of the law.

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.2 h)

**Relevant text:** Have adequate arrangements to cover liabilities arising from its operations and/or activities.

**IFOAM AC**

**Corresponding reference:** 1.4 Resources, Financial and Personnel Resources

**Relevant text:** 1.4.1 The certification body shall have financial stability and personnel resources necessary for the effective operation of a certification system.

Guidance: Financial stability shall include provisions to cover liabilities in situations where there is a significant risk of being sued.

**Comment/evaluation of differences:** IAC requires liability arrangements only in situations where there is a significant risk of being sued. IAC specifically stresses personnel resources; however, there is no difference with ISO, see ISO 4.2.j

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.2 i)

**Relevant text:** ... have the financial stability and resources required for the operation of a certification system.

<b>CATEGORY: Financial stability</b>
<b>NOP</b>
<b>Corresponding reference:</b> Subpart F <b>Relevant text:</b> § 205.501 General requirements for accreditation. (c) A private entity accredited as a certifying agent must: (1) Hold the Secretary harmless for any failure on the part of the certifying agent to carry out the provisions of the Act and the regulations in this part; (2) Furnish reasonable security, in an amount and according to such terms as the Administrator may by regulation prescribe, for the purpose of protecting the rights of production and handling operations certified by such certifying agent under the Act and the regulations in this part. <b>Comment/evaluation of differences:</b> Comparable to IAC and ISO 65
<b>CATEGORY: Personnel resources</b>
<b>ISO/IEC Guide 65:1996</b>
<b>Corresponding reference:</b> 4.2 j) <b>Relevant text:</b> ...employ a sufficient number of personnel having the necessary education, training, technical knowledge and experience for performing certification functions relating to the type, range and volume of work performed, under a responsible senior executive.
<b>FOAM AC</b>
<b>Corresponding reference:</b> 1.4 Resources, Financial and Personnel Resources <b>Relevant text:</b> 1.4.2 The certification body personnel shall have the necessary education, training, technical knowledge and experience for performing functions relating to the type, range and volume of work performed.

## EU Regulation

**Corresponding reference:** Article 9, 5. ( c) (resources)

**Relevant text:** 5. For the approval of a private inspection body, the following shall be taken into account:

...

( c) the availability of appropriate resources in the form of qualified staff, administrative and technical facilities, inspection experience and reliability

**Comment/evaluation of differences:** Does not anything to the applicable ISO 65 requirements.

## NOP

**Corresponding reference:** Subpart F

**Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must:

... (4) Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part.

(5) Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.

**Comment/evaluation of differences:** Equal to ISO and IAC, NOP addresses “sufficient number” and expertise of personnel.

## CATEGORY: Quality system

### ISO/IEC Guide 65:1996

**Corresponding reference:** 4.2 k)

**Relevant text:** Have a quality system giving confidence in its ability to operate a certification system for products.

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## **IFOAM AC**

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**Corresponding reference:** 3.2 Quality system

**Relevant text:** 3.2.1 The certification body shall operate an effective quality system in accordance with the relevant elements of these criteria and appropriate for the type, range and volume of work performed. This quality system shall be documented and the documentation shall be available to, and understood by, the certification body personnel.

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## **NOP**

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**Corresponding reference:** Subpart F

**Relevant text:** § 205.504 Evidence of expertise and ability.

A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques; ....

(a) Personnel. (1) A copy of the applicant's policies and procedures for training, evaluating, and supervising personnel; ....

(b) Administrative policies and procedures. (1) A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates; ...

**Comment/evaluation of differences:** Although NOP does not use the terminology "Quality Policy", it requests certifiers to have all elements that constitute an effective Quality System; the requirement to constantly seek for quality improvement can be found under § 205.501 General requirements for accreditation, (a) (6) and (7), addressing performance review of personnel as well as programme review.

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## **ISO/IEC Guide 65:1996**

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**Corresponding reference:** 4.2 1)

**Relevant text:** Have policies and procedures that distinguish between product certification and any other activities in which the certification body is engaged.

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**IFOAM AC**

**Corresponding reference:** 1.3 Impartiality and Objectivity

**Relevant text:** 1.3.4 The certification body shall not provide any product or service which could compromise the confidentiality, objectivity or impartiality of its certification process, unless the product/service and certification programmes are clearly separated in a manner that ensures that such compromise cannot occur.

**Comment/evaluation of differences:** Compared with ISO there is no requirement for policies and procedures to distinguish between product certification and any other activities.

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**NOP**

**Corresponding reference:**

**Relevant text:** See § 205.501(a)(10) maintain confidentiality, (11); prevent conflict of interest.

**Comment/evaluation of differences:** Compared with ISO and IAC, NOP does not specifically address the situation that an certifying agency may be active in other business areas besides certification, although NOP clearly prohibits CBs to do consultancy service or to have any other commercial interests related to certified operations. However as long as conflict of interest requirements are met, certifying agents are free to be active in other areas, whereas ISO in any case requests clear policies and procedures to distinguish the activities.

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**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.2 m)

**Relevant text:** Together with its senior executive and staff, be free from any commercial, financial and other pressures which might influence the results of the certification process.

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**IFOAM AC**

**Corresponding reference:** 1. Structure Conflict of Interest of Individuals

**Relevant text:** 1.3.16 The certification body shall ensure that a declaration of interest is updated annually by all persons involved in certification, inspection and appeals as well as by the board. Such declarations shall be on file and take into account both direct and indirect interests. The certification body shall review the declarations and identify what constitutes a conflict.

1.3.17 All persons with a conflict of interest shall be excluded from work, discussion and decisions in all stages of the certification process related to the potential conflict. The exclusion of such persons should shall be recorded in minutes or other records.

**Comment/evaluation of differences:** IAC requires a declaration of all interests in the organic industry and in addition requests the CB to take the responsibility/decision on what constitutes a conflict.

Base on the requirement that people shall be excluded from work related to the potential conflict.

**CATEGORY: Conflict of interest provisions**

**NOP**

**Corresponding reference:**

**Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must:

(11) Prevent conflicts of interest by: (i) Not certifying a production or handling operation if the certifying agent or a responsibly connected party of such certifying agent has or has held a commercial interest in the production or handling operation, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;

(ii) Excluding any person, including contractors, with conflicts of interest from work, discussions, and decisions in all stages of the certification process and the monitoring of certified production or handling operations for all entities in which such person has or has held a commercial interest, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;

(iii) Not permitting any employee, inspector, contractor, or other personnel to accept payment, gifts, or favors of any kind, other than prescribed fees, from any business inspected, except, that, a certifying agent that is a not-for-profit organization with an Internal Revenue Code tax exemption or, in the case of a foreign certifying agent, a comparable recognition of not-for-profit status from its government, may accept voluntary labor from certified operations;

(iv) Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification;

(v) Requiring all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report;

**Comment/evaluation of differences:** Conflict of interest requirements are more restrictive compared with ISO and IAC as it excludes the certification of any operation to which the certification agency or connected party has or has held interest whereas IAC excludes those concerned from being involved in the respective certification decision.



**CATEGORY: Balance of interest/ stakeholder participation**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.2 n)

**Relevant text:** Have formal rules and structures for the appointment and operation of any committees which are involved in the certification process. Such committees shall be free from any commercial financial and other pressures that might influence decisions; a structure where members are chosen to provide a balance of interests where no single interest predominates will be deemed to satisfy this provision.

**IFOAM AC**

**Corresponding reference:** 1.2 Responsibility

**Relevant text:** 1.2.4 The Governing Board shall remain responsible for certification decisions but may delegate authority for taking certification decisions to one or more certification committees.

1.2.5 Where decisions are delegated to individual certification officers, the certification body shall have reporting and review procedures that enable the Governing Board or the certification committee to exercise control over and responsibility for such decisions.

1.2.6 Committees shall have clear responsibilities and rules of procedures.

1.3.7 The body making or ratifying certification decisions shall be free from any commercial, financial and other pressure that might influence decisions; Guidance: A structure where members are chosen to provide a balance of diverse stakeholder interests and where no single interest predominates shall be deemed to satisfy this provision. Such diversity shall include that at least one general interest is represented such as consumers, scientists or environmentalists.

**Comment/evaluation of differences:** IAC specifically stresses oversight over certification officers which is not addressed by ISO.

ISO refers to “balance of interests” whereas IAC in its guidance to 1.3.7 refers to “balance of diverse stakeholder interests” and requires the inclusion of at least “one general interest” such as consumers, scientists or environmentalist.

The inclusion of interest from outside the organic industry is additional to ISO.

**NOP****Corresponding reference:**

**Relevant text:** §205.504 Evidence of expertise and ability, mentions that the possible existence of a “certification review and evaluation committee”.

**Comment/evaluation of differences:** There are no requirements on how committee members involved in the certification process shall be composed; the stakeholder participation concept, which exists in ISO and IAC, is not addressed. NOP even excludes participation of the main stakeholder (certified operators) by applying NOP conflict of interest provisions (see 205.501 (11)).

**ISO/IEC Guide 65:1996****Corresponding reference:** 4.2 o)

**Relevant text:** Ensure that activities of related bodies do not affect the confidentiality, objectivity and impartiality of its certifications, and it shall not

- 1) supply or design products of the type it certifies.
- 2) give advice or provide consultancy services to the applicant as to methods of dealing with matters which are barriers to the certification requested.
- 3) provide any other products or services which could compromise the confidentiality, objectivity or impartiality of its certification process and decisions.

**IFOAM AC****Corresponding reference:** 1.3 Impartiality and Objectivity

**Relevant text:** 1.3.4 The certification body shall not provide any product or service which could compromise the confidentiality, objectivity or impartiality of its certification process and decision making, unless these product/service and certification programs are clearly separated in a manner that ensures that such compromise cannot occur.

1.3.5 The certification body shall not engage in the marketing of certified products or promotion of individual products and shall have a policy and an appropriate procedure for responding to product inquiries from the trade or consumers. This shall ensure an equal treatment for all certified operators. The certification body shall not solicit individual application based on the needs of individual buyers.

1.3.6 Certification bodies shall ensure that activities of related bodies do not affect the confidentiality, objectivity and impartiality of its certifications.

**Comment/evaluation of differences:** IAC 1.3.5 is additional to ISO; ISO excludes supply or design of products whereas IAC in addition refers to marketing; IAC is more detailed and also covers the response of certifiers to inquiries about certified products.

**CATEGORY: Consulting and advising****IFOAM AC****Corresponding reference:** 1.3.12 - 1.3.15**Relevant text:** 1.3.12 Certification bodies shall not provide consultancy services to operators.

1.3.13 Pre-assessment of production performed by a certification body to identify areas of nonconformity shall not include advice on how to overcome these non-conformities.

1.3.14 Specific advice to operators shall be limited to explanations of the standards or certification requirements. This information shall not be offered for additional fees and shall not prescribe solutions.

1.3.15 Certification bodies may provide general information for additional fees, provided that this service shall be offered to all certified operators in a non-discriminatory manner.

**Comment/evaluation of differences:** Compare with ISO 4.2o 2:

IAC (1.3.12) is additional as it prohibits all consultancy directed to operators whereas ISO prohibition is restricted to consultation on overcoming barriers to certification; however IAC allows explanations of the standards or certification requirements to be provided, see 1.3.15

IAC 1.3.13 introduces the term “pre-assessment” (not addressed by ISO); CBs may conduct pre-assessment provided pre-assessment does not include advice on how to overcome identified non-conformities.

IAC 1.3.14 is not addressed by ISO dealing with matters that are acceptable and not considered as advice to overcome certification barriers (to provide explanation of standards or certification requirements is acceptable).

**NOP****Corresponding reference:****Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must:

(11) Prevent conflicts of interest by: ...

(iv) Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification.

**Comment/evaluation of differences:** NOP prohibits advice or consultancy service to prevent conflict of interest situations. Comparable with ISO NOP also specifies the manner of prohibited consultancy as advice on how to overcome identified barriers to certification.

IAC is most restrictive, clarifying that explanations on standards and certification procedures are the only acceptable advice a CB may give.

**ISO/IEC Guide 65:1996****Corresponding reference:** 4.2 p)**Relevant text:** Have policies and procedures for the resolution of complaints, appeals and disputes received from suppliers or other parties about the handling of certification or any other related matters.**IFOAM AC****Corresponding reference:** 3.5 Complaints**Relevant text:** 3.5.1 The certification body shall have procedures for consideration of complaints brought by operators or third parties concerning its own performance or concerning the compliance of certified operators with the standards.

3.5.2 Complaints shall be dealt with in a timely and efficient manner.

3.5.3 When a complaint is resolved, a documented resolution shall be made. The complainant shall be informed of the general outcome of the complaint in a way which does not prejudice the confidentiality of the party concerned.

**Comment/evaluation of differences:** For appeals see IAC 7.8; Appeals are “against certification decisions”. Complaints are related to CBs or operators performance.

IAC is similar to ISO distinguishing between appeals and complaints and detailing the content of the requested procedures.

**NOP****Corresponding reference:****Relevant text:** § 205.663 Mediation. Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent.

§ 205.681 Appeals.

(a) Certification appeals. An applicant for certification may appeal a certifying agent’s notice of denial of certification, and a certified operation may appeal a certifying agent’s notification of proposed suspension or revocation of certification to the Administrator, Except, That, when the applicant or certified operation is subject to an approved State organic program the appeal must be made to the State organic program which will carry out the appeal pursuant to the State organic program’s appeal procedures approved by the Secretary.

**Comment/evaluation of differences:** NOP does not include requirements on how to deal with complaints (other than appeals regarding certification decisions).

Appeals are dealt with through mediation involving a qualified mediator mutually agreed

on; if mediation is not accepted operators have the right to appeal decisions directly to the administrator.

NOP does not require certifying agents to have policies and procedures for the resolution of appeals; the procedure for mediation and appeals are outlined as part of the NOP to be followed by operators and certifying agents.

NOP does not cover how disputes other than appeals are dealt with.

**CATEGORY: Operations**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.3

**Relevant text:** 4.3 The certification body shall take all steps necessary to evaluate conformance with the relevant product standards according to the requirements of specific product certification system (see clause 3). The certification body shall specify the relevant standards or parts thereof and any other requirements such as sampling, testing and inspection requirements which form the basis for the applicable certification system. In conducting its certification operations, the certification body shall observe, as appropriate, the requirements for the suitability and competence of body(ies) or person(s) carrying out testing, inspection and certification/registration as specified in ISO/IEC Guides 25, 39 and 62.

**CATEGORY: Visit procedures**

**IFOAM AC**

**Corresponding reference:** 6.3.1

**Relevant text:** 6.3.1 The organic management system of the operator shall be evaluated against the standards and certification requirements.

**Comment/evaluation of differences:** ISO focus on testing; whereas IAC 6.3 focus on “visit procedures”; testing is only additional in case of suspicion of non conformity (see IAC 6.3 visit procedures and 6.4 sampling procedures sector specific based on the process certification approach of organic).

**NOP**

**Corresponding reference:**

**Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart

must:

(3) Carry out the provisions of the Act and the regulations in this part, including the provisions of §§ 205.402 (review of application; on site inspection including testing; granting certification, denial of certification, continuation of certification) through 205.406 and § 205.670 (conflict of interests).

**Comment/evaluation of differences:** NOP refers to standards, requirements and procedures outlined in NOP; testing is additional.

## TOPIC: Subcontracting work

### CATEGORY: Subcontracting

#### ISO/IEC Guide 65:1996

**Corresponding reference:** 4.4. Subcontracting

**Relevant text:** 4.4 When a certification body decides to subcontract work related to certification (e.g. testing or inspection) to an external body or person, a properly documented agreement covering the arrangements including confidentiality and conflict of interest shall be drawn up. The certification body shall:

4.4 a) take full responsibility for such subcontracted work and maintain its responsibility for granting, maintaining, extending, suspending or withdrawing certification.

4.4 b) ensure that the subcontracted body or person is competent and complies with the applicable provisions of this Guide and other standards and guides relevant to testing, inspection or other technical activities (see clause 2), and is not involved either directly or through the person's employer with the design or production of the product in such a way that impartiality would be compromised.

**Comment/evaluation of differences:** see IAC 1.4.11;1.4.12

**Relevant text:** 4.4 c) obtain the applicant's consent.

**Comment/evaluation of differences:** ISO requirement to obtain applicants consent is not included in IAC.

**Relevant text:** 4.4 c) ...

#### NOTES

2 Where work related to certification has been undertaken prior to the application for certification, the body may take account of it, provided it can take responsibility as detailed in 4.4 a) and satisfy itself regarding the matters detailed in 4.4 b)

3 The requirements given in 4.4 a) and b) are also relevant, by extension, when a certification body uses, for granting its own certification, work performed by another certification body with which it has signed an agreement.

**IFOAM AC**

**Corresponding reference:** Subcontractors 1.4.12

**Relevant text:** 1.4.12 When a certification body subcontracts work related to certification to an external body, or person, an agreement covering the arrangements shall be drawn up. This shall include the requirement to comply with all relevant aspects of these criteria.

**Corresponding reference:** 1.2 Responsibility

**Relevant text:** 1.2.1 The certification body shall take full responsibility for all activities operated or sub-contracted out and maintain its responsibility for granting, maintaining, extending, suspending or withdrawing certification.

**Corresponding reference:** Subcontractors 1.4.11

**Relevant text:** 1.4.11 The integrity, competence and transparency of any subcontracted components of the certification system remain the responsibility of the certification body.

**NOP**

**Corresponding reference:**

**Relevant text:** Not addressed, although conflict of interest provisions apply for “contractors” as well.

**Comment/evaluation of differences:** There are no specific requirements dealing with subcontracting work.

**Comment/evaluation of differences:** Not addressed by ISO, to compare with see ISO notes 4.4, 2 and 3.

**CATEGORY: Certification scope and chain of custody**

**IFOAM AC**

**Corresponding reference:** Certification scope and chain of custody 2.3.2

**Relevant text:** 2.3.2 The certification body shall not issue any license to use its certification mark on or issue any certificate for any product unless it is assured of the chain of custody of the product. Where steps in the production chain have been certified by other certification bodies, the criteria in section 9 shall be applied.

**Comment/evaluation of differences:** Section 9 deals with “Acceptance of Prior Certification” and generally distinguishes between two ways of acceptance:

- based on recognition of a certification programme, and
- based on document review

The requirements are above ISO and consider the fact that CBs certify against differing organic standards and different competence requirements.

The aim is to safeguard that ingredients and products (whole product chain) comply with the requirements applicable. It should be noted that these mechanism are applied differently in regulatory vs. voluntary systems.

**Corresponding reference:** 2.3.3, 2.3.4, 2.3.5

**Relevant text:** 2.3.3 Any entity in the chain of custody that has produced, processed, or packaged or affixed a label referring to the organic production method to a product an organic product shall have been certified. Contracted production (see below) shall have been inspected.

2.3.4 Certification bodies shall conduct a risk assessment to determine the necessity for, or frequency of, inspection of all storage facilities including port facilities. Where this reveals a need for inspection to protect organic integrity, inspection shall be done.

2.3.5 The certification body shall require that the party owning the product at the point of transport be responsible for maintaining the organic integrity in the transport process, unless transport operations are certified in their own capacity.

**Comment/evaluation of differences:** Not addressed by ISO.

#### **CATEGORY: Product chain**

#### **EU Regulation**

**Corresponding reference:** Annex III, 1

**Relevant text:** 1. Minimum inspection requirements. The inspection requirements of this annex shall apply without prejudice of the measures adopted by the Member States necessary to ensure traceability of the products, as referred to in article 9(12) (a) and (c), during the entire production chain, and to ensure that the provisions of this Regulation are satisfied.

**Comment/evaluation of differences:** Clarification that the inspection system is applicable to the entire production chain; not addressed by ISO as already mentioned (see comment on IAC 2.3.3-2.3.5 above).

#### **NOP**

**Corresponding reference:** Subpart B Applicability

**Relevant text:** Subpart B - Applicability

§ 205.100 What has to be certified.

(a) Except for operations exempt or excluded in § 205.101, each production or handling operation or specified portion of a production or handling operation that produces or handles crops, livestock, livestock products, or other agricultural products that are intended



to be sold, labelled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be certified according to the provisions of subpart E of this part and must meet all other applicable requirements of this part.

**Comment/evaluation of differences:** NOP does not address specifically that the entire production chain shall be under surveillance of the certification system; reference is made only related to applicability of the regulation stating that each production or handling operation must be certified, there are no further requirements to safeguard that each stage in the chain is certified.

**CATEGORY: Certification scope and contracted production and processing requirements**

#### IFOAM AC

**Corresponding reference:** 2.3.6-2.3.8

**Relevant text:** 2.3.6 The certification body shall have policies and procedures for regulating contracted production or processing, where the contracted party is not required to be certified in their own right. A certification body may not issue a certificate of any type to the contracted operator.

2.3.7 The policy shall prescribe the circumstances where the contracted party is not required to be certified. This shall preclude the contracted party from marketing certified products and require the raw materials supply, and the sales to be under the control of the certified licensee. This shall normally mean that the contracted party does not take title of the product.

2.3.8 The contracted party shall be inspected by the certification body before the use of the contracted product or service. Subsequent inspections shall be made annually or at a frequency determined on a case by case basis providing that the certification body documents the reasons for the reduced frequency.

**Comment/evaluation of differences:** IAC contracted production and processing requirements are not addressed by ISO.

**Corresponding reference:** 2.3.9-2.3.11

**Relevant text:** 2.3.9 The certification body shall require that the certified operator shall be held fully responsible for the contracted production or processing and be subject to sanctions in the event of noncompliance of the contracted parties.

2.3.10 The certification body shall require that the contracted party have a contractual relationship with the certification body that includes clauses regarding compliance to the standards, obligation to provide information, and access to the certification body. This may either be achieved through a direct contract between the parties or by an agreement between the operator and the contracted party in which the contracted party binds itself directly to the certification body.

2.3.11 The certification body shall require that each contracted party owns and understands the current version of the applicable standards and a general description of the certification programme.

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**EU Regulation**

**Relevant text:** Not addressed.

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**NOP**

**Relevant text:** Not addressed.

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**TOPIC: Quality system and respective documentation**

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**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.5 Quality System

**Relevant text:**

4.5.1 The management of the certification body having executive responsibility for quality shall define and document its policy for quality and its objectives for, and commitment to, quality. The management shall ensure that this policy is understood, implemented and maintained at all levels of the organization.

4.5.2 The certification body shall operate an effective quality system in accordance with the relevant elements of this Guide and appropriate for the type, range and volume of work performed. This quality system shall be documented and the documentation shall be available for use by the certification body staff.

The certification body shall ensure effective implementation of the documented quality system, procedures and instructions.

The certification body shall designate a person having direct access to its highest executive level who, irrespective of other responsibilities, shall have defined authority for:

a) ensuring that a quality system is established, implemented and maintained in accordance with this Guide, and

b) reporting on the performance of the quality system to the body's management for review and as a basis for improvement of the quality system.

4.5.3 The quality system shall be documented in a quality manual and associated quality procedures, and the manual shall contain or refer to at least the following:

a) a quality policy statement;

b) a brief description of the legal status of the certification body, including the names of its owners and, if different, names of the persons who control it;

- c) the names, qualifications, experience and terms of reference of the senior executive and other certification personnel, both internal and external;
- d) an organization chart showing lines of authority, responsibility and allocation of functions stemming from the senior executive;
- e) a description of the organization of the certification body, including details of the management (committee, group or person) identified in 4.2 c), its constitution, terms of reference and rules of procedure;
- f) the policy and procedures for conducting management reviews.
- g) administrative procedures including document control;
- h) the operational and functional duties and services pertaining to quality, so that the extent and limits of each person's responsibility are known to all concerned;
- i) the procedure for the recruitment, selection and training of certification body personnel and monitoring of their performance;
- j) a list of its approved subcontractors and the procedures for assessing, recording and monitoring their competence;
- k) its procedures for handling nonconformities and for assuring the effectiveness of any corrective and preventive actions taken;
- l) the procedures for evaluating products and implementing the certification process, including 1) the conditions for issue, retention and withdrawal of certification documents, and 2) controls over the use and application of documents employed in the certification of products;
- m) the policy and procedure for dealing with appeals, complaints and disputes;
- n) its procedures for conducting internal audits, based on the provisions of ISO 1 001 1 -1.

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## IFOAM AC

**Corresponding reference:** 3. Quality System for Certification

**Corresponding reference:** 3.1 Quality Policy

**Relevant text:** 3.1.1 The certification body shall document its objectives for and commitment to quality in a quality policy. The management shall ensure that this policy is understood, implemented and maintained.

**Corresponding reference:** 3.2 Quality System

**Relevant text:** 3.2.1 The certification body shall operate an effective quality system in accordance with the relevant elements of these criteria and appropriate for the type, range and volume of work performed. This quality system shall be documented and the documentation shall be available to, and understood by, the certification body personnel.

**Comment/evaluation of differences:** Deviation from ISO 65, IAC does not specify that there shall be a designated "Quality Manager" with defined authority to ensure implementation of the quality system (ISO 4.5.2 a-b).

**Corresponding reference:** 7.1.4

**Relevant text:** 7.1.4 The certification body shall execute its certification activities in compliance with all its stated procedures and standards.

**Corresponding reference:** 3.3 Quality documentation

**Relevant text:** 3.3.1 The quality documentation shall include at least the following:

- a) a brief description of the legal status of the certification body;  
Guidance: The description shall include the names of its owners and, if different, names of the persons who control it;
- b) the names, qualifications, experience and terms of reference of the Governing Board, senior executive and other certification personnel, both internal and external;
- c) an organization chart showing lines of authority, responsibility and allocation of functions stemming from the senior executive;
- d) a description of the organization of the certification body, including details of the management (committee, group or person) identified in 1.1.3;
- e) the policy and procedures for conducting management reviews;
- f) administrative procedures including document control;
- g) the operational and functional duties and services, so that the extent and limits of each person's responsibility are known to all concerned;
- h) the procedure for the recruitment and training of certification body personnel and monitoring of their performance;
- i) a list of its approved subcontractors and the procedures for assessing, recording and monitoring their competence;
- j) its procedures for handling nonconformities and for assuring the effectiveness of any corrective and preventive actions taken;
- k) the procedures for evaluating products and implementing the certification process, including the conditions for issue, retention and withdrawal of certification documents, and the controls over the use and application of documents employed in the certification of products;
- l) the policy and procedure for dealing with appeals and complaints.

**Comment/evaluation of differences:** Deviating from ISO, IAC lacks the requirement to compile a quality manual. IAC does not require the inclusion of quality documentation, a quality policy statement and procedures for conducting internal audits; although chapter 3.4 of IAC specify requirements for internal audits that are equal to ISO 65 requirements concerning internal audits (ISO 4.7).

<p><b>CATEGORY: Training</b></p>
<p><b>IFOAM AC</b></p> <p><b>Corresponding reference:</b> 1.4.9, 1.4.10  <b>Relevant text:</b> 1.4.9 The certification body shall have a documented training policy, including initial and ongoing training, for all personnel, including contracted inspectors, and committee members, that is sufficient to ensure continued competence.  1.4.10 The certification body shall ensure that before undertaking inspection, new inspectors have at least successfully completed a training course in inspection of organic operations and undergone a defined on-site apprenticeship period.  <b>Comment/evaluation of differences:</b> Compare with ISO 4.5.3i; IAC is more specific requiring both initial and ongoing training; requirement for onsite apprenticeship period not addressed by ISO.</p>
<p><b>EU Regulation</b></p> <p><b>Corresponding reference:</b>  <b>Relevant text:</b> EN 45011/ISO 65 requirements fully apply.  <b>Comment/evaluation of differences:</b> See the differences identified between ISO and IAC.</p>
<p><b>NOP</b></p> <p><b>Corresponding reference:</b>  <b>Relevant text:</b> See ISO 4.5.1 and 4.5.2  <b>Comment/evaluation of differences:</b> NOP regulation does not adhere to the quality system concept and documentation as required according to ISO 65; the general requirement to run the programme based on a documented quality policy with documented policies and procedures is lacking. This also applies to the requirement to ensure effective implementation of the system, e.g. appointment of a quality system manager, etc. However certain Quality System documents listed in ISO 65 and IAC are also listed under subpart F §205.501 General requirements for accreditation and § 205.502 Applying for accreditation; Differing from ISO and IAC, NOP has already included several procedural instructions (e.g. §205.405 Denial of certification). ISO and IAC require the certification body to develop.  <b>Corresponding reference:</b> § 205.503 Applicant information  <b>Relevant text:</b> A private or governmental entity seeking accreditation as a certifying agent must submit the following information:  (d) The type of entity the applicant is, e.g. government agricultural office, for-profit business, not-for-profit membership association, and for:</p>

- (1) A governmental entity, a copy of the official's authority to conduct certification activities under the Act and the regulations in this part,
- (2) A private entity, documentation showing the entity's status and organizational purpose, such as articles of incorporation and by-laws or ownership or membership provisions, and its date of establishment.

**Comment/evaluation of differences:** Compare with ISO 4.5.3: NOP lacks the requirement for a Quality Policy.

**Corresponding reference:** § 205.504 Evidence of expertise and ability

**Relevant text:** (a) Personnel.

- (1) A copy of the applicant's policies and procedures for training, evaluating, and supervising personnel;
- (2) The name and position description of all personnel to be used in the certification operation, including administrative staff, certification inspectors, members of any certification review and evaluation committees, contractors, and all parties responsibly connected to the certifying agent;
- (3) A description of the qualifications, including experience, training, and education in agriculture, organic production, and organic handling, for:
  - (i) Each inspector to be used by the applicant and
  - (ii) Each person to be designated by the applicant to review or evaluate applications for certification; and
- (4) A description of any training that the applicant has provided or intends to provide to personnel to ensure that they comply with and implement the requirements of the Act and the regulations in this part.

**Comment/evaluation of differences:** Compare with ISO 4.4.3 c) h) and i)

Different to ISO NOP does not require a procedure for recruitment and selection of certification personnel; description of the organization/ organizational chart as requested in detail according to ISO 4.5.3 d) and e) is not mentioned in NOP

**Corresponding reference:** § 205.501 General requirements for accreditation

**Relevant text:** (a) A private or governmental entity accredited as a certifying agent under this subpart must: (6) Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services; (7) Have an annual program review of its certification activities conducted by the certifying agent's staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation.

**Comment/evaluation of differences:** Compare with ISO 4.5.3 f and n, Internal audit and management review; can be considered as equal.

**Corresponding reference:** § 205.504 Evidence of expertise and ability.

**Relevant text:** A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information ...

(b) Administrative policies and procedures.

(1) A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates;

(2) A copy of the procedures to be used for reviewing and investigating certified operation compliance with the Act and the regulations in this part and the reporting of violations of the Act and the regulations in this part to the Administrator;

(3) A copy of the procedures to be used for complying with the record-keeping requirements set forth in § 205.501(a)(9);

(4) A copy of the procedures to be used for maintaining the confidentiality of any business-related information as set forth in § 205.501(a)(10);

(5) A copy of the procedures to be used, including any fees to be assessed, for making the following information available to any member of the public upon request:

**Comment/evaluation of differences:** Compare with ISO 4.5.3 g) administrative procedures including document control as well as k) procedures regarding non-conformities and l) procedures for evaluating products and implementing the certification process; regarding ISO 4.5.3 k) see also NOP § 205.405 Denial of Certification; paragraph outlines the procedures to be followed by the certifying agents in case of non-compliances.

**Corresponding reference:**

**Relevant text:** See ISO 4.5.3 j)

**Comment/evaluation of differences:** NOP does not address ISO requirement 4.5.5 j) regarding sub-contractors (list of sub-contractors, procedure for assessing, recording and monitoring their competence).

**Corresponding reference:**

**Relevant text:** See ISO 4.5.3 m)

**Comment/evaluation of differences:** The requirement that a certifier shall have a policy and procedures on how to deal with with appeals and disputes is not included in NOP, however see § 205.663 Mediation and 205.405 Denial of certification applicable for certifying agents. Different to ISO and IAC, which require CBs to develop their own policies and procedures, NOP has included with this paragraph the applicable appeals procedure.

Complaints are mentioned under § 205.661 Investigation of certified operations.

**CATEGORY: 4.6 Conditions and procedures for granting, maintaining, extending, suspending and withdrawing certification**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.6.1

**Relevant text:** The certification body shall specify the conditions for granting, maintaining and extending certification and the conditions under which certification may be suspended or withdrawn, partially or in total.

**Corresponding reference:** 4.6.2

**Relevant text:** The certification body shall have procedures to

- a) grant, maintain, withdraw and, if applicable, suspend certification.
- b) extend or reduce the scope of certification.
- c) re-evaluate, in the event of changes significantly affecting the product's design or specification, or changes in the standards to which compliance of the product is certified, or changes in the ownership, structure or management of the supplier, if relevant, or in the case of any other information indicating that the product may no longer comply with the requirements of the certification system.

**IFOAM AC**

**Corresponding reference:** 7. Certification Procedures 7.1 General Requirements

**Relevant text:** 7.1.2 The certification body shall specify contractual requirements under which it grants, and the procedures for granting certification.

**Corresponding reference:**

**Relevant text:** 7.1.3 The certification body shall have procedures to

- a. grant, maintain, withdraw and, if practiced, suspend certification.
- b. extend or reduce the scope of certification.
- c. re-evaluate the operation.

**CATEGORY: Sanctions**

**IFOAM AC**

**Corresponding reference:** 7.7 Sanctions

**Relevant text:** 7.7.1 The certification body shall have a documented range of sanctions including measures to deal with minor non-conformities with the standards.

7.7.2 Documented procedures for imposing sanctions shall be in place. 7.7.3 Where a



non-conformity that affects organic integrity is found, the certification body shall require that the certification mark or any other indication of the certification is removed from the entire production run or product affected by the non-conformity concerned.

7.7.4 Where a serious non-conformity is made by the operator, the certification body shall withdraw certification from the operator for a specified period.

7.7.5 The certification body shall have procedures for immediate suspension of certification in cases where the inspector detects manifest non-conformities or fraudulent activity.

7.7.6 The reasons for sanctions shall be provided to the operator.

**Comment/evaluation of differences:** The IAC requirement 7.7.1 to have a “documented range of sanctions” and (7.7.2) “documented procedures” for imposing sanctions is not addressed by ISO, which requires procedure for suspension (if applicable) and withdrawal only; same applies for IAC 7.7.6; IAC 7.3.3 establishes the condition under which removal of CBs mark is required (in case organic integrity is affected); whereas ISO leaves it open and requires the CB to specify the conditions; can be considered as sector specific requirement; same applies for 7.7.4 .IAC 7.7.5 relates to emergency withdrawal due to potential fraud, which is not addressed by ISO 65.

**CATEGORY: Inspection system**

**EU Regulation**

**Corresponding reference:** Article 9, 3.

**Relevant text:** 3. The inspection system shall comprise at least the application of the precautionary and inspection measures specified in Annex III.

**Corresponding reference:** Article 9, 5.

**Relevant text:** 5. For the approval of a private inspection body, the following shall be taken into account:

- (a) the standard inspection procedure to be followed, containing a detailed description of the inspection measures and precautions which the body undertakes to impose on operators subject to its inspection.
- (b) the penalties which the body intends to apply where irregularities and/or infringements are found.
- (c) the availability of appropriate resources in the form of qualified staff, administrative and technical facilities, inspection experience and reliability.
- (d) the objectivity of the inspection body vis-a-vis the operators subject to its inspection.

**NOP**

**Corresponding reference:** §205.504

**Relevant text:** §205.504 Evidence of expertise and ability

A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques ...

(b) Administrative policies and procedures. (1) A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates;

(2) A copy of the procedures to be used for reviewing and investigating certified operation compliance with the Act and the regulations in this part and the reporting of violations of the Act and the regulations in this part to the Administrator

...

and procedures provided in Subpart E, 205.404 Granting certification, § 205.405 Denial of certification; 205.406 Continuation of Certification.

**Comment/evaluation of differences:** Compared with ISO, NOP does not require CBs to specify the conditions for suspension or withdrawal; NOP itself outlines the procedure under § 205.662 Noncompliance procedure for certified operations.

NOP only mentions that the CB is entitled to issue corrective actions in case of non-compliances, followed by approval or denial of certification. The differentiation between non-conformities affecting organic integrity and minor non-conformities, which can be found in IAC, is not made; same applies for specifying a range of sanctions.

Taking immediate action in case of serious fraudulent situation addressed in IAC 7.7.5; is not addressed by NOP.

**Corresponding reference:** §205.404

**Relevant text:** § 205.404 Granting certification.

(a) Within a reasonable time after completion of the initial on-site inspection, a certifying agent must review the on-site inspection report, the results of any analyses for substances conducted, and any additional information requested from or supplied by the applicant. If the certifying agent determines that the organic system plan and all procedures and activities of the applicant's operation are in compliance with the requirements of this part and that the applicant is able to conduct operations in accordance with the plan, the agent shall grant certification. The certification may include requirements for the correction of minor noncompliances within a specified time period as a condition of continued certification.

**Corresponding reference:** § 205.662

**Relevant text:** § 205.662 Noncompliance procedure for certified operations.

(a) Notification. When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any non-compliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide:

(1) A description of each noncompliance;

...

**Comment/evaluation of differences:** NOP provides for the applicable procedure.

**TOPIC: Internal Audit**

**CATEGORY: 4.7 Internal audits and management review**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 4.7.1

**Relevant text:** 4.7.1 The certification body shall conduct periodic internal audits covering all procedures in a planned and systematic manner, to verify that the quality system is implemented and is effective.

The certification body shall ensure that

- a) personnel responsible for the area audited are informed of the outcome of the audit
- b) corrective action is taken in a timely and appropriate manner; and
- c) the results of the audit are documented.

**Corresponding reference:** 4.7.2

**Relevant text:** 4.7.2 The body's management with executive responsibility shall review its quality system at defined intervals which are sufficiently short to ensure its continuing suitability and effectiveness in satisfying the requirements of this Guide and the stated quality policy and objectives. Records of such reviews shall be maintained

**IFOAM AC**

**Corresponding reference:** 3.4 Internal audit

**Relevant text:** 3.4.1 The certification body shall conduct periodic internal audits such that covering all procedures are covered in a planned and systematic manner over time, to verify that the certification system is implemented and is effective.

The certification body shall ensure that:

- a. personnel responsible for the audited functions are informed of the outcome of the audit
- b. corrective actions are taken in a timely and appropriate manner
- c. the results of the audit are documented

3.4.2 The certification body shall review the management system at defined intervals. Records of such reviews shall be maintained.

**Corresponding reference:** 3.4.3

**Relevant text:** 3.4.3 The certification body shall conduct performance reviews of all inspection and certification personnel including employed inspectors at least annually. Records of the outcome shall be maintained.

**Comment/evaluation of differences:** Is covered by ISO 4.5.3, however the requirement to conduct performance reviews at least annually is additional to ISO 65.

**Corresponding reference:** 3.4.4

**Relevant text:** 3.4.4 In the case of frequently used contracted inspectors, the inspectors shall be given periodic feedback on performance.

**Comment/evaluation of differences:** Feedback specific for IAC requirement and can not be found in ISO 65.

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**NOP**

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**Corresponding reference:** § 205.501

**Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must

...

(6) Conduct an annual performance evaluation of all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions and implement measures to correct any deficiencies in certification services;

(7) Have an annual program review of its certification activities conducted by the certifying agent's staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation;

**Comment/evaluation of differences:** Although NOP requires certifying agents to conduct performance evaluation and annual programme evaluation there are no requirements to follow documented procedures and that the outcome shall be documented and communicated.

**TOPIC: Public Access to information****CATEGORY: 4.8 Documentation****ISO/IEC Guide 65:1996****Corresponding reference: 4.8.1**

**Relevant text:** 4.8.1 The certification body shall provide (through publications, electronic media or other means), updates at regular intervals, and make available on request, the following:

- a) information about the authority under which the certification body operates;
- b) a documented statement of its product certification system, including its rules and procedures for granting, maintaining, extending, suspending and withdrawing certification;
- c) information about the evaluation procedures and certification process related to each product certification system;
- d) a description of the means by which the organization obtains financial support and general information on the fees charged to applicants and to suppliers of certified products;
- e) a description of the rights and duties of applicants and suppliers of certified products, including requirements, restrictions or limitations on the use of the certification body's logo and on the ways of referring to the certification granted;
- f) information about procedures for handling complaints, appeals and disputes;
- g) a directory of certified products and their suppliers.

**CATEGORY: Document control****ISO/IEC Guide 65:1996****Corresponding reference: 4.8.2**

**Relevant text:** 4.8.2 The certification body shall establish and maintain procedures to control all documents and data that relate to its certification functions. These documents shall be reviewed and approved for adequacy by appropriately authorized and competent personnel prior to issuing any documents following initial development or any subsequent amendment or change being made. A listing of all appropriate documents with the respective issue and/or amendment status identified shall be maintained. The distribution of all such documents shall be controlled to ensure that the appropriate documentation is made available to personnel of the certification body or suppliers when they are required to perform any function relating to the certification body's activities.

## IFOAM AC

**Corresponding reference:** 5.2 Public access to information

**Relevant text:** 5.2.1 The certification body shall make publicly available, through print and or electronic media, up to date information on the following:

- a. information describing the authority under which the certification body provides its certification service;
- b. the requirements and procedures, (or a description of the procedures) for evaluation of the inspection report and approval, continuation or extension of certification;
- c. the requirements and procedures for suspension and withdrawal of certification;
- d. the standards to which certification is granted;
- e. a description of the certification body's sources of income and clear indications of the fees charged to applicants and current licensed operators;
- f. a description of the rights and duties of applicants and suppliers of certified products, including requirements, restrictions or limitations on the use of the certification body's logo and on the ways of referring to the certification granted;

**Comment/evaluation of differences:** IAC refers to contracted production.

**Relevant text continued:**

- g. procedures for handling complaints and appeals;
- h. a current list of certified operators, including name and location and the scope of the certification; if an operator is certified as a group it shall be identified as such
- i. a current listing of contracted production parties, shall also be available although this may be a general list without linkage to the certified operator.

**Corresponding reference:** 5.3. Document control

**Relevant text:** 5.3.1 The certification body shall maintain a documented system for the control of all documentation relating to the certification system and shall ensure that:

- a. the current issues of the appropriate documentation are available at relevant locations;
- b. all changes of documents are covered by the correct authorization;
- c. all changes are processed in a manner which will ensure direct and speedy action;
- d. superseded documents are removed from use throughout the organization;
- e. all affected parties are notified of changes;
- f. there is a register of all appropriate documents with the respective issue identified;
- g. there is a determination of which documents are available to the public and which are not;
- h. documentation clearly indicates its date of implementation.

**Comment/evaluation of differences:** IAC requires indication of date of implementation and CBs determination which documents are publicly available and which are not.

## NOP

**Corresponding reference:** §205.504

**Relevant text:** §205.504 Evidence of expertise and ability

(b) administrative policies and procedures

...

(5) A copy of the procedures to be used, including any fees to be assessed, for making the following information available to any member of the public upon request:

(i) Certification certificates issued during the current and three preceding calendar years;

(ii) A list of producers and handlers whose operations it has certified, including for each the name of the operation, type(s) of operation, products produced, and the effective date of the certification, during the current and 3 preceding calendar years;

(iii) The results of laboratory analyses for residues of pesticides and other prohibited substances conducted during the current and 3 preceding calendar years; and

(iv) Other business information as permitted in writing by the producer or handler; and

(6) A copy of the procedures to be used for sampling and residue testing pursuant to

**Comment/evaluation of differences:** NOP does not require certifying agents to make specific documents publicly available (procedural documents finances etc.).

It only requests that certifying agents shall make available for the public certificates issued list of certified operators and products and also results of laboratory analyses for residues of prohibited substances (can not be found in any other regulation).

**Corresponding reference:** Document control

**Relevant text:**

**Comment/evaluation of differences:** A document control system is not addressed by NOP

**Corresponding reference:**

**Relevant text:** procedures for granting, maintaining, extending, suspending and withdrawing certification: see § 205.662 Noncompliance procedure for certified operations.

**Comment/evaluation of differences:** NOP does not request CBs to define procedures for suspension and withdrawal of certification; NOP itself outlines the applicable noncompliance procedure for certified operations, see § 205.662 Noncompliance procedure for certified operations.

**TOPIC: Records****CATEGORY: 4.9 Records****ISO/IEC Guide 65:1996****Corresponding reference: 4.9.1**

**Relevant text:** The certification body shall maintain a record system to suit its particular circumstances and to comply with existing regulations. The records shall demonstrate that the certification procedures have been effectively fulfilled, particularly with respect to application forms, evaluation reports, surveillance activities and other documents relating to granting, maintaining, extending, suspending or withdrawing certification. The records shall be identified, managed and disposed of in such a way as to ensure the integrity of the process and the confidentiality of the information. The records shall be kept for a period of time so that continued confidence may be demonstrated for at least one full certification cycle, or as required by law.

**Corresponding reference: 4.9.2**

**Relevant text:** The certification body shall have a policy and procedures for retaining records for a period consistent with its contractual, legal or other obligations. The certification body shall have a policy and procedures concerning access to these records consistent with 4.10.1.

*NOTE 4: The question of the length of time for retention of records requires specific attention in the light of legal circumstances and recognition arrangements.*

**IFOAM AC****Corresponding reference: 5.4.1; 5.4.3**

**Relevant text:** 5.4.1 The certification body shall maintain and have policies and procedures governing their management. The records shall be identified, managed and disposed of in such a way as to ensure the integrity of the process and the confidentiality of the information.

5.4.3 The records shall be sufficiently comprehensive so as to demonstrate that the procedures for certification decisions are properly applied.

**Corresponding reference: 5.4.5**

**Relevant text:** All records shall be safely stored and held secure and in confidence to the operator, for a period not less than five years. Computerized records shall be backed-up regularly.

**Comment/evaluation of differences:** IAC stipulates a minimum period of 5 years for storage and points out electronic data security.



<p><b>CATEGORY: Records retrieval</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 5.4.2  <b>Relevant text:</b> Operator files shall be up to date and contain all relevant information, including inspection reports, history and product specifications.  <b>Comment/evaluation of differences:</b> Not addressed by ISO.</p> <p><b>Corresponding reference:</b> 5.4.7  <b>Relevant text:</b> 5.4.7 The record keeping system shall be transparent and enable easy retrieval of information.  <b>Comment/evaluation of differences:</b> Not addressed by ISO.</p>
<p><b>CATEGORY: Separate records</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 5.4.4  <b>Relevant text:</b> 5.4.4 Separate records shall be kept for major violations and non-conformities and resulting sanctions, precedents, exceptions, appeals, and complaints, in a way that enables easy retrieval of data.  <b>Comment/evaluation of differences:</b> ISO requires keeping records for “all appeals, complaints and disputes and does not address separate documentation of sanctions, precedents or exceptions.</p>
<p><b>CATEGORY: Signatures in records</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 5.4.6  <b>Relevant text:</b> Inspection reports, certification decisions, certificates and other relevant records shall be signed by the authorized persons.  <b>Comment/evaluation of differences:</b> Not addressed by ISO.</p>

**CATEGORY: Operator access to records**

**IFOAM AC**

**Corresponding reference:** 5.4.8

**Relevant text:** 5.4.8 Operators shall have the right to have copies of inspection findings and other documentation related to the certification of their production, unless the documents are confidential (i.e. filed complaints, confidential sections of inspection reports).

**Comment/evaluation of differences:** Not addressed by ISO.

**NOP**

**Corresponding reference:** § 205.504

**Relevant text:** § 205.504 Evidence of expertise and ability

(b) Administrative policies and procedures. ...

(3) A copy of the procedures to be used for complying with the record-keeping requirements set forth in § 205.501(a)(9);

§ 205.501 General requirements for accreditation, (a)(9): (9) Maintain all records pursuant to § 205.510(b) and make all such records available for inspection and copying during normal business hours by authorized representatives of the Secretary and the applicable State organic program's governing State official.

**Comment/evaluation of differences:** Compared with ISO and IAC there are no specific requirements covering a "record system" in order to demonstrate that the system is implemented effectively; only length of storage is addressed.

**Corresponding reference:** § 205.510

**Relevant text:** § 205.510 Annual report, recordkeeping, and renewal of accreditation.

(b) Recordkeeping. Certifying agents must maintain records according to the following schedule:

(1) Records obtained from applicants for certification and certified operations must be maintained for not less than 5 years beyond their receipt;

(2) Records created by the certifying agent regarding applicants for certification and certified operations must be maintained for not less than 10 years beyond their creation; and

(3) Records created or received by the certifying agent pursuant to the accreditation requirements of this subpart F, excluding any records covered by §§ 205.510(b)(2), must be maintained for not less than 5 years beyond their creation or receipt.

<b>TOPIC: Confidentiality</b>
<b>CATEGORY: 4.10 Confidentiality</b>
<b>ISO/IEC Guide 65:1996</b>
<p><b>Corresponding reference:</b> 4.10.1  <b>Relevant text:</b> The certification body shall have adequate arrangements consistent with applicable laws to safeguard confidentiality of the information obtained in the course of its certification activities at all levels of its organization, including committees and external bodies or individuals acting on its behalf.</p> <p><b>Corresponding reference:</b> 4.10.2  <b>Relevant text:</b> Except as required in this Guide or by law, information gained in the course of certification activities about a particular product or supplier shall not be disclosed to a third-party without the written consent of the supplier. Where the law requires information to be disclosed to a third-party, the supplier shall be informed of the information provided as permitted by the law.</p>
<b>CATEGORY: Confidentiality provisions</b>
<b>IFOAM AC</b>
<p><b>Corresponding reference:</b> 4.1.1  <b>Relevant text:</b> 4.1.1 The certification body shall have adequate arrangements to ensure confidentiality of the information regarding specific operators obtained in the course of certification activities at all levels of its organization, including committees, contracted bodies and individuals.</p> <p><b>Corresponding reference:</b> 4.1.2-4.1.4  <b>Relevant text:</b> 4.1.2 These arrangements shall include the requirement for all personnel to sign a confidentiality agreement and the establishment of a confidentiality policy.  4.1.3 This policy shall</p> <ul style="list-style-type: none"> <li>• specify the type of information that is not covered by confidentiality, such as name and address of operators, and</li> <li>• identify the third parties that may have access to confidential information such as accreditation bodies.</li> <li>• require the CB to inform operators of who the parties are</li> <li>• state potential requirements for disclosure of information under the law.</li> <li>• require written consent in other cases.</li> </ul>

4.1.4 Where law requires information to be disclosed to a third-party, the supplier shall be informed of the information provided.

**Comment/evaluation of differences:** Requirements for personnel to commit to confidentiality is covered in ISO 5.2.2. Differing from ISO, IAC allows additional disclosure of information providing this is defined and published in its rules; however it is transparent to operators because applicants are required to agree to all CBs rules.

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**CATEGORY: Disclosure of information**

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**EU Regulation**

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**Corresponding reference:** Article 9, 7. (b)

**Relevant text:** [The inspection authority and the approved inspection bodies referred to in paragraph 1 shall]:

(b) not disclose information and data they obtain in their inspection activity to persons other than the person responsible for the undertaking concerned and the competent public authorities.

However, upon request duly justified by the necessity to guarantee that the products have been produced in accordance with this regulation, they shall exchange information with other inspection authorities or approved inspection bodies relevant information on the results of their inspection. They may also exchange the above mentioned information on their own initiative.

**Comment/evaluation of differences:** Deviating from ISO and IAC requirements, EU Reg. grants CBs the right to exchange information without consent of the operator concerned; (proactive) exchange is restricted to cases where organic integrity is threatened.

Request for CBs to cooperate with each other for information exchange is additional to ISO and IAC as well.

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**NOP**

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**Corresponding reference:** § 205.501

**Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must:

...

(10) Maintain strict confidentiality with respect to its clients under the applicable organic certification program and not disclose to third parties (with the exception of the Secretary or the applicable state organic program's governing state official or their authorized representatives) any business-related information concerning any client obtained while implementing the regulations in this part, except as provided for in § 205.504(b)(5);

**Comment/evaluation of differences:** Different from ISO and IAC, confidentiality provisions are addressed more generally without specifying e.g. that personnel are requested to commit to confidentiality.

**Corresponding reference:** § 205.504

**Relevant text:** § 205.504 Evidence of expertise and ability.

A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques

(b) Administrative policies and procedures

(4) A copy of the procedures to be used for maintaining the confidentiality of any business-related information as set forth in § 205.501(a)(10);

## TOPIC: CB personnel and resources

**CATEGORY: 5. Certification body personnel; 5.1 General**

### ISO/IEC Guide 65:1996

**Corresponding reference:** 5.1.1

**Relevant text:** 5.1.1 The personnel of the certification body shall be competent for the functions they perform, including making required technical judgments, framing policies and implementing them.

**Comment/evaluation of differences:**

**Corresponding reference:** 5.1.2

**Relevant text:** 5.1.2 Clearly documented instructions shall be available to the personnel describing their duties and responsibilities. These instructions shall be maintained up to date.

**Comment/evaluation of differences:**

**CATEGORY: 1.4 Resources**

### IFOAM AC

**Corresponding reference:** 1.4.2, 1.4.3, 1.4.6

**Relevant text:** 1.4.2 The certification body personnel shall have the necessary education, training, technical knowledge and experience for performing functions relating to the type, range and volume of work.

1.4.3 Personnel including contracted inspectors shall be assigned to inspection and certification work that is appropriate to their skills

1.4.6 The body responsible for certification decisions shall ensure that all certification decisions are based on competence in all areas for which certification is granted.

**Comment/evaluation of differences:** More descriptive compared with ISO; however does not add additional aspects.

**Corresponding reference:** 1.4.4, 1.4.5

**Relevant text:** 1.4.4 Personnel shall have job descriptions describing their duties and responsibilities.

1.4.5 Personnel shall have documented work instructions for complex or critical certification and inspection functions.

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## **NOP**

**Corresponding reference:** §205.501

**Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must: ...

(4) Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part;

(5) Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.

**Comment/evaluation of differences:** Documented instructions and job descriptions not addressed in NOP.

## **TOPIC: Qualification**

**CATEGORY: 5.2 Qualification criteria**

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### **ISO/IEC Guide 65:1996**

**Corresponding reference:** 5.2.1

**Relevant text:** 5.2.1 In order to ensure that evaluation and certification are carried out effectively and uniformly, the minimum relevant criteria for the competence of personnel shall be defined by the certification body.

**Corresponding reference:** 5.2.2

**Relevant text:** 5.2.2 The certification body shall require its personnel involved in the certification process to sign a contract or other document by which they commit themselves:

- a) to comply with the rules defined by the certification body, including those relating to confidentiality and independence from commercial and other interest; and
- b) to declare any prior and/or present association on their own part, or on the part of their employer, with a supplier or designer of products to the evaluation or certification of which they are to be assigned.

The certification body shall ensure that, and document how, any contracted personnel for their own part, and on the part of their employer if any, satisfy all the requirements for personnel outlined in this Guide.

**Corresponding reference:** 5.2.3

**Relevant text:** 5.2.3 Information on the relevant qualifications, training and experience of each member of the personnel involved in the certification process shall be maintained by the certification body. Records of training and experience shall be kept up to date, in particular the following:

- a) name and address;
- b) organization affiliation and position held;
- c) educational qualification and professional status.
- d) experience and training in each field of the certification body's competence;
- e) date of most recent updating of records,
- f) performance appraisal.

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**IFOAM AC**

**Corresponding reference:** 1.4.2

**Relevant text:** 1.4.2 The certification body personnel shall have the necessary education, training, technical knowledge and experience for performing functions relating to type, range and volume of work performed.

**Comment/evaluation of differences:** IAC lacks the requirement to define minimum criteria for the competence of personnel.

**Corresponding reference:** 1.4.7, 1.4.12

**Relevant text:** 1.4.7 The certification body shall require all persons involved in the certification process to sign a contract or other document by which they commit themselves to the rules and procedures of the certification body.

1.4.12 When a certification body subcontracts work related to certification to an external body, or person, an agreement covering the arrangements shall be drawn up. This shall include the requirement to comply with all relevant aspects of these criteria.

**Comment/evaluation of differences:** In addition to 1.4.7 see IAC 1.3.16-1.3.18, conflict of interest of individuals.

**Corresponding reference:** 1.4.8

**Relevant text:** Records of the qualifications and training of all personnel shall be maintained.

**Comment/evaluation of differences:** ISO is more specific, listing specific elements of the requested documentation.

**CATEGORY: Conflict of interest of individuals**

**IFOAM AC**

**Corresponding reference:** 1.3.16, 1.3.17

**Relevant text:** 1.3.16 The certification body shall ensure that a declaration of interest is updated annually by all persons involved in certification, inspection and appeals, as well as by the board. Such declarations shall be on file and take into account both direct and indirect interests. The certification body shall review the declarations and identify what constitutes a conflict.

1.3.17 All persons with a conflict of interest shall be excluded from work, discussion and decisions in all stages of the certification process related to the potential conflict. The exclusion of such persons shall be recorded in minutes or other records.

**Comment/evaluation of differences:** ISO 5.2.2 b requires declaration of association whereas IAC 1.3.16 requires declaration of interests (both direct and indirect interests).

**Corresponding reference:** 1.3.18

**Relevant text:** 1.3.18 The certification body shall require persons engaged in inspection, certification and appeals to agree in writing to abstain from participating in work regarding operators with whom they have personal relations or those with whom they have had business relationships (either trade or advisory) in the past two years. The certification body shall require persons engaged in inspection to report on any new interests regarding the operation for a period of one year after the inspection. The certification body shall determine whether the new relations may have affected the impartiality of any work submitted by inspectors or certification personnel.

**Comment/evaluation of differences:** IAC 1.3.18 also considers conflicts that may arise following the work for a period of one year; this is not addressed in ISO 5.2.2 b.



<p><b>CATEGORY: Qualification criteria</b></p>
<p><b>NOP</b></p>
<p><b>Corresponding reference:</b>  <b>Relevant text:</b>  <b>Comment/evaluation of differences:</b> NOP does not require CBs to define “Minimum relevant criteria for the competence of personnel”.</p>
<p><b>CATEGORY: Commitment to CB rules</b></p>
<p><b>NOP</b></p>
<p><b>Corresponding reference:</b>  <b>Relevant text:</b>  <b>Comment/evaluation of differences:</b> NOP does not request that personnel commit themselves to rules or procedures of the CB as required in ISO 5.2.2 a9.</p> <p><b>Corresponding reference:</b>  <b>Relevant text:</b> § 205.501 General requirements for accreditation.  (a) A private or governmental entity accredited as a certifying agent under this subpart must  (11) Prevent conflicts of interest by:  (i) Not certifying a production or handling operation if the certifying agent or a responsibly connected party of such certifying agent has or has held a commercial interest in the production or handling operation, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;  (ii) Excluding any person, including contractors, with conflicts of interest from work, discussions, and decisions in all stages of the certification process and the monitoring of certified production or handling operations for all entities in which such person has or has held a commercial interest.</p> <p><b>Comment/evaluation of differences:</b> Requirements to prevent conflict of interest situation are more restrictive compared with ISO and IAC, prohibiting the certification of an operation if the CB or connected party has or has held a commercial interest.</p>

**TOPIC: Changes in the certification requirements****ISO/IEC Guide 65:1996****Corresponding reference:** 6**Relevant text:** 6 Changes in the certification requirements

The certification body shall give due notice of any changes it intends to make in its requirements for certification. It shall take account of views expressed by interested parties before deciding on the precise form and effective date of the changes. Following decision on, and publication of, the changed requirements, it shall verify that each supplier makes any necessary adjustments within such time as, in the opinion of the certification body, is reasonable.

**IFOAM AC****Corresponding reference:** 7.10.1-7.10.2

**Relevant text:** 7.10.1 The certification body shall ensure that each certified operator be notified of changes in the certification requirements without unnecessary delay.

7.10.2 The certification body shall verify the operator's implementation in a timely manner.

**Comment/evaluation of differences:** ISO 65 requires notification of intended changes; in the following, views expressed by interested parties shall be taken into account.

There is no IAC criteria comparable to this; IAC requires operators to be informed about changes once they have been decided without undue delay; verification of changes is the same.

**NOP**

**Comment/evaluation of differences:** Not addressed.

**TOPIC: Appeals, complaints, disputes**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 7. Appeals, complaints and disputes

**Relevant text:** 7.1 Appeals, complaints and disputes brought before the certification body by suppliers or other parties shall be subject to the procedures of the certification body.

7.2 Each certification body shall

- a) keep a record of all appeals, complaints and disputes and remedial actions relative to certification;
- b) take appropriate subsequent action:
- c) document the action taken and its effectiveness.

**IFOAM AC**

**Corresponding reference:** 3.5 Complaints

**Relevant text:** 3.5.1 The certification body shall have procedures for consideration of complaints brought by operators or third parties concerning its own performance or concerning the compliance of certified operators with the standards.

3.5.2 Complaints shall be dealt with in a timely and efficient manner

3.5.3 When a complaint is resolved, a documented resolution shall be made. The complainant shall be informed of the general outcome of the complaint in a way which does not prejudice the confidentiality of the party concerned.

3.5.4 The certification body shall:

- a. keep a record of all complaints and resulting corrective actions related to certification
  - a. investigate and take appropriate subsequent action regarding complaints related to certification
  - b. review and take any necessary corrective action to the certification system
  - c. keep a record of all complaints and resulting actions

**Comment/evaluation of differences:** IAC includes specific requirements regarding complaints resolution whilst ISO generally requires the CB to take appropriate subsequent action. IAC differentiates between two types of complaints language: IAC considers “disputes” as complaints.

**Corresponding reference:** 7.8 Appeals

**Relevant text:** 7.8.1 The certification body shall have procedures for the consideration of appeals against its certification decisions.

7.8.2 Appeals shall be dealt with in a timely and efficient manner

7.8.3 When an appeal is decided, a documented resolution shall be made and forwarded to the appellant

7.8.4 The certification body shall:

- a. keep a record of all appeals
- b. take appropriate subsequent action
- c. document the action taken and its effectiveness

**Comment/evaluation of differences:** Not addressed by ISO: requirement to deal appeals/complaints in a timely and efficient manner and to forward resolution to the complainant/appellant.

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## NOP

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**Corresponding reference:** § 205.663

**Relevant text:** § 205.663 Mediation.

Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent. If the certifying agent rejects the request for mediation, the certifying agent shall provide written notification to the applicant for certification or certified operation. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal, pursuant to § 205.681, within 30 days of the date of the written notification of rejection of the request for mediation. If mediation is accepted by the certifying agent, such mediation shall be conducted by a qualified mediator mutually agreed upon by the parties to the mediation. If a State organic program is in effect, the mediation procedures established in the State organic program, as approved by the Secretary, will be followed. The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant for certification or certified operation shall have 30 days from termination of mediation to appeal the certifying agent's decision pursuant to § 205.681. Any agreement reached during or as a result of the mediation process shall be in compliance with the Act and these regulations. The Secretary may review any mediated agreement for conformity to the Act and these regulations and may reject any agreement or provision not in conformance with the Act or these regulations.

**Corresponding reference:** § 205.681

**Relevant text:** § 205.681 Appeals.

(a) Certification appeals. An applicant for certification may appeal a certifying agent's notice of denial of certification, and a certified operation may appeal a certifying agent's notification of proposed suspension or revocation of certification to the Administrator.

**Comment/evaluation of differences:** NOP provides a appeals procedures – as a result they are comparable with those procedures CBs shall develop according to ISO/IAC; however NOP lacks any requirements regarding the documentation of appeals.

**TOPIC: Application for certification****CATEGORY: 8. Application for certification****ISO/IEC Guide 65:1996**

**Corresponding reference:** 8.1 Information on the procedure

**Relevant text:** 8.1.1 The certification body shall provide to applicants an up-to-date detailed description of the evaluation and certification procedures, appropriate to each certification scheme, and the documents containing the requirements for certification, the applicants' rights and duties of suppliers which have certified products (including fees to be paid by applicants and suppliers of certified products).

**Comment/evaluation of differences:**

**Corresponding reference:**

**Relevant text:** 8.1.2 The certification body shall require that a supplier:

- a) always complies with the relevant provisions of the certification programme;
- b) makes all necessary arrangements for the conduct of the evaluation, including provision for examining documentation and access to all areas, records (including internal audit reports) and personnel for the purposes of evaluation (e.g. testing, inspection, assessment, surveillance, reassessment) and resolution of complaints;
- c) makes claims regarding certification only in respect of the scope for which certification has been granted;
- d) does not use its product certification in such a manner as to bring the certification body into disrepute and does not make any statement regarding its product certification which the certification body may consider misleading or unauthorized;
- e) upon suspension or cancellation of certification, discontinues its use of all advertising matter that contains any reference thereto and returns any certification documents as required by the certification body;
- f) uses certification only to indicate that products are certified as being in conformity with specified standards;
- g) endeavors to ensure that no certificate or report nor any part thereof is used in a misleading manner;
- h) in making reference to its product certification in communication media such as documents, brochures or advertising, complies with the requirements of the certification body;

**CATEGORY: Additional explanation to applicants****ISO/IEC Guide 65:1996****Corresponding reference:** 8.1.3**Relevant text:** 8.1.3 When the desired scope of certification is related to a specific system or type of system operated by the certification body, any explanation needed shall be provided to the applicant.**Corresponding reference:** 8.1.4**Relevant text:** 8.1.4 If requested, additional application information shall be provided to the applicant.**CATEGORY: Information to Applicants****IFOAM AC****Corresponding reference:** 6.1 Application procedures**Relevant text:** 6.1.1 The certification body shall ensure that each applicant or certified operator has at the time of application:

- a. a current version of the applicable standards;
- b. an adequate description of the inspection, certification and appeals procedures;
- c. a contract or sample copy of the contract or a description of the contractual conditions;
- d. a copy of the fee schedule;

**Comment/evaluation of differences:** ISO requires information “appropriate” to each certification system; IAC requires “adequate” description of the inspection, certification and appeals procedures – no difference, just different wording.**CATEGORY: Operator obligations****IFOAM AC****Corresponding reference:** 6.1.4**Relevant text:** 6.1.4 The certification body shall require the operators to sign statements in the application form or elsewhere, obliging them to:

- a. agree to comply with the requirements for certification including a commitment to comply with the standards, and to supply any information needed for evaluation of the production to be certified;

- b. provide the right of access to all appropriate facilities including any non-organic production in the unit, or related (by ownership or management) units in the proximity, to both certification and accreditation personnel;
- c. provide access to all relevant documentation including financial records to both certification and accreditation personnel.

**Comment/evaluation of differences:** IAC refers to non-organic areas.

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**EU Regulation**

**Corresponding reference:** Annex III, 3. Initial Inspection

**CATEGORY: Rules on use of any certification claims**

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**IFOAM AC**

**Corresponding reference:** 7.6. Use of Licenses, Certificates and certification Marks

**Relevant text:** 7.6.4 The certification body shall establish requirements concerning the use of its certification mark or other reference to the certification. These criteria shall require that the operator only makes claims regarding certification which are consistent with the scope of the certification that has been granted.

**Comment/evaluation of differences:** The same meaning as ISO 8.1.2 d, c, f, h

**Corresponding reference:**

**Relevant text:** 7.6.6 Incorrect references to the certification system or misleading use of licenses, certificates or certification marks shall be dealt with by suitable remedial actions.

**CATEGORY: Withdrawal of certification mark**

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**IFOAM AC**

**Corresponding reference:**

**Relevant text:** 7.6.8 The certification body shall have documented procedures for withdrawal and cancellation of contracts, certificates and certification marks. These procedures shall require the operator to discontinue use of certificates and certification marks.

**Comment/evaluation of differences:** The same meaning as ISO 8.1.2e

**Comment/evaluation of differences:** ISO 8.1.3 and 8.1.4 (additional explanation to applicants) not addressed by IAC.

**CATEGORY: Application information****NOP**

**Corresponding reference:** Subpart F, Accreditation

**Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must:

(8) Provide sufficient information to persons seeking certification to enable them to comply with the applicable requirements of the Act and the regulations in this part;

**Comment/evaluation of differences:** NOP requires certifying agents to provide “sufficient” information; the requirement that applicants shall sign statements to adhere to the Regulation and requirements is not addressed.

**Corresponding reference:** Subpart E Certification

**Relevant text:** § 205.400 General requirements for certification.

A person seeking to receive or maintain organic certification under the regulations in this part must:

(a) Comply with the Act and applicable organic production and handling regulations of this part;

(b) Establish, implement, and update annually an organic production or handling system plan that is submitted to an accredited certifying agent as provided for in § 205.200;

(c) Permit on-site inspections with complete access to the production or handling operation, including noncertified production and handling areas, structures, and offices by the certifying agent as provided for in § 205.403;

(d) Maintain all records applicable to the organic operation for not less than 5 years beyond their creation and allow authorized representatives of the Secretary, the applicable State organic program’s governing State official, and the certifying agent access to such records during normal business hours for review and copying to determine compliance with the Act and the regulations in this part, as provided for in § 205.104;

**Comment/evaluation of differences:** There is no requirement that CBs shall obtain the operators’ confirmation to comply with the rule, however it is required by law; in addition, operators are required to confirm the information compiled in the organic production and handling system plan. Access to non-certified production and handling areas is also addressed and is equal to IAC requirements; this is also true for documentation.



**CATEGORY: Rules on Labels**

**NOP**

**Corresponding reference:** Subpart D - Labels, Labeling, and Market Information

**Relevant text:** § 205.300 Use of the term, “organic”.

(a) The term, “organic,” may only be used on labels and in labeling of raw or processed agricultural products, including ingredients, that have been produced and handled in accordance with the regulations in this part. The term, “organic”, may not be used in a product name to modify a nonorganic ingredient in the product.

...

And

§ 205.311 USDA Seal.

(a) The USDA seal described in paragraphs (b) and (c) of this section may be used only for raw or processed agricultural products described in paragraphs (a), (b), (e)(1), and (e)(2) of § 205.301.

**Comment/evaluation of differences:** Labelling requirements are addressed in the rule directly.

**TOPIC: Application form**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 8.2 The application 8.2.1

**Relevant text:** 8.2.1 The certification body shall require completion of an official application form, signed by a duly authorized representative of the applicant, in which or attached to which are the following:

- a) the scope of the desired certification.
- b) a statement that the applicant agrees to comply with the requirements for certification and to supply any information needed for evaluation of products to be certified.

**Corresponding reference:** 8.2.2

**Relevant text:** 8.2.2 The applicant, as a minimum, shall provide the following information:

- a) corporate entity, name, address and legal status;
- b) a definition of the products to be certified, the certification system, and the standards against which each product is to be certified if known to the applicant.

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**IFOAM AC**

**Corresponding reference:** 6.1.2

**Relevant text:** 6.1.2 The certification body shall require completion of an official application form, signed by the applicant or a duly authorized representative of the applicant. This shall determine at least the following information:

- a. The scope of the desired certification;
- b. Sufficient information about the production system to enable appropriate assignment of the inspector and proper preparation by the inspector.

**Comment/evaluation of differences:** Description of the “production system”.

**Corresponding reference:** 6.1.4

**Relevant text:** 6.1.4 The certification body shall require operators to sign statements in the application form or elsewhere, obliging them to:

- a. agree to comply with the requirements for certification including a commitment to comply with the standards, and to supply any information needed for evaluation of the production to be certified;
- b. ...

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**CATEGORY: Operator documentation**

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**IFOAM AC**

**Corresponding reference:** 6.1.5

**Relevant text:** 6.1.5 The certification body shall specify the documentation to be maintained by the operator to enable verification of compliance, and shall specify which records shall be available and held in a form that enables verification to take place.

**Comment/evaluation of differences:** Not addressed by ISO.

**Corresponding reference:** 6.1.6

**Relevant text:** 6.1.6 The certification body shall require documented procedures defining the manner of production or processing where the absence of such procedures could adversely affect the organic quality.

**Comment/evaluation of differences:** Not addressed by ISO.

**CATEGORY: Initial inspection****EU Regulation****Corresponding reference:** Annex III, 3. Initial inspection**Relevant text:** 3. Initial inspection

When the inspection arrangements are first implemented the operator responsible must draw up

- a full description of the unit and/or premises and/or activity,
- all the practical measures to be taken at the level of the unit and/or premises and/or activity to ensure compliance with this regulation, and in particular with the requirements in this annex.

The description and practical measures concerned must be contained in a declaration, signed by the responsible operator.

...

**Comment/evaluation of differences:** Requirement applies to operators, however CBs are responsible to ensure that operators meet requirements regarding documentation when “the inspection arrangements are first implemented” (compare this with IAC 6.1.5). EU Reg. is more descriptive compared with ISO and IAC; IAC generally requires CBs to specify the documentation maintained by the operator without providing further details.

**Corresponding reference:** Annex III, 6. Documentary accounts**Relevant text:** 6. Documentary accounts

Stock and financial records must be kept in the unit or premises, to enable the operator and the inspection body or authority to trace:

- the supplier...

The data in the accounts must be documented with appropriate justification documents.

The accounts must demonstrate the balance between the input and the output.

**Comment/evaluation of differences:** Compare with IAC 6.1.5 (kind of operator documentation not specified by ISO EU Reg. here focuses here on documentation enabling the inspection body to carry out input/output analysis.

**NOP****Corresponding reference:** Subpart E**Relevant text:** § 205.401 Application for Certification.

A person seeking certification of a production or handling operation under this subpart must submit an application for certification to a certifying agent. The application must include the following information:

- (a) An organic production or handling system plan, as required in § 205.200;
- (b) The name of the person completing the application; the applicant’s business name,

address, and telephone number; and, when the applicant is a corporation, the name, address, and telephone number of the person authorized to act on the applicant's behalf.

(c) The name(s) of any organic certifying agent(s) to which application has previously been made; the year(s) of application; the outcome of the application(s) submission, including, when available, a copy of any notification of noncompliance or denial of certification issued to the applicant for certification; and a description of the actions taken by the applicant to correct the noncompliances noted in the notification of noncompliance, including evidence of such correction; and

(d) Other information necessary to determine compliance with the Act and the regulations in this part.

§ 205.201 Organic production and handling system plan.

(a) The producer or handler of a production or handling operation, except as exempt or excluded under § 205.101, intending to sell, label, or represent agricultural products as "100 percent organic," "organic", or "made with organic (specified ingredients or food group(s))" must develop an organic production or handling system plan that is agreed to by the producer or handler and an accredited certifying agent. An organic system plan must meet the requirements set forth in this section for organic production or handling. An organic production or handling system plan must include:

(1) A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed;

(2) A list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable;

(3) A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented;

(4) A description of the recordkeeping system implemented to comply with the requirements established in § 205.103;

(5) A description of the management practices and physical barriers established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances; and

(6) Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.

**Comment/evaluation of differences:** Compared with IAC and ISO requirements the information requested in the organic production and handling plan is much more descriptive, whereas IAC leaves it open requesting only sufficient information about the production system to enable appropriate assignment of the inspector, and specifying the documentation to be maintained by the operator that enables verification to take place.

**TOPIC : Preparation for evaluation**

**CATEGORY: 9. Preparation for evaluation**

**ISO/IEC Guide 65:1996**

**Corresponding reference: 9.1**

**Relevant text:** 9.1 Before proceeding with the evaluation, the certification body shall conduct, and maintain records of a review of the application for certification to ensure that:

- a) the requirements for certification are clearly defined, documented and understood;
- b) any difference in understanding between the certification body and the applicant is resolved; and
- c) the certification body has the capability to perform the certification service with respect to the scope of the certification sought and, if applicable, the location of the applicant's operations and any special requirements such as the language used by the applicant.

**Comment/evaluation of differences:** The requirement to resolve any difference in understanding before proceeding the application (ISO 9.1.b) is not addressed by IAC.

**Corresponding reference: 9.2**

**Relevant text:** 9.2 The certification body shall prepare a plan for its evaluation activities to allow for the necessary arrangements to be managed.

**Comment/evaluation of differences:** Not addressed by IAC.

**Corresponding reference: 9.3**

**Relevant text:** 9.3 The certification body shall assign personnel appropriately qualified to perform the tasks for the specific evaluation. Personnel shall not be assigned if they have been involved in, or been employed by a body involved in, the design, supply, installation or maintenance of such products in a manner and within a time period which could conflict with impartiality.

**Corresponding reference: 9.4**

**Relevant text:** 9.4 To ensure that a comprehensive and correct evaluation is carried out, the personnel involved shall be provided with the appropriate working documents.

**CATEGORY: 6.2 Preparation for inspection**

**IFOAM AC**

**Corresponding reference:** 6.2.1

**Relevant text:** 6.2.1 The certification body shall conduct a review of the application for certification to ensure that the requirements for certification are clearly understood and that the scope of certification sought is appropriate to the applicant.

**Comment/evaluation of differences:** IAC does not require records of the review to be maintained to resolve any differences in understanding (ISO 9.1b) before proceeding with the evaluation.

**Corresponding reference:** 6.2.2

**Relevant text:** 6.2.2 For complex operations and foreign operations located in regions not usually covered by the certification body, the certification body shall assess whether it has the capability to perform the certification service with respect to the scope of the certification sought.

**Comment/evaluation of differences:** ISO 9.2 to prepare an evaluation plan is not addressed in IAC.

**CATEGORY: Assignment of inspectors**

**IFOAM AC**

**Corresponding reference:** 1.4.3

**Relevant text:** Personnel, including contracted inspectors, shall be assigned to inspections and certification work that is appropriate to their skills.

**Comment/evaluation of differences:**

**Corresponding reference:** 6.2.4

**Relevant text:** The assignment of the inspector shall take into account any possible conflict of interest.

**Comment/evaluation of differences:** Regarding conflict of interest provisions see also IAC 1.3.18.

**Corresponding reference:** 6.2.3

**Relevant text:** 6.2.3 The certification body shall provide the inspector with sufficient information to prepare for the inspection.

<p><b>CATEGORY: Assignment rotation</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 6.2.5  <b>Relevant text:</b> 6.2.5 The assignment of the inspector shall ensure that the same inspector shall as a rule not be assigned to an operator for more than 4 consecutive years and under no circumstances for more than 5 consecutive years.  <b>Comment/evaluation of differences:</b> Not addressed by ISO.</p>
<p><b>CATEGORY: Assignment operator objection</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 6.2.6  <b>Relevant text:</b> 6.2.6 Operators shall have neither the right to choose nor to recommend inspectors.            Except for cases of unannounced visits, operators shall have the right to be informed about the identity of the inspector before the inspection visit. Operators shall in any case have the right to raise objections based on conflict of interest or other reasons. The certification body shall rule whether the reasons are accepted.  <b>Comment/evaluation of differences:</b> Not addressed by ISO.</p>
<p><b>NOP</b></p>
<p><b>Corresponding reference:</b> Subpart E Certification  <b>Relevant text:</b> § 205.402 Review of application.            (a) Upon acceptance of an application for certification, a certifying agent must:            (1) Review the application to ensure completeness pursuant to § 205.401;            (2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart C of this part;            (3) Verify that an applicant who previously applied to another certifying agent and received a notification of noncompliance or denial of certification, pursuant to § 205.405, has submitted documentation to support the correction of any noncompliances identified in the notification of noncompliance or denial of certification, as required in § 205.405(e); and            (4) Schedule an on-site inspection of the operation to determine whether the applicant qualifies for certification if the review of application materials reveals that the production</p>

or handling operation may be in compliance with the applicable requirements of subpart C of this part.

(b) The certifying agent shall within a reasonable time: (1) Review the application materials received and communicate its findings to the applicant.

**Corresponding reference:** Subpart F Accreditation

**Relevant text:** § 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must:

...

(18) Provide the inspector, prior to each on-site inspection, with previous on-site inspection reports and notify the inspector of its decision regarding certification of the production or handling operation site inspected by the inspector and of any requirements for the correction of minor noncompliances.

**Comment/evaluation of differences:** Covers all aspects ISO is addressing.

**TOPIC: Evaluation**

**ISO/IEC Guide 65:1996**

**Corresponding reference:** 10. Evaluation

**Relevant text:** The certification body shall evaluate the products of the applicant against the standards covered by the scope defined in its application against all certification criteria specified in the rules of the scheme.

**CATEGORY: Visit procedures**

**IFOAM AC**

**Corresponding reference:** 6.3.1

**Relevant text:** 6.3.1 The organic management systems of the operator shall be evaluated against the specified standards and certification requirements.

**Corresponding reference:** 6.3.2

**Relevant text:** 6.3.2 Inspection procedure shall follow a specific protocol to facilitate a nondiscriminatory and objective inspection procedure.

**Comment/evaluation of differences:** Not addressed by ISO.



**Corresponding reference:** 6.3.3

**Relevant text:** 6.3.3 The routine inspection procedure shall be documented and shall at least include:

- a. assessment of production or processing system of operator by means of visits to facilities, fields and storage units;
- b. verification of the most recent information provided to the certification body by the operator;
- c. identification and investigation of areas of risk;
- d. review of records and accounts;
- e. production/sales reconciliation on farms;
- f. an input/output reconciliation and trace back audits in processing and handling;
- g. interviews with responsible persons including an exit interview;
- h. verification that changes that have taken place in the standards and requirements of the certification body have been effectively implemented by the operator;
- i. residue sampling in accordance with the certification body's sampling policy;
- j. verification that previously imposed conditions have been fulfilled.

**Comment/evaluation of differences:** Evaluation procedures not specified or addressed by ISO.

**Corresponding reference:** 6.3.4

**Relevant text:** 6.3.4 The inspection, including document review, shall include non-organic units where there is reason for doing so.

**Comment/evaluation of differences:** Not addressed by ISO, however is a sector specific requirement.

**CATEGORY: Sampling and testing**

**IFOAM AC**

**Corresponding reference:** 6.4 Sampling and Testing

**Relevant text:** 6.4.1 The certification body shall have documented policies and procedures on residue testing, genetic testing (see 6.7.11) and other analysis that shall at least include:

- a. indication of the cases in which samples shall be taken;
- b. the requirement that where use of a substance prohibited by the standards is suspected and samples may provide supporting evidence, then samples shall be taken for analysis;
- c. the requirement that where standards set limits on residues or contamination in products, inputs or soil, analysis shall be made as appropriate;
- d. instructions to inspectors on sampling requirements and methods;
- e. indication of responsibility for payment of sampling.

6.4.2 Analyses shall be done by competent laboratories.

**Comment/evaluation of differences:** IAC specifies testing in the context of visit procedures; more detailed than ISO requirements (also compare with ISO 1.2).

<b>CATEGORY: Inspection system</b>
<b>EU Regulation</b>
<p><b>Corresponding reference:</b> Article 9  <b>Relevant text:</b> 3. The inspection system shall comprise at least the application of the precautionary and inspection measures specified in Annex III.</p>
<b>CATEGORY: Inspection visit</b>
<b>EU Regulation</b>
<p><b>Corresponding reference:</b> Annex 3, 5.  <b>Relevant text:</b> 5. Inspection Visit</p>
<b>NOP</b>
<p><b>Corresponding reference:</b> Subpart E Certification  <b>Relevant text:</b> § 205.403 On-site inspections.  (a) On-site inspections.  (1) A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested.  (2) (i) A certifying agent may conduct additional on-site inspections of applicants for certification and certified operations to determine compliance with the Act and the regulations in this part. (ii) The Administrator or State organic program’s governing State official may require that additional inspections be performed by the certifying agent for the purpose of determining compliance with the Act and the regulations in this part.(iii) Additional inspections may be announced or unannounced at the discretion of the certifying agent or as required by the Administrator or State organic program’s governing State official.</p> <p><b>Comment/evaluation of differences:</b> NOP provides detailed requirements regarding the inspection procedures; different to IAC, NOP does not address input/output, production/sales reconciliation.</p>

**Corresponding reference:** Subpart E Certification

**Relevant text:**

(b) Scheduling.

(1) The initial on-site inspection must be conducted within a reasonable time following a determination that the applicant appears to comply or may be able to comply with the requirements of subpart C of this part: Except, That, the initial inspection may be delayed for up to 6 months to comply with the requirement that the inspection be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed.

(2) All on-site inspections must be conducted when an authorized representative of the operation who is knowledgeable about the operation is present and at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the applicable provisions of subpart C of this part can be observed, except that this requirement does not apply to unannounced on-site inspections.

(c) Verification of information. The on-site inspection of an operation must verify:

(1) The operation's compliance or capability to comply with the Act and the regulations in this part.

(2) That the information, including the organic production or handling system plan, provided in accordance with §§ 205.401, 205.406, and 205.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation.

(3) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples.

(d) Exit interview. The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.

(e) Documents to the inspected operation.

(1) At the time of the inspection, the inspector shall provide the operation's authorized representative with a receipt for any samples taken by the inspector. There shall be no charge to the inspector for the samples taken.

(2) A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.

§ 205.670 Inspection and testing of agricultural product to be sold or labeled "organic."

...

(b) The Administrator, applicable State organic program's governing State official, or the certifying agent may require preharvest or postharvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods.

...

**TOPIC: Evaluation report****CATEGORY: Evaluation report****ISO/IEC Guide 65:1996****Corresponding reference:** 11 Evaluation report**Relevant text:** 11 Evaluation report

The certification body shall adopt reporting procedures that suit its needs but, as a minimum, these procedures shall ensure that:

- a) personnel appointed to evaluate the conformance of the products shall provide the certification body with a report of findings as to the conformity with all the certification requirements.
- b) a full report on the outcome of the evaluation is promptly brought to the applicant's notice by the certification body, identifying any nonconformities that have to be discharged in order to comply with all of the certification requirements and the extent of further evaluation or testing required. If the applicant can show that remedial action has been taken to meet all the requirements within a specified time limit, the certification body shall repeat only the necessary parts of the initial procedure.

**Comment/evaluation of differences:** IAC does not contain a requirement that a full report of the outcome of the evaluation is promptly brought to the operator; same applies for the following procedure that the applicant may take corrective action in specified time limits in order to meet all requirements; CB then is allowed to re-evaluate the respective parts only.

**CATEGORY: Inspection report****IFOAM AC****Corresponding reference:** 6.5 inspection report

**Relevant text:** 6.5.1 Inspection reports shall cover relevant aspects of the production standards, adequately validate the information provided by the operator and indicate any non-conformities.

6.5.2 Inspection reports and written documentation shall indicate the applicable standard(s) and provide sufficiently comprehensive information for the certification body to make competent and objective decisions.

6.5.3 Inspection reports shall follow a decided format to facilitate a non-discriminatory, objective and comprehensive analysis of the production system.

6.5.4 Reports shall be designed to allow for elaboration and analysis by the inspector.

6.5.5 Reports shall contain an assessment of risk with regard to loss of organic integrity

as well as the inspector's observations regarding conformity with standards. Inspectors shall be able to make recommendations regarding non-conformities but shall not be required to make an overall judgment of whether the operator should be certified.

**Comment/evaluation of differences:** IAC focuses on "sufficiently comprehensive information", the requirement to use a "decided format" for the inspection report is additional compared with ISO. Additional to ISO requirements, IAC introduces the requirement to conduct and document a risk assessment and prohibits the requirement for an overall judgment by the inspector.

#### **CATEGORY: Record of inspection**

##### **IFOAM AC**

**Corresponding reference:** 6.6 record of inspection

**Relevant text:** 6.6.1 The certification body shall require inspectors to record what occurred during the inspection visit. This shall at least include:

- a. date and duration of inspection;
- b. persons interviewed;
- c. fields and facilities visited;
- d. Type of document audits conducted (input/output; yield/sales; trace back etc).

**Comment/evaluation of differences:** Record of inspection not specified in ISO.

##### **NOP**

**Corresponding reference:** Subpart E

**Relevant text:** § 205.402 Review of application.

(2) Provide the applicant with a copy of the on-site inspection report, as approved by the certifying agent, for any on-site inspection performed;

...

§ 205.403 On-site inspections.

(e) Documents to the inspected operation.

...

(2) A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.

**Comment/evaluation of differences:** Use of inspection report is mentioned; however there are no requirements detailing the "minimum content" and the form of an inspection report (report format, use of standardized formats). Review of inspection reports is part of the accreditation procedure; although there are no criteria defining the reports, CBs shall submit different inspection formats in order to demonstrate expertise and ability to carry out certification.

The ISO approach to promptly forward a full evaluation report with all findings, including identified non-conformities, can not be found;  
 NOP requires forwarding of on-site inspection report and as part of the certification decision written notification of noncompliance.

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## **NOP**

**Corresponding reference:** Subpart F

**Relevant text:** § 205.504 Evidence of expertise and ability.

A private or governmental entity seeking accreditation as a certifying agent must submit the following documents and information to demonstrate its expertise in organic production or handling techniques ...

(d)

(2) Copies of at least 3 different inspection reports and certification evaluation documents for production or handling operations certified by the applicant during the previous year for each area of operation for which accreditation is requested;

**Comment/evaluation of differences:**

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## **TOPIC: Decision on Certification**

**CATEGORY: Decision on certification**

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### **ISO/IEC Guide 65:1996**

**Corresponding reference:** 12 Decision on certification

**Relevant text:** 12.1 The decision as to whether or not to certify a product shall be taken by the certification body on the basis of the information gathered during the evaluation process and any other relevant information.

12.2 The certification body shall not delegate authority for granting, maintaining, extending, suspending or withdrawing certification to an outside person or body.

12.3 The certification body shall provide to each supplier offering certified products, formal certification documents such as a letter or a certificate signed by an officer who has been assigned such responsibility. These formal certification documents shall permit identification of the following:

- a) the name and address of the supplier whose products are the subject of certification;
- b) the scope of the certification granted, including, as appropriate,
  - 1) the products certified, which may be identified by type or range of products,
  - 2) the product standards or other normative documents to which each product or product type is certified,
  - 3) the applicable certification system;
- c) the effective date of certification, and the term of the certification if applicable.

12.4 In response to an application for amendment to the scope of a certificate already granted, the certification body shall decide what, if any, evaluation procedure is appropriate in order to determine whether or not the amendment should be made and shall act accordingly.

**CATEGORY: Certification decision**

**IFOAM AC**

**Corresponding reference:** 7.2 Certification decision

**Relevant text:** 7.2.1 All certification decisions including the scope shall be objective and transparent and shall be recorded.

**Comment/evaluation of differences:**

**Corresponding reference:** 1.3.2

**Relevant text:** 1.3.2 The certification body shall be impartial. Inspection and certification shall be based on objective assessment of relevant factors, following documented procedures.

**Comment/evaluation of differences:** IAC has a stronger focus on transparency of decision taken; however implementation will achieve the same result.

**Corresponding reference:** 1.2.2

**Relevant text:** 1.2.2 The certification body shall not delegate authority for granting, maintaining, extending, suspending or withdrawing certification to an outside person or body.

**Comment/evaluation of differences:**

**Corresponding reference:** 7.2.2

**Relevant text:** 7.2.2 Following initial certification the certification shall be communicated to the operator. Thereafter, operators shall be kept informed about their certification status.

**CATEGORY: Certificates of conformity**

**IFOAM AC**

**Corresponding reference:** 7.4 Certificates

**Relevant text:** 7.4 Certificates

7.4.1 The certification body shall issue certificates confirming conformity of a certified operation. These shall include at least:

- a. the name and address of the operator;
- b. the name and address of the certification body;

- c. the programme under which the operator is certified;
- d. the scope of the certification including reference to the applicable standards, the products or product categories, and the certification status (conversion or organic) of each;
- e. the date of issuance;
- f. the period of validity.

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**CATEGORY: Changes in certification scope**

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**IFOAM AC**

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**Corresponding reference:** 7.5.11

**Relevant text:** 7.5.11 The certification body shall assess the announced scope changes and have criteria for inspection or alternative action.

**Comment/evaluation of differences:** Compare with ISO 12.4.

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**CATEGORY: Transaction certificates**

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**IFOAM AC**

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**Corresponding reference:** 7.4.2

**Relevant text:** 7.4.2 Transaction certificates.

**Comment/evaluation of differences:** Not addressed by ISO.

**Corresponding reference:** 7.2.3

**Relevant text:** 7.2.3 When certification is denied, withdrawn or suspended, the reasons shall be clearly stated.

**Comment/evaluation of differences:** Not addressed by ISO.

**Corresponding reference:** 7.2.4

**Relevant text:** 7.2.4 If exceptions are granted there shall be criteria and procedures for granting exceptions. Exceptions shall be clearly limited in time and the rationale for any exception shall be properly recorded.

**Comment/evaluation of differences:** Not addressed by ISO.

**Corresponding reference:** 7.2.5

**Relevant text:** 7.2.5 The certification body shall have the right to impose conditions.

Where conditions require corrective actions subsequent to certification, timelines shall be imposed. Mechanisms for monitoring compliance with conditions and restrictions shall be in place.

**Comment/evaluation of differences:** Compare with ISO 11b.



**CATEGORY: Certification process**

**IFOAM AC**

**Corresponding reference:** 7.3.1

**Relevant text:** 7.3.1 The procedures shall ensure that:

- a. that the certification status of all operators and their production and, where relevant, the scope of existing certification, is indicated throughout the certification process;
- b. that processing of inspection reports and certification decisions shall be done in a timely manner;
- c. that processing of any issue related to non-conformities with standards shall be done with highest priority.

**Comment/evaluation of differences:** Not addressed by ISO.

**NOP**

**Corresponding reference:** Subpart E

**Relevant text:** § 205.404 Granting certification.

- (a) Within a reasonable time after completion of the initial on-site inspection, a certifying agent must review the on-site inspection report, the results of any analyses for substances conducted, and any additional information requested from or supplied by the applicant. If the certifying agent determines that the organic system plan and all procedures and activities of the applicant's operation are in compliance with the requirements of this part and that the applicant is able to conduct operations in accordance with the plan, the agent shall grant certification. The certification may include requirements for the correction of minor noncompliances within a specified time period as a condition of continued certification.

**Comment/evaluation of differences:** Equal to ISO 65.

**Relevant text:** (b) The certifying agent must issue a certificate of organic operation which specifies the:

- (1) Name and address of the certified operation;
- (2) Effective date of certification;
- (3) Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and
- (4) Name, address, and telephone number of the certifying agent.
- (c) Once certified, a production or handling operation's organic certification continues in effect until surrendered by the organic operation or suspended or revoked by the certifying agent, the State organic program's governing State official, or the Administrator.

**Comment/evaluation of differences:** Same as ISO; effective date is addressed. Different to IAC; period of validity must not be specified, and once a certificate is issued it remains valid until certificate is suspended or revoked by the CB.

**TOPIC: Surveillance****ISO/IEC Guide 65:1996****Corresponding reference:** 13. Surveillance**Relevant text:** 13.1 The certification body shall have documented procedures to enable surveillance to be carried out in accordance with the criteria applicable to the relevant certification system.

13.2 The certification body shall require the supplier to inform it about any of the changes cited in 4.6.2 c), such as intended modification to the product, manufacturing process or, if relevant, its quality system, which affect the conformity of the product. The certification body shall determine whether the announced changes require further investigations. If such is the case, the supplier shall not be allowed to release certified products resulting from such changes until the certification body has notified the supplier accordingly.

13.3 The certification body shall document its surveillance activities.

13.4 Where the certification body authorizes the continuing use of its mark on products of a type which have been evaluated, the certification body shall periodically evaluate the marked products to confirm that they continue to conform to the standards.

**CATEGORY: Surveillance, frequency of scheduled inspection****IFOAM AC****Corresponding reference:** Surveillance Frequency of scheduled inspection 7.5.1**Relevant text:** 7.5.1 New applicants shall be inspected upon application before certification.

7.5.2 The certification body shall have a written policy on inspection frequency of already certified operators. The policy shall require that operators are inspected, at least annually.

Alternatively, (except in the cases of new applicants, operators wholly in conversion or group certification) the policy shall fulfill the following requirements:

- a. the frequency and type of inspections are based on the risks with respect to the individual operator.
- b. the risk analysis take into account any relevant threat to the organic integrity of the production and products.
- c. the total number of inspections per calendar year at least equals the total number of already certified operators.
- d. that no operator is inspected less than once in three calendar years.
- e. the certification body installs mechanisms to monitor operators to assess their risk level between very spread out inspections.

<p><b>Comment/evaluation of differences:</b> Compared with ISO 13.1 and 13.4: ISO refers to periodic evaluation, IAC requires either annual inspection frequency or alternative determination of inspection frequency based on risk assessment and minimum requirement to ensure that inspection frequency is not less than once in three calendar years.</p>
<p><b>CATEGORY: Notification of changes</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 7.5.10, 7.5.11  <b>Relevant text:</b> 7.5.10 The certification body shall require operators to give notification of significant changes such as modification to the products, the manufacturing process, extension of acreage or changes to management, or ownership.  7.5.11 The certification body shall assess the announced scope changes and have criteria for inspection or alternative action.  <b>Comment/evaluation of differences:</b> Compared with ISO 13.2</p>
<p><b>CATEGORY: Additional inspections</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 7.5.3  <b>Relevant text:</b> 7.5.3 There shall be provisions for additional scheduled inspections. The criteria or circumstances when scheduling more than one inspection annually shall be documented and shall be based on risk analysis taking into account factors such as the type of production, the operator’s record of compliance, complexity of production and risk of non-compliance .  <b>Comment/evaluation of differences:</b> Additional inspections not addressed by ISO, however compare with 13.3.</p>
<p><b>CATEGORY: Timing of inspections</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 7.5.4  <b>Relevant text:</b> 7.5.4 Timing of inspections shall not be so regular as to become predictable.  <b>Comment/evaluation of differences:</b> Not addressed by ISO.</p>

**CATEGORY: Unannounced inspections**

**IFOAM AC**

**Corresponding reference:** 7.5.5

**Relevant text:** 7.5.5 The certification body shall have a documented policy requiring unannounced inspections. At a minimum, the policy shall require:

- a. in the case of a risk-based approach to determine inspection frequency, at least 5% of the operators shall be subject to unannounced inspections.
- b. in the case of an annual inspection frequency, the number of unannounced inspections chosen randomly and the additional scheduled inspections according to 7.5.3 together shall be at least 5% of the certified operators.
- c. unannounced inspections shall be in addition to the scheduled inspections under 7.5.2.

**Comment/evaluation of differences:** ISO does not specify different surveillance forms, such as regular inspection, additional inspection or unannounced inspections; however it does not rule out that surveillance can be conducted by different mechanisms.

**CATEGORY: Communications**

**EU Regulation**

**Corresponding reference:** Annex III, 4.

**Relevant text:** The operator responsible must notify any changes in the description of the practical measures referred to in point 3 and in the initial inspection provisions foreseen in section A, B, C, D and E of the specific provisions of this Annex to the inspection body or authority in due time.

**Comment/evaluation of differences:** Compare with ISO 13.3

**CATEGORY: Inspection visits**

**EU Regulation**

**Corresponding reference:** Annex III, 5. Inspection visits

**Relevant text:** 5. The inspection body or authority must make a full physical inspection at least once a year, of the production/preparation units or other premises. The inspection body or authority may take samples for testing... An inspection report must be drawn up after each visit, countersigned by the responsible person of the unit or his representative. Moreover, the inspection body or authority shall carry out random inspection visits,

announced or not. The visits shall cover in particular those holdings or situations where specific risk or exchange of products from organic products with other products may exist.

**Comment/evaluation of differences:** Compare with ISO 13.3 and 13.4. EU Regulation foresees one inspection at last once a year; in addition “random” inspection visits (announced or not) are required, especially for high risk operations. Both the EU Regulation and IAC, introduce risk based inspection frequency and require that additional inspections are carried out randomly for high risk operations;. IAC specifically distinguishes between inspections additional to the regular inspection frequency and also foresees that in addition unannounced inspections shall be carried out (at least 5% of the certified operators).

## **NOP**

**Corresponding reference:** Subpart E

**Relevant text:** § 205.406 Continuation of certification

(a) To continue certification, a certified operation must annually pay the certification fees and submit the following information, as applicable, to the certifying agent: ...

(b) Following the receipt of the information specified in paragraph (a) of this section, the certifying agent shall within a reasonable time arrange and conduct an on-site inspection of the certified operation pursuant to § 205.403: Except, ...

(c) If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in § 205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with § 205.662.

(d) If the certifying agent determines that the certified operation is complying with the Act and the regulations in this part and that any of the information specified on the certificate of organic operation has changed, the certifying agent must issue an updated certificate of organic operation pursuant to § 205.404(b).

**Comment/evaluation of differences:** For continuation of certification, NOP requires operators to submit annually an updated organic production or handling system plan. CB shall evaluate the information by conducting an on-site inspection within a reasonable time. The situation where changes in the operation requires immediate verification before the operator can start labelling is not addressed by NOP.

**Corresponding reference:**

**Relevant text:** § 205.403 On-site inspections.

(a) On-site inspections.

(1) A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested.

(2) (i) A certifying agent may conduct additional on-site inspections of applicants for certification and certified operations to determine compliance with the Act and the regulations in this part.

(ii) The Administrator or State organic program's governing State official may require that additional inspections be performed by the certifying agent for the purpose of determining compliance with the Act and the regulations in this part.

(iii) Additional inspections may be announced or unannounced at the discretion of the certifying agent or as required by the Administrator or State organic program's governing State official.

**Comment/evaluation of differences:** Similar to IAC and additional to ISO, additional inspections are part of the inspection procedure; NOP does not require the CB draft criteria for scheduling additional inspections. There is neither a requirement that unannounced inspections shall take place nor a specification regarding the number of unannounced or additional inspections.

## **TOPIC: Use of licensee, certificates and marks of conformity**

**CATEGORY: Use of licensee, certificates and marks of conformity**

### **ISO/IEC Guide 65:1996**

**Corresponding reference:** 14

**Relevant text:** 14.1 The certification body shall exercise proper control over ownership, use and display of licenses, certificates and marks of conformity.

14.2 Guidance on the use of certificates and marks permitted by the certification body may be obtained from ISO/IEC Guide 23.

14.3 Incorrect references to the certification system or misleading use of licenses, certificates or marks, found in advertisements, catalogues, etc., shall be dealt with by suitable action.

**NOTE 5:** *Such actions are addressed in ISO/IEC Guide 27 and can include corrective action, withdrawal of certificate, publication of the transgression and, if necessary, other legal action.*

**CATEGORY: Use of licenses, certificates and certification marks**

**IFOAM AC**

**Corresponding reference:** 7.6

**Relevant text:** 7.6.1 The certification body shall exercise control over the use of its licenses, certificates and certification marks

7.6.2 A certification body may permit its mark to be applied by a non-licensed party (contracted operator or seller) on behalf of a licensee provided:

- a. the non-licensed party is certified by another CB that is accepted under 9.2.1
- b. the licensee has a system for control of the label use that is regulated by contract and that this system is verified by the licensee's CB.
- c. the CB of the non-licensed party agrees to control and verify label use.

**Comment/evaluation of differences:** See IAC 7.6.2; requirement allows CBs to cooperate with others. Correct use and application of CBs mark is under surveillance of an "recognized" CB there is no requirement comparable in ISO 65; it conflicts with ISO 4.2.b and 4.4.a; (requirement to "be responsible for granting, maintaining, extending, suspending or withdrawing certification).

**Corresponding reference:** 7.6.3, 7.6.4

**Relevant text:** 7.6.3 The certification body shall have documents which demonstrate its ownership or control of the certification mark, when such a mark exists.

7.6.4 The certification body shall establish requirements concerning the use of its certification mark or other reference to the certification. These criteria shall require that the operator only makes claims regarding certification which are consistent with the scope of the certification that has been granted.

**Comment/evaluation of differences:** 7.6.4 is covered in ISO 8.1.2

**Corresponding reference:** 7.6.5, 7.6.6

**Relevant text:** 7.6.5 Certification bodies shall actively investigate suspected cases of fraud.

7.6.6 Incorrect references to the certification system or misleading use of licenses, certificates or certification marks shall be dealt with by suitable remedial actions.

**Comment/evaluation of differences:** For IAC 7.6.6 see also ISO 8.1.2

**Corresponding reference:** 7.6.7, 7.6.8, 7.6.9

**Relevant text:** 7.6.7 The certification body shall have documented detailed procedures for responding to use of its name or certification mark or certificates by uncertified parties. Such procedures shall include all steps and include the possibility of legal action.

7.6.8 The certification body shall have documented procedures for withdrawal and cancellation of contracts, certificates and certification marks. These procedures shall require the operator to discontinue use of certifications and certification marks.

7.6.9 Certification bodies shall ensure that corrective actions related to misuse of licenses, certificates and certification marks have been effective.

**Comment/evaluation of differences:** IAC 7.6.7 is additional to ISO; CBs shall also consider third party misuse of marks. For IAC 7.6.8 see ISO 8.1.2 IAC 7.6.9 not addressed by ISO.

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**CATEGORY: Products suspected of not satisfying the requirements of the regulation**

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**EU Regulation**

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**Corresponding reference:** Annex III, 9

**Relevant text:** ...

Where an inspection body or authority has a substantial suspicion that an operator intends to place on the market a product not in compliance with this regulation but bearing reference to the organic production method this inspection body or authority can require that the operator may provisionally not market the product with this reference. ....

**Comment/evaluation of differences:** Respective paragraph also provides for “provisional” withdrawal for a defined time period in order to clear up suspicion.

Different to IAC and ISO, EU regulatory text generally refers to “products bearing reference to organic production methods”. This is specific for the EU Regulation, which does not refer to a specific label or certification mark.

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**NOP**

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**Corresponding reference:** Subpart D - Labels, Labeling, and Market Information

**Relevant text:** § 205.300 Use of the term, “organic.”

...

§ 205.301 Product composition.

...

§ 205.302 Calculating the percentage of organically produced ingredients.

...

§ 205.311 USDA Seal.

**Comment/evaluation of differences:** Seal is owned by the USDA.



## TOPIC: Complaints

### ISO/IEC Guide 65:1996

**Corresponding reference:** 15 Complaints to suppliers

**Relevant text:** 15 Complaints to suppliers

The certification body shall require the supplier of certified products to

- a) keep a record of all complaints made known to the supplier relating to a product's compliance with requirements of the relevant standard and to make these records available to the certification body when requested;
- b) take appropriate action with respect to such complaints and any deficiencies found in products or services that affect compliance with the requirements for certification;
- c) document the actions taken.

**Comment/evaluation of differences:** ISO additional requirement; requirement for operators to keep a record of complaints is not addressed by either IAC or NOP.

## TOPIC: Risk reduction between CBs

### IFOAM AC

**Corresponding reference:** 7.9 Risk reduction between certification bodies

**Relevant text:** 7.9.1 The certification body shall require operators to notify it of all previous and current certifications within the same scope. The certification body shall communicate with the other certification body to ascertain if there were any major issues. Alternatively the certification body shall require the operator to submit the most recent certification decision issued by the other certification body.

7.9.2 In cases of dual or multiple certification with the same certification scope, the certification body shall supply the other certification body (or bodies) with copies of transaction certificates or information regarding sales and inform them in event of de-certification. The certification body shall request the same information from the other certification body (or bodies).

**Comment/evaluation of differences:** Not addressed by ISO or NOP.

<b>TOPIC: Additional requirements and inspection regime for particular circumstances</b>
<b>CATEGORY: Conversion period</b>
<b>IFOAM AC</b>
<p><b>Corresponding reference:</b> 6.7.1-6.7.3</p> <p><b>Relevant text:</b> 6.7.1 The certification body shall verify full application of the standards for a period of no less than that stated in the IFOAM Basic Standards. This shall take place following the application for certification, except in the case of 6.7.3</p> <p>6.7.2 Inspection shall occur during the conversion period to verify compliance with standards.</p> <p>6.7.3 Exceptions to 6.7.1 above shall be on the basis of indisputable documented evidence that full application of the standards has occurred. This shall be verified by inspection.</p> <p><b>Comment/evaluation of differences:</b> Not addressed by ISO.</p>
<b>CATEGORY: Split production</b>
<b>IFOAM AC</b>
<p><b>Corresponding reference:</b> 6.7.4-6.7.5</p> <p><b>Relevant text:</b> 6.7.4 When split production occurs, the certification programme shall have additional requirements and inspection regimes to safeguard that the products are not be mixed or contaminated.</p> <p>6.7.5 In cases of split production the certification body shall require and verify by inspection:</p> <ol style="list-style-type: none"> <li>a. that the documentation regarding the production or processing, storage and sales is well managed and makes clear distinctions between certified and non-certified products;</li> <li>b. that the measures taken to safeguard against the risk to the organic integrity is understood at all levels of the operation.</li> </ol> <p><b>Comment/evaluation of differences:</b> Not addressed by ISO.</p>

<p><b>CATEGORY: Parallel production</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 6.7.6-6.7.7  <b>Relevant text:</b> 6.7.6 If a farm is engaged in parallel production, the certification body shall require that in addition to the requirements for split production above:  a. non organic (or conversion) crops, livestock and produce and organic crops, livestock and produce are of different varieties and are visually distinguishable. Exceptions shall only be granted on a case by case basis in accordance with the requirements in 6.7.7  b. accurate production estimates are recorded and shall be checked against sales records;  c. the inspection includes visits to the non-organic fields and/or processing units.  6.7.7 In cases where an exception has been granted to the requirements in 6.7. 6a inspections shall occur more frequently than once a year and at critical times. This shall normally include inspections at the time of harvest or during processing.  <b>Comment/evaluation of differences:</b> Not addressed by ISO.</p>
<p><b>Codex Guidelines</b></p>
<p><b>Corresponding reference:</b> Annex 3  <b>Relevant text:</b> 12. Where an operator runs several production units in the same area (parallel cropping) ... , crops not covered by section 1 should also be subject to the inspection arrangements ...  ... indistinguishable varieties ... should not be produced at these units  - if derogations are allowed by the competent authority, the authority must specify ...  <b>Comment/evaluation of differences:</b> Special measures are taken to address parallel production circumstances.</p>
<p><b>CATEGORY: Genetically engineered products</b></p>
<p><b>IFOAM AC</b></p>
<p><b>Corresponding reference:</b> 6.7.8-6.7.9  <b>Relevant text:</b> 6.7.8 Based on risk assessment the certification body shall implement a system to inspect and verify that genetically engineered organisms and their products or derivatives are not used in certified organic production and or/processing as required by the IFOAM Basic Standards.  6.7.9 For genetically engineered (GE) products use and contamination risk areas, the certification body shall adopt one or more of the following measures:</p>

- a. review of supplier's statements verifying that the product is not genetically engineered;
- b. and/or analytical testing to defined limits;
- c. and/or documentation and evaluation of suppliers' GE control systems;
- d. and/or other measure(s) determined by the certification body to be more appropriate than a. through c., and as defined in the certification body's policies and procedures, consistent with this criterion.

**Comment/evaluation of differences:** Not addressed by ISO.

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## **NOP**

**Comment/evaluation of differences:** Particular circumstances are not addressed in NOP.

## **TOPIC: Inspection and certification for specific circumstances or scope**

**CATEGORY: Certification of wild products**

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## **IFOAM AC**

**Corresponding reference:** 8.1

**Relevant text:** 8.1.1 If the certification body includes wild products within its certification scope, it shall have documented requirements and an inspection regime that at least requires that:

- a. the operator issues instructions to the collectors and any local agents (middlemen), that at least defines the area of collection and informs them about the standards and other requirements for certification;
- b. the operator has records of all collectors, and the quantities bought from each collector;
- c. any middlemen shall be under contract to the operator;
- d. the area of production be properly identified on appropriate maps, and shall be large and distinct enough to reduce the risk of commingling with non certified production.

**Comment/evaluation of differences:** Not addressed by ISO.

**Relevant text:** 8.1.2 The inspection regime shall at least include:

- a. document check;
- b. interviews with the collectors, or a representative sample;
- c. visit to an appropriate proportion of the certified area;
- d. visits to and interviews with an appropriate proportion of middlemen;
- e. gathering of relevant information about the area of collection from interviews of land-owners and other parties (environment agencies, NGOs etc.)

**Comment/evaluation of differences:** Not addressed by ISO.

**CATEGORY: Approval or certification of inputs; approval systems for brand name inputs**

**IFOAM AC**

**Corresponding reference:** 8.2.1-8.2.3

**Relevant text:** 8.2.1 Where a certification body issues lists or in any other way approves brand name products without formal certification it shall document at least the following measures:

- a. the application procedure, including the necessary documents to be submitted by the applicant;
- b. the procedure to be followed in evaluating the products compliance with the certification body's standards;
- c. the decision making authority;
- d. the length of time for which approval is granted and the requirements for the manufacturer to report changes in composition or other relevant factors;
- e. a clear statement of the nature and guarantee of the approval which shall appear in the listing.

8.2.2 The certification body may receive payment for its work in assessment but shall not receive any non-work related payments such as advertising endorsement payments.

8.2.3 Approval systems shall not allow for any indication of the approval on the product itself.

**Comment/evaluation of differences:** Not addressed by ISO.

**CATEGORY: Certification of brand name inputs**

**IFOAM AC**

**Corresponding reference:** 8.2.4-8.2.5

**Relevant text:** 8.2.4 Where a certification body issues certificates or allows the use of its certification mark on input products, in addition to the measures in 8.2.1 above, the certification body shall document the inspection and certification procedures. This shall clearly indicate:

- a. the inspection frequency which may be less than annual but no less than once every 3 years;
- b. the requirements other than the composition of the product that will be checked during inspection and evaluated in making the certification decision.

8.2.5 In cases where the product is not a certified agricultural organic product, the certification mark may only be used when it is accompanied by explanatory language that clarifies the nature of the certification/approval.

**Comment/evaluation of differences:** Not addressed by ISO.

**CATEGORY: Group certification****IFOAM AC****Corresponding reference:** 8.3.1-8.3.18**Relevant text:** Group certification**Comment/evaluation of differences:** Not addressed by ISO, EU Regulation or NOP; although practically accepted for small scale farmers certification. Also see EU Guidance document for the evaluation of the equivalency of organic producer group certification schemes applied in developing countries.**TOPIC: Acceptance of prior certification****CATEGORY: General requirements for all methods of acceptance****IFOAM AC****Corresponding reference:** 9.1**Relevant text:** 9.1.1 The certification body shall take full responsibility for recognizing the certification as equivalent to its own.

9.1.2 Acceptance of prior certification on the basis of the criteria in 9.2 and 9.3 shall only be for acceptance of product for use by the certification body's own operators and shall not confer certification status to the operator supplying the product. Acceptance of prior certification of operators seeking certification status shall only be granted on the basis of the criteria in 9.4.

9.1.3 The procedures and responsibility for granting recognition shall be clearly documented.

**Comment/evaluation of differences:** Compare with ISO 4.4 a) and b) and note 2 and 3. The concept of acceptance of prior certification (in the chain of custody) is not referenced by ISO; acceptance of prior certification is referenced within ISO only in the context of Subcontracting (see ISO 4.4).

**CATEGORY: Acceptance of product based on recognition of a certification programme**

**IFOAM AC**

**Corresponding reference:** 9.2

**Relevant text:** 9.2.1 The certification body shall maintain a formal register of recognized certification bodies and the recognized programmes they operate. The register shall be subject to periodic review and updated when necessary and shall be available on request.

9.2.2 Inclusion in the register shall only be on the basis of at least one of the following:

- a. IFOAM accreditation;
- b. ISO 65 accreditation with an organic certification scope carried out by an accreditation body that participates in a peer review system. The certification body shall verify equivalency of standards and additional aspects of these criteria which are not covered in ISO 65. Certification bodies shall obtain and assess the protocol for acceptance of prior certification practiced by the recognized certification body.
- c. an assessment of equivalency to IFOAM Norms based on a recent and adequate evaluation visit and report conducted either by the certification body granting acceptance or by an appropriate third party. The assessment shall include the equivalency of policies and procedures, relevant standards and the performance of the other certification body. The assessment and decision to include a certification body on the register shall be documented;
- d. An equivalent accreditation. Where such accreditation does not include assessment of compliance with the IFOAM Basic Standards, the certification body shall conduct a standards equivalency assessment

An accreditation can be considered equivalent when

- IFOAM has determined that another accreditation is equivalent to IFOAM Accreditation.
- The body conducting IFOAM accreditation has determined that another accreditation is equivalent to IFOAM Accreditation.

**Comment/evaluation of differences:** Not addressed by ISO.

**CATEGORY: Acceptance of product based on document review**

**IFOAM AC**

**Corresponding reference:** 9.3

**Relevant text:** 9.3.1 In the absence of a equivalency agreement or contract of recognition, the certification body shall only accept previous certification on a case by case review of the product in question.

9.3.2 The basis of the acceptance shall be an assessment of the information contained in the last inspection report, last certification decision and other relevant documents

against the standards and certification requirements of the accepting certification body. Acceptance may only be granted if steps have been taken with the other responsible certification body to ensure that the information is accurate, complete and up to date and that no subsequent non-conformities have occurred.

9.3.3 Ingredients that constitute less than 10% of the total weight of the product may be accepted on the basis of being certified by a certification body that has been approved by its government or has been accredited by a national accreditation body for the scope of organic certification. The total of all ingredients accepted on this basis shall not exceed 20% of the total weight of the product.

9.3.4 The procedures and responsibility for assessment and decision making shall be documented and follow the normal certification procedure.

9.3.5 Acceptance of such products shall be for a defined period.

**Comment/evaluation of differences:** Not addressed by ISO.

**CATEGORY: Acceptance of applicants currently certified by another certification body**

**IFOAM AC**

**Corresponding reference:** 9.4

**Relevant text:** 9.4.1 Certification of an operator may be transferred from another certification body provided both of the following requirements are met:

- a. the other certification body is currently IFOAM accredited under the register indicated in 9.2.2
- b. the operator is certified by the other certification body up to the point of transfer.

9.4.2 An operation that meets the conditions in 9.4.1 or 9.4.2 may be certified without prior inspection, provided that an inspection according to the certification body's own standards takes place within 12 months after transfer of certification.

9.4.4 Where the requirements of 9.4.1 are not met, acceptance of the operator's current or prior certification shall be limited to the exemption from conversion requirements. Exemption shall only be granted following assessment of relevant historical records, including a recent inspection report, obtained from the other certification body.

**Comment/evaluation of differences:** Not addressed by ISO.



**CATEGORY: Certification partnership**

**IFOAM AC**

**Corresponding reference:** 9.5

**Relevant text:** 9.5.1 Joint ventures, partnerships and similar forms of cooperation with other certification bodies shall comply with the relevant criteria for acceptance of product (9.1 to 9.4) and/or for subcontracting (1.4.12 to 1.4.15) .

9.5.2 The certification body shall take full responsibility for any work done on their behalf by the partner.

9.5.3 The certification decision shall not be “subcontracted” to the partner.

9.5.4 The arrangement between the certification bodies shall be documented.

**Comment/evaluation of differences:** Not addressed by ISO.

**CATEGORY: Packaging or transport of products to other production/preparation units or premises**

**EU Regulation**

**Corresponding reference:** Annex III, 7.

**Relevant text:** Specific requirements operators shall fulfill in case of packaging and transport of products to other production/preparation units or premises

**Comment/evaluation of differences:** Respective requirements shall be fulfilled by operators and will be evaluated by the responsible inspection bodies. Neither ISO nor IAC specify similar requirements; IAC generally addresses surveillance of chain of custody (see IAC 2.3.3) however it does not specify how operators shall ensure product identity during transport and packaging.

# **Common Objectives of Organic Standards Systems**

*Jane Earley*

World Wildlife Fund

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## 1 Introduction

A report prepared by this author for the Task Force on Organic Standards Harmonization in October 2005<sup>1</sup> focused on common objectives in organic programmes, and divided those objectives into several categories:

- guiding principles, or the formally articulated reasons for creating the programme, most often expressed in lofty language relating to social or environmental goals;
- programmatic objectives, which establish the context within which more specific guidance is given to producers and information transmitted to consumers;
- objectives of the programmes aimed at the two important audiences for organic certification systems, producers and consumers, that include objectives relating to environment and production and those relating to value chain, consumption and trade.

For the purposes of this report, the basic objectives can be combined into one category, expressed as “common organic objectives”. For the most part, these will include the guiding principles, values and programmatic objectives as they are expressed through, and underline, the more detailed programme guidance.

This report is intended to follow on from the previous one, essentially summarizing and comparing organic objectives, proposing a set of common organic objectives and exploring how they might be more formally identified. The report, while drawing on the former one, also references more current versions of some of the documents in which organic objectives are articulated. The specific standards documents referenced for this report are described below.

In addition to new standards documents that have emerged since the last report, other changes have occurred in the regulatory environment since the date of the last report. The United States Government has added a proposed regulation on equivalency to the US National Organic Program (NOP). The Codex Alimentarius Committee on Food Import and Export Inspection and Certification systems has issued a document for discussion described as a “Proposed Draft Appendix to the Codex Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems”. Other discussions have taken place in relevant international fora that could affect the outcome of the effort to harmonize organic standards.

New ways to verify conformity to organic standards have also emerged and are being used. One such system, called a “participatory guarantee system”, is being used to increase local stakeholder participation in certification activities for products that are primarily traded locally or nationally. Work is also underway to determine how this system can be further used

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<sup>1</sup> Earley, J. 2007. Objectives of Organic Standards Programmes: Exploring Approaches to Common Regulatory Objectives, In Harmonization and Equivalence in Organic Agriculture volume 3 Background papers of the International Task Force on Harmonization and Equivalence in organic Agriculture. UNCTAD/FAO/IFOAM, Geneva, Rome, Bonn. It has been suggested that the paper also include additional organic standards systems and conformity assessment. However, for the purpose of consistency the standards systems analysed are those analysed in the first paper and conformity assessment is not treated separately since by definition it involves determining whether relevant requirements are filled rather than imposing requirements *per se*.

for internationally traded products. This work is relevant to organic standards, although not treated here separately because it is part of conformity assessment, or how standards are applied, rather than objectives of standards systems *per se*.

The texts considered for this exercise include those listed following, but the later two standards are referenced only where they are substantially different from those produced by other organizations.

**Council regulation (EC) no. 2092/91.** The EU Regulation attempts to set forth a framework for organic production across the 25 EU Member States, in effect harmonizing organic production and certification systems within the European Union. This requires each Member State to establish a competent authority to implement the regulation. It does not eliminate the many national organic production and certification systems that preceded it. The regulation is available as 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). However, this regulation, while in force, is dated in many respects, and new efforts that have been made to revise it have produced a draft for consideration by the Council of the European Union (Inter-institutional file: 2005/0278 (CNS), Brussels, 28 June 2006, 10782/06). This paper uses the draft for the purposes of comparison rather than the original regulation.

**JAS.** The Japanese Organic Standards programme was initiated by administrative regulation of the Ministry of Agriculture, Forestry and Fisheries in 2000. It is implemented under a law enacted in 1950 and ordinances promulgated in 1951 governing labelling and standardization of agricultural products. It is available from the website at [www.ams.usda.gov/nop/NOP/TradeIssues/JAS.html](http://www.ams.usda.gov/nop/NOP/TradeIssues/JAS.html). It has granted equivalency to the US NOP (see below). Changes to the regulation were notified to the WTO in 2005. A 2005 Notification (Notification No. 1608 of the Ministry of Agriculture, Forestry and fisheries of October 27, 2005) defines criteria of production methods for organic livestock products.

**US NOP.** The United States National Organic Program, was implemented by a “final rule” in 2003 pursuant to legislation enacted by the US Congress in 1990. The many years between the original date of enactment and the final rule allowed significant stakeholder input and debate on the final rule, which is available at [www.ams.usda.gov/nop/NOP/standards.html](http://www.ams.usda.gov/nop/NOP/standards.html). The original 1990 legislation is available at [www.ams.usda.gov/nop/archive/OFPA.html](http://www.ams.usda.gov/nop/archive/OFPA.html). Several countries have applied for equivalency determinations but none has yet been granted.

**OFDC.** The Organic Food Development Center of China is part of its State Environmental Protection Administration. Established in 1994, it has implemented the largest organic certification programme in China. Its standards, based on the IFOAM Norms, are available at [www.ofdc.org.cn/index\\_en.htm](http://www.ofdc.org.cn/index_en.htm). This has since been superseded by publication of an official “National Standard of the People’s Republic of China”, which was used as the basis for this paper. This is described as GB/T 19630.1 – 19630.4-2005.

**IFOAM norms.** The International Federation of Organic Agriculture Movements norms are the oldest – and arguably the only – private sector global standards and verification programme for organic foods. Initiated in 1972, well before most governments recognized the need for an organic certification programme, IFOAM set the standard for organic standards in many countries. Its system is now the basis for harmonization of many divergent standards systems worldwide. The IFOAM norms are available and can be downloaded from the IFOAM website at [www.ifoam.org/bookstore/](http://www.ifoam.org/bookstore/). For the purposes of this paper, the author has been allowed access to a comparison of the IFOAM norms to the IFOAM Basic Standards. This is a document that is not yet publicly available.

**Codex Alimentarius.** The Codex Alimentarius Commission (CAC) is an international standards-setting body for food and food products jointly run by the UN Food and Agriculture Organization and the World Health Organization. As such, it is recognized as a standardizing body by the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures. WTO member governments are required by the Agreement to base their standards on international standards, including those of the Codex Alimentarius (the body of standards). Its Organic Food Standards are available at [www.codexalimentarius.net/web/index\\_en.jsp](http://www.codexalimentarius.net/web/index_en.jsp).

**Soil Association Organic Standards.** The Soil Association is arguably one of the world's first environmental non-governmental organizations, and was one of the first national bodies to generate organic standards, as it was founded in 1946 by “a group of farmers, scientists and nutritionists who observed a direct connection between farming practice and plant, animal, human and environmental health.” Its standards are available at [www.soilassociation.org/web/sacert/sacertweb.nsf/B4/index.html](http://www.soilassociation.org/web/sacert/sacertweb.nsf/B4/index.html).

**American Organic Standards.** The Organic Trade Association, based in the United States, administers the American Organic Standards. These standards predate the NOP and in their newest iteration attempt to provide a baseline for North American organic standards, serving as a basis for harmonization. The 2003 version is available at [www.ota.com/pics/documents/AOS032003.pdf](http://www.ota.com/pics/documents/AOS032003.pdf). This discussion is based on proposed 2005 revisions.

## 2 Common Organic Objectives

There is no formal text laying out the common organic objectives, but from a reading of the current standards and their rationales they could be boiled down to a fairly basic set of production-related factors. These include:

- protecting and enhancing soil quality
- minimizing or avoiding use of synthetic chemical fertilizers, pesticides and fungicides
- protecting and enhancing biodiversity
- avoiding pollution
- responsible use of other resources, e.g. soil water and air
- responsible treatment of farm animals
- prohibiting use of other technologies (biotechnology and irradiation)
- planning for (management plan) organic production
- verifying (certifying to) all of the above (this includes use of organic seeds, auditing, traceability of products and labelling for the market)
- maintaining the organic integrity of the processing systems used for organically produced products

This is, of course, a very simplistic list and it could be supplemented by many additional “objectives”. For instance, respect for natural systems, ecological balance and other kinds of philosophical and visionary objectives are an integral part of organic objectives. But tying them to specific principles and criteria is difficult, and they are also well-represented in the more specific directives under which organic production takes place. Likewise, there are in many systems provisions calling for respect for farm workers and attention to social conditions. While these are very important to the functioning of organic systems, they are also taken up by other systems and so are not unique to them. For this reason, they have not been highlighted as “organic” objectives.

The following discussion explores how each of the above objectives is expressed in the most important national systems and IFOAM, both in text and in matrix form, and concludes with a recommendation on how each might be more formally identified; in essence, prospects for progressing multilateral agreement on the objective in an appropriate venue.

### 2.1 Protecting and enhancing soil quality

Of all of the common organic objectives, this is perhaps the most important from an historical point of view, since it was the advent of synthetic fertilizers that drew early proponents of organic systems to maximize soil quality considerations. This has been expanded by many systems to include ecosystem conservation and broader environmental goals, but the basic objective and the one most frequently articulated is the one that pertains to soil.

### **IFOAM norms**

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*Ref: 2.2*

The objective [are] to conserve and improve the living soil. Standards must require the return to the soil of residual nutrients, organic material and other natural by-products of the operation, prevention of land degradation including as applicable, erosion, salinization, grazing management and land preparation techniques.

*Ref: 4.3*

Soil and soil management is the foundation of organic production, Organic growing systems are soil-based, care for the soil and surrounding ecosystems and provide support for a diversity of species, while encouraging nutrient cycling and mitigating soil and nutrient losses.

### **EU Regulation**

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*Ref: Article 3*

... to establish a sustainable management system for agriculture that:

- (i) respects nature's systems and cycles and sustains and enhances the health of soil, water, plants and animals ... (iii) makes responsible use of the natural resources, such as water, soil, organic matter and air.

### **US NOP**

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*Ref: 205.203*

The producer must manage soil fertility to maintain or improve the physical, chemical and biological condition of soil and minimize soil erosion (see guidelines for implementing these objectives at [www.attra.org/attra-pub/summaries/organic\\_soil.html](http://www.attra.org/attra-pub/summaries/organic_soil.html)).

### **JAS**

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*Ref: Article 2*

... sustain and enhance the natural recycling in agriculture, the productivity of the farmland derived from the soil properties shall be generated ... and the organic agricultural products shall be produced in fields adopting such cultivation management method as reducing the load derived from the agricultural production on the environment as much as possible.

### **Codex Alimentarius**

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*Ref: FWD 7(a) Annex 1*

An organic production system is designed to ... (b) increase soil biological activity; (c) maintain long-term soil fertility.

The fertility and biological activity of the soil should be maintained or increased, where appropriate, by ...



## OFDC

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*Ref: 4.2.3*

Practices of recycle, regeneration and supplementing of soil organic matters and nutrients shall be adopted to compensate soil organic matters and nutrients that have been taken away by harvesting.

Generally, the soil quality objective, while articulated differently in each text, is also integrated in different ways among the programmes. For instance, the new EU Regulation text first mentions it in the context of establishing a sustainable management system for agriculture (Article 3), then as a principle applicable to farming (Article 5, sub(a)), and then more extensively in a number of “Plant production rules” in Article 8, which require, among other practices, “cultivation practices that maintain or increase soil organic matter, enhance soil stability and soil biodiversity and prevent soil compaction and soil erosion, and use of approved soil conditioners” (sub. c). The latter requires use of a list of approved substances.

In contrast, the Codex Alimentarius establish soil considerations as a fundamental aspect of organic production systems (Forward, sub 7), and then proceed to require specific criteria for listing of approved soil conditioners (Section 4).

A more specific approach is taken by China’s guidelines (OFDC), which list as “Normative References” an “Environmental quality standard for soils,” (Part 1, section 2), and effectively require organic soil quality to meet Grade II Standards (GB 15618-1995). The OFDC text deals with “soil and fertilizers management” in Section 4.2.3, requiring recycling, other practices to maintain and improve soil fertility, defining organic fertilizers and prohibiting use of certain substances.

These examples illustrate how the subject is dealt with in different systems, but the differences in structure do not defeat the unity of purpose. Soil quality is essential to all of the organic production system standards, and it is to be maintained and improved by the use of organic material, recycling, and the use of approved materials. There are some differences of preference (sewage sludge, mineral fertilizers, etc.) and also some regional differences on whether particular materials, e.g. Chilean nitrate, are to be allowed, but the objective is generally upheld throughout each system.

## **2.2 Minimizing or avoiding use of synthetic chemical fertilizers, pesticides and fungicides (inputs)**

This objective is deeply embedded in every organic agriculture production programme, not just as it relates to soil conservation and enrichment, but also as it relates to water effluent, and concerns about the adverse environmental and health effects of chemical fertilizers, pesticides and fungicides. Historically it derives from an aversion to the chemical nitrogen fertilizers developed post WWII, which replaced more organic methods, but has grown to encompass scrutiny of and preference for a number of techniques and products whose use is considered to

be consistent with organic production principles, with a corresponding list of substances that are prohibited. This objective extends into the processing arena, where most systems specify in some detail which processing aids and other inputs are permitted.

It is also premised on the concept of ecosystem balance; with an organic approach to agricultural production, inputs from outside the system will naturally be minimized and the health of the system and its inhabitants enhanced.

Every system qualifies the ability of producers to use inputs somewhat differently. Most require producers to avoid the use of generally referenced chemical fertilizers, pesticides and fungicides, and to use instead ones that have been specifically approved, but every system also has exceptions and defines the list of approved substances somewhat differently. However, there is on balance more agreement than disagreement, which should facilitate general consensus on the use of inputs if exceptions are allowed for some specific substances.

### **IFOAM norms**

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*Ref: IBS 4.3.*

.. practice crop rotation and avoid the use of fertilizers and pesticides that may have adverse health effects.

### **EU Regulation**

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*Ref: Art. 4*

(b) restricting the use of external inputs of any type. Where they are required they are limited to (i) inputs from other organic production systems; (ii) natural or naturally-derived substances; (iii) low solubility mineral fertilizers, (c) unless the use is justified for specific environmental reasons, strictly limiting the use of chemically synthesized inputs to the following exceptional cases.

### **US NOP**

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*Ref: 205.206*

... the producer must use management practices to prevent crop pests, weeds and diseases including but not limited to ... pest problems may be controlled through mechanical or physical methods.

### **JAS**

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*Ref: Article 4*

... allowed to use specified agricultural chemicals, and prohibited from using others; preference for mechanical means of control, planning to avoid emergence of noxious animals and plants.

## **Codex Alimentarius**

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*Ref: 2.1*

Pest and disease management is attained by means of the encouragement of a balanced host/predator relationship, augmentation of beneficial insect populations, biological and cultural control and mechanical removal of pests and affected plant parts. Permitted substance list maintained.

## **OFDC**

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*Ref: 4.2.4*

Disease, pest and weed control shall be based on the basic principles of holistic approaches for crop-disease ecosystem where control measures are integrated and taken to create environmental conditions that are against the propagation of diseases and pests and growth of weeds, but favorable to the multiplication of natural enemies with the aim of maintaining the balance and biodiversity of [the] agroecosystem, and mitigation of the losses from various disease, pest and weed strikes .... If materials used are not listed in Annex B, they shall be evaluated by certification body in accordance with the guidelines of Annex D.

## **2.3 Protecting and enhancing biodiversity**

This objective is articulated as such in most of the recent standards documents, less so in the older texts. In some it is subsumed into a more general objective of sustainable production or environmental protection: in others, it is associated with particular requirements as well as general ones (soil health, for instance). Regardless of its treatment, it is fundamental to organic production systems that they preserve biodiversity, since that factor alone is in many places what is thought to separate organic systems from industrial, conventional, monocropped agricultural production systems. This is not to say that organic production cannot also assume a scale that might belie its commitment to this objective. The objective itself is fundamental even if it is not in some places obviously articulated.

## **IFOAM norms**

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*Ref: 2.1 IBS*

The objective is that ecosystem management maintains, improves and closes ecological cycles, it facilitates biodiversity and it protects and conserves landscape.”

*Ref: 2.1 IFOAM*

Operators should maintain a significant portion of their farms to facilitate biodiversity and nature conservation. A farm should place appropriate areas under its management in wildlife refuge habitat. These include:

- a. extensive grassland such as moorlands, reed land or dry land;
- b. in general all areas which are not under rotation and are not heavily manured: extensive pastures, meadows, extensive grassland, extensive orchards, hedges, hedgerows, edges between agriculture and forest land, groups of trees and/or bushes, and forest and woodland;

- c. ecologically rich fallow land or arable land;
- d. ecologically diversified (extensive) field margins;
- e. waterways, pools, springs, ditches, floodplains, wetlands, swamps and other water rich areas which are not used for intensive agriculture or aquaculture production;
- f. areas with ruderal flora;
- g. wildlife corridors that provide linkages and connectivity to native habitat”

*Ref: 2.1.1*

Operators shall take measures to maintain and improve landscape and enhance biodiversity quality.

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### **EU Regulation**

*Ref: Art. 3 (a)(ii)*

Organic production shall ... establish a sustainable management system for agriculture that ... contributes to a high level of biodiversity.

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### **US NOP**

*Ref: Definitions*

Organic production. A production system that is managed in accordance with the Act and regulations in this part to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.

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### **JAS**

*Ref: Art. 2.2*

Does not use the word but refers to “preserving the ecosystem” (of collection fields).

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### **Codex Alimentarius**

*Ref: Art. 7, Sec. B 2 (c)*

Organic agriculture is a holistic production management system which promotes and enhances agroecosystem health, including biodiversity, biological cycles, and soil biological activity...(and re livestock production, the objective is enhancing biodiversity and facilitating complementary interactions on the farm).

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### **OFDC**

*Ref: 4.2.6*

Priority shall be given to protect ecological environment and biodiversity.

It is easy to see how the organic production method in general might be seen as protecting biodiversity, but difficult to point to any particular provision that specifically supports it. Certainly, not using chemical substances that might harm biodiversity is a priority, but effect on biodiversity as such does not appear to be a criterion for listing decision for substances

whose use is controlled in organic production system standards. Indeed, it is hard to point to any particular set of requirements specifically aimed at protecting biodiversity, other than general inclusion of the word in relation to soil cultivation practices. IFOAM IBS goes about as far as any standard here, requiring in the aquatic context that “Production should maintain the aquatic environment and surrounding aquatic and terrestrial ecosystem, by using a combination of production practices that...provides for biodiversity through polyculture and maintenance of riparian buffers with adequate plant cover.” (9.2, Aquatic Ecosystems).

Buffer zones are also generally required to separate land farmed organically from land farmed conventionally in most systems, but this is at least as much related to the verification objective as it is to protection of biodiversity. And it could be argued that the prohibition of GMO materials and techniques actually serves to reduce biodiversity, since it would add new genes to the environment (of course, the effect of these genes on biodiversity is a debate topic that has not been resolved to the satisfaction of anyone in the field).

Indeed, even when biodiversity is lumped into environmental, or ecosystem protection, there are few actual practices that are advocated for that purpose alone in organic production system requirements. Happily, this is an area where work is being done to make environmental system requirements more clearly articulated and specific to organic production processes. But for now, while biodiversity protection is a general shared goal of most of the organic production systems covered here, it is not specifically endowed with actual standards.

## **2.4 Avoiding pollution or damage to the environment (and human health?)**

As the converse of protecting or enhancing the natural environment, avoiding pollution is also a theme, or objective, that is very evident in organic standards systems, sometimes in general terms and often with respect to a specific concern.

### IFOAM norms

#### *Ref: 2.2*

Organic processors and handlers should install systems that permit the responsible use and recycling of water without pollution or contamination either by chemicals, or by animal or human pathogens.

#### *Ref: 2.4.3*

The collection or harvest area shall be at an appropriate distance from conventional farming, pollution and contamination.

Avoiding contamination: All relevant measures are taken to ensure that organic soil and food is protected from contamination .... Operators should take reasonable measures to identify and avoid potential contamination.

In case of risk, or reasonable suspicion of risk that contamination may occur, the standard-setting organization should set limits for the maximum application levels of heavy metals and other pollutants.

The standards should place emphasis on detection of contamination sources, improve-

ment of the production system taking into account the procedures developed for HACCP, and the assessment of background contamination levels.

Accumulation of heavy metals and other pollutants should be limited and the appropriate remedial measures implemented where possible.

The standards should establish parameters for the acceptance/rejection of organic products based on analysis.

The standards should establish a procedure on how to evaluate organic products in case of reasonable suspicion of pollution based on due expert consideration and the precautionary principle.

Contamination that results from circumstances beyond the control of the operation does not necessarily alter the organic status of the operation.

*Ref: IBS*

Standards will ensure that operators take measures to prevent pollution, and otherwise preserve water quality.

Organic agriculture should be managed in a precautionary and responsible manner.

The objective is to ensure that organic production is conducted in a manner that seeks to maintain the integrity of the product by avoiding contamination through precautionary practice. This objective does not imply that organic producers are responsible in any way for drift from external practices outside of the control of the operator”.

## **EU Regulation**

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*Ref: Art. 3©*

... aim at producing a wide variety of foods ... that responds to consumers' demand for goods produced by use of processes and substances that do not harm the environment, plant health or animal health and welfare. ... methods based on risk assessment, precautionary and preventive measures.

*Ref: Art. 4, 5*

... taking account of the local or regional ecological balance when taking production decisions;

*Ref: Art. 8*

all plant production techniques used shall prevent or minimize any contribution to contamination of the environment;

*Art. 11.2, .4*

... their use [of substances] does not result in unacceptable effects on the environment or contribute to the contamination thereof and; ... their use has the lowest negative impact on human, animal or plant health.”

## **US NOP**

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*Ref: 205.2*

Nontoxic. Not known to cause any adverse physiological effects in animals, plants, humans, or the environment.

*Ref: 205.207*

A wild crop must be harvested in a manner that ensures that such harvesting or gathering will not be destructive to the environment.

*Ref: 205.600*

The substance's manufacture, use, and disposal do not have adverse effects on the environment and are done in a manner compatible with organic handling;

## **JAS**

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*Ref: Art. 2*

Organic agricultural products are to be produced "so as to reduce the load from the agricultural production on the environment" (by avoiding chemical synthetic fertilizers and agricultural chemicals...)

## **Codex Alimentarius**

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*Ref: Art. 6, Art. 7*

Organic agriculture is based on minimizing the use of external inputs, avoiding the use of synthetic fertilizers and pesticides. Organic agriculture practices cannot ensure that products are completely free of residues, due to general environmental pollution. However, methods are used to minimize pollution of air, soil and water... promote the healthy use of soil, water and air as well as minimize all forms of pollution thereto that may result from agricultural practices;

## **OFDC**

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*Ref: 4.1.3 & D.1.2.3*

Organic production shall be carried out under appropriate environment conditions. Organic production bases shall be located far away from urban centers, industrial and mining areas, main and auxiliary transportation lines, industrial pollution source, as well as living waste sites, etc.

If organic production area is possibly affected by the pollution from neighboring conventional production areas, buffer zones or physical barriers shall be established between organic and conventional production areas so as to prevent the prohibited materials drifting from conventional production areas and ensure organic production areas free from pollution.

If any suspicion of fertilizer pollution exists, tests shall be conducted to analyze heavy metals or other pollutants before its application.

Reliable experimental data may prove that the use of the materials shall not lead to or cause unacceptable influences or pollution on the environment."

The wide divergence in treatment of this objective is perhaps a result of the rapid growth of consumer health and safety concerns in the food sector generally, not just as they may pertain to organic foods. It is clear the older systems do not recognize the need to avoid pollution in the context of organic food systems even though they might endeavour to enhance

environmental protection. The newer ones, however, both recognize the intensity of pollution in the producing environment and seek to isolate organic systems from it. They also seek to ensure that organic products meet recognized health and safety, as well as environmental, standards. IFOAM is the clear leader in articulating the need for health and safety systems, but perhaps this is because national regulatory systems have other legislation or regulation on the books to deal with human health concerns. China is the clear leader in attempting to ensure that organic production systems are not built on top of existing pollution disasters.

There are two issues here: whether organic standards systems ought to address either, or both environmental and human health and safety concerns; and whether and to what extent they can live with existing environmental and agrochemical pollution. Clearly, both issues are evident to consumers, yet they are not explicitly dealt with by most systems. The growth of assurance systems focused on health-related concerns – such as EurepGAP and IQS – may at some point cause the public to focus on the relative lack of symmetry in organic systems.

This may be a good time to focus on how organic systems explicitly contribute to meeting health and safety concerns in terms of a common objective. Articulating what they do as an objective, rather than leaving implicit the fact that lower pesticide levels, for instance, contribute to consumer health, might serve the organic movement well. On the other hand, integrating specific health-related objectives into organic standards might be a daunting task that even proponents might wish to leave to regulatory authorities and to other programmes. Few organic standards programmes presently articulate specific health-related objectives, either in an environmental or human health context, although they commonly require sanitary practices, particularly in processing.

Standards relating to existing pollution may be easier to deal with because assumptions of environmental and human health attributes of organic food production may be more important to sustain in an increasingly polluted growing environment. This is implicitly acknowledged in the “subtext” of the US NOP, and increasingly a subject of concern in areas where biotech crops or government-led spraying or propagation programmes, are common. This may be an area in which it would be good to have an explicit agreement on the common objective of avoiding existing pollution, as well as an opportunity to explore the extent to which organic production methods need to adapt to new requirements and expectations.

It may also be an opportunity to address as a common objective avoiding pollution and other environmentally damaging practices (conversion of native prairie, for example) on an ecosystem basis rather than at the level of a particular farm. While this objective is not expressly articulated very often, it probably deserves more attention.

## **2.5 Responsible use of other resources, e.g. soil, water, air**

Every system has some provision for responsible use of resources, some focusing on renewables and some on more specific practices with respect to fertilizer and water use, etc.

While some systems articulate this in general terms, others, such as China’s, are very specific.



With the exception of OFDC's requirements, which are aimed at ensuring that organic production must meet current standards, none specify actual metrically-measurable standards for dealing with other resources that are unique to organic systems.

Granted, the national systems do not have to replicate already existing legislation covering agricultural operations in general. But it is worth noting that these systems, by failing to specify higher standards for organic production, allow organic production to replicate many of the kinds of agricultural operations that have attracted adverse attention because of their poor environmental practices, such as feedlots that contribute huge nutrient loads to rivers and streams. It is also worth noting here that many organic systems fail to include the basic "conformity with local law provisions" of other standards and certification systems. This is perhaps because other laws are considered less relevant to organic operations, and perhaps because organic production is for the most part assumed to exceed base requirements of local laws governing water and air pollution. However, it would not hurt organic systems to achieve explicit agreement both on the objective of responsible use of natural resources and some explicit measures for accomplishing it, even if this simply reiterates the obligation to comply with governing legal provisions.

### **IFOAM norms**

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*Ref: IBS*

- the return to the soil of residual nutrients, organic material and other natural by-products of the operation
- prevention of land degradation including as applicable, erosion, salinization, grazing management, and land preparation techniques
- that water use does not excessively exploit and deplete water resources
- measures to prevent pollution, and otherwise preserve water quality."

*Ref: 2.1*

Organic farming methods conserve and grow soil, maintain water quality and use water efficiently and responsibly.

### **EU Regulation**

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*Ref: 3*

Makes responsible use of the natural resources, such as water, soil, organic matter and air.

### **US NOP**

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*Ref:Def.*

Natural resources of the operation. The physical, hydrological, and biological features of a production operation, including soil, water, wetlands, woodlands, and wildlife."

*Ref: 205.200*

Production practices ... must maintain or improve the natural resources of the operation, including soil and water quality.

## **JAS**

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Language refers to maintaining soil fertility by methods “effectively utilizing biological functions of the organism.

## **Codex Alimentarius**

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*Ref: Fwd 7*

An organic agricultural system is designed to: ... d) recycle wastes of plant and animal origin in order to return nutrients to the land, thus minimizing the use of non-renewable resources; e) rely on renewable resources in locally organized agricultural systems; f) promote the healthy use of soil, water and air as well as minimize all forms of pollution.

## **OFDC**

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*Ref: 4.1.2*

Environmental Requirements for the Production Base. Environmental quality of the organic production base shall meet the following requirements: ... (b) Irrigation water quality shall meet the requirements of GB 5084. (c) Ambient air quality shall meet Grade II standard of GB 3095-1996 and the requirements of GB 9137.

## **2.6 Responsible treatment of farm animals**

Principles for organic livestock systems could be among the most controversial of any of the organic objectives because there is significant and well-known divergence and detail in many of the areas in which these standards are implemented. With the advent of technologically-sophisticated breeding and feeding operations, and with the spread of veterinary techniques supportive of global livestock trade, this area has mushroomed in importance in the last decade. In addition, public concerns about the health and safety consequences of many of these techniques has also mushroomed. Efforts to address this diversity and complexity have led to a number of divergent approaches, particularly where organic systems have effectively met the challenge of countering industrial livestock production.

There is general agreement on the basic tenets of organic animal husbandry. These include, at their most general level:

- selection of breeds to be used
- use of organically-bred stock
- use of defined organic feed and other inputs, including those used in processing
- disallowance of defined non-organic breeding methods and specific pest and disease treatments
- identity preservation of organically produced animals through their life cycles and processing (including conversion, traceability, etc.)
- living conditions that conform to organic principles (free-range, tethering)
- humane husbandry, transport and slaughter

But there are many, many other objectives that could be listed, since regulations affecting livestock seem to proceed immediately to a level of detail not articulated in other areas. These include stocking densities, prohibition of GMO’s in animal feed, availability of colostrum and milk for young mammals, air quality and ventilation system design, etc.

A recent paper by Lockeretz and Merrigan tracks this detail in a comparative study of most of the systems included here and also includes some non-organic standards. This paper will not replicate their findings. However, for the purposes of adding to their comparison, the table below illustrates where the new EU Regulation text, the Chinese programme and the Japanese standards stand on the areas listed above.

<p><b>Objective:</b> Selection of breeds</p> <p><b>EU Regulation</b> Appropriate breeds shall be chosen – choice shall also “contribute to the prevention of any suffering and to avoiding need for mutilation”.</p> <p><b>OFDC (China)</b> Breeds selected for “high adaptability and strong disease resistance considering local conditions”</p> <p><b>JAS (Japan)</b> Disease should be prevented “through appropriate husbandry practices”.</p>
<p><b>Objective:</b> Use of organically-bred stock</p> <p><b>EU Regulation</b> Organic livestock shall be born and raised on organic holdings.</p> <p><b>OFDC (China)</b> Organically reared livestock and poultry shall be introduced (defined conversion periods)</p> <p><b>JAS (Japan)</b> Domestic animals shall be bred from mothers raised organically.</p>

<p><b>Objective:</b> Definition of organic feed and other inputs</p> <p><b>EU Regulation</b> Livestock shall be fed with organic feed that meets the animal's nutritional requirements at the various stages of its development. Non-organic feed materials ... certain products used in animal nutrition and processing aids shall be used only if they have been approved ... growth promoters and synthetic amino acids shall not be used.</p> <p><b>OFDC (China)</b> Livestock and poultry shall be fed on organically produced feedstuffs (some conventional feed also allowed under defined conditions). Ruminants shall be provided with roughage to satisfy their daily nutritional demand. Feed additives allowed if listed, specific products prohibited.</p> <p><b>JAS (Japan)</b> Feeds other than 1) organic feeds and feeds produced in house for organic livestock ..., 2) natural substances or the substances derived from natural substances ..., and 3) silkworm pupae, if less than 5% in dry weight) shall not be provided.</p>
<p><b>Objective:</b> Disallowance of defined non-organic breeding methods and specific pest and disease treatments</p> <p><b>EU Regulation</b> Reproduction shall be by natural methods ... not induced by hormone treatment ... cloning and embryo transfer shall not be used. Chemically synthesized allopathic veterinary medicinal products including antibiotics may be used where necessary (limited use defined).</p> <p><b>OFDC (China)</b> Reproduction based on natural methods (no hormone treatment), plus other methods (artificial insemination) if they do not affect genetic diversity (cloning, embryo transfer). Allowed substances for disease treatment are listed, use of antibiotics and chemically synthesized medicines for preventive treatment prohibited.</p> <p><b>JAS (Japan)</b> Artificial breeding methods disallowed. Veterinary drugs prohibited, with exceptions, except where required by law or where no alternative exists. Prescribed drugs and antibiotics not allowed except when no alternative. Likewise, no growth stimulants allowed.</p>

table continued on overpage

<p><b>Objective:</b> Identity preservation of organically produced animals through their life cycles and processing (including conversion, traceability, etc.)</p>
<p><b>EU Regulation</b>                  Animals on the holding may be deemed organic after a specific period ... organic livestock shall be kept separate from other livestock ... production of processed organic food and feed shall be kept separate in time or space from production of non-organic processed feed...</p> <p><b>OFDC (China)</b>                  Parallel production allowed but livestock must be kept separated. Conversion measures specified. The main feed ingredients from agricultural origin in compound feeds shall be organically certified. Livestock clearly marked so as to be identified at all stages of loading, transportation.</p> <p><b>JAS (Japan)</b>                  Organic livestock products should be managed so as not to be mixed with livestock products which are not produced in compliance with the criteria of the regulation</p>
<p><b>Objective:</b> Living conditions that conform to organic principles (free-range, tethering)</p>
<p><b>EU Regulation</b>                  Appropriate stocking densities required, livestock shall have permanent access to outdoors. tethering prohibited.</p> <p><b>OFDC (China)</b>                  Stocking densities required to avoid adverse environmental impacts, and conditions shall meet the livestock's biological and ethological needs, provide for adequate movement in space and time, good ventilation, sunshine, drinking water meeting specifications, access to outdoors.</p> <p><b>JAS (Japan)</b>                  Housing conditions specifically prescribed, including size of area, sanitary equipment, appropriate temperature, ventilation and bright sunlight, access to feed and fresh water.</p>
<p><b>Objective:</b> Humane husbandry, transport and slaughter</p>
<p><b>EU Regulation</b>                  Duration of transport minimized, suffering kept to a minimum.</p> <p><b>OFDC (China)</b>                  Feeding by force is prohibited, conditions for humane transport and slaughter specified in some detail.</p> <p><b>JAS (Japan)</b>                  No electric stimulation and tranquilizers, slaughter methods to minimize stress and suffering.</p>

## 2.7 Prohibiting use of other technologies (biotechnology and irradiation)

No matrix is needed for this requirement because it universally applied. The EU chooses to “exclude the use of ionising radiation for treatment of organic products or their ingredients [...] and exclude the use of GMOs,” and also to exclude “rearing artificially induced polyploid animals”. Furthermore, “reproduction shall not be induced by hormone treatment, unless in order to treat reproduction disorders; (iii) other forms of artificial reproduction, such as cloning and embryo transfer, shall not be used.” This is fairly standard language in most of the texts, except that it appears in different parts of the standards. The intent is clear. However, the objective as articulated is not, since each time a new technology appears it must be added to the list. It might be more effectively, and permanently, articulated as a requirement for “natural” breeding methods (scientifically defined) rather than as a prohibition on other kinds.

## 2.8 Planning for (management plan) for organic production

Management is as integral to organic systems as it is to ISO’s Environmental Management standards family, if not more so. Management drives the organic production system, because without careful seed and crop selection, crop rotation and use of organic techniques and inputs, the system cannot produce benefits. A lot of study has gone into organic management systems and almost every system explicitly requires organic operators to have a management plan. This also extends to processing and handling. Whether the plan must be formally submitted for approval, and what it must contain, are requirements that vary from system to system. In terms of process, this should be an objective that every organic system can agree.

### **IFOAM norms**

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*Ref:3.1*

Conversion Requirements. “there should be a clear plan to proceed with the conversion .... The plan should be updated as necessary and cover all aspects relevant to these standards.”

### **EU Regulation**

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*Ref: Art. 3*

(a) to establish a sustainable management system for agriculture

### **US NOP**

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*Ref: 205.201*

The producer ... must develop an organic production or handling system plan

### **JAS**

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*Ref: Ch. titles*

General management. Management concerning transportation, selection, processing, cleaning, storage, packaging, and other processes.

## **Codex Alimentarius**

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*Ref: Fwd, 7 & 9*

Organic agriculture is a holistic production management system .... It emphasizes use of management practices in preference to the use of off-farm inputs.

An integral component of certification is the inspection of the organic management system. Procedures for operator certification are based primarily on a yearly description of the agricultural enterprise as prepared by the operator in cooperation with the inspection body. Likewise, at the processing level...

## **OFDC**

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*Ref: 4.1.2*

Organic producers, processors and handlers shall develop and maintain management system for organic production, processing and handling activities according to the requirements set forth in GB/T 19630.1 ~ GB/T 19630.3. The management system shall develop documents required in 4.2 of this part and shall be implemented and maintained.

## **2.9 Verifying**

(This includes use of organic seeds, auditing, traceability of products and labelling for the market.)

Although some may prefer to separate these areas into different objectives, they are all joined in one unifying principle: organic plants and animals must be identifiable as such. Unlike other products in trade that may be identified by appearance or content or by marks applied at some stage of processing to delineate sometimes subtle physical differences in weight or appearance, organic plants and animals are identified by origin alone. Origin is not visible either to the consumer or to the customs inspector. Therefore, credible and sometimes elaborate systems of segregation must be created and enforced. This extends from sources of organic crops and animals (seeds, breeding stock) to their ultimate destination (labelling at consumer level) and points in between (conversion from conventional to organic, and auditing and verification systems that check or confirm adherence to organic production practices). Moreover, this is generally not just a common objective but a common regulatory objective in which the organic production industry is united with government or other regulatory authorities to enforce a common set of standards for their mutual benefit.

The matrix below does not attempt to do a side-by-side comparison of all of the rules and regulations in this area. This has been done by others, and reference material is readily available on comparative rules affecting production and use of organic seed and breeding stock, conversion periods and labelling requirements. Rather it illustrates how rules in each of these different sectors underscore the common objective: verification of organic identity.

### **IFOAM norms**

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*Ref: IBS 7*

Organic agriculture is intended to produce high quality, organic products that contribute to health care and well-being. Labelling provides transparency, trust and defines organic quality.

The objective is to guarantee clear identification and proper labelling of what can be considered organic products.

Only products that have been subject to a recognized control scheme throughout the production and preparation process shall be labelled as such.

### **EU Regulation**

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Where... not all units of a farm are used for organic production, the farmer shall keep the land, animals, and products used for, or produced by, the organic units separate from those used for, or produced by, the non-organic units and keep adequate records to show the separation.

... only organically produced seed and propagating material shall be used. To this end, the mother plant in the case of seeds and the parent plant in the case of vegetative propagating material shall have been produced in accordance with the rules laid down in this Regulation for at least one generation, or, in the case of perennial crops, two growing seasons.

### **US NOP**

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(a) Livestock products that are to be sold, labelled, or represented as organic must be from livestock under continuous organic management from the last third of gestation or hatching.

### **JAS**

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Management in the transportation, selection, processing, cleaning, storage, packaging and other processes [should be] controlled in such a manner as not to be mixed with other agricultural products than the organic agricultural products.

### **Codex Alimentarius**

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*Ref: Fwd 7*

For livestock production, the competent authority should ensure, without prejudice to the other provisions in this Annex, that the inspections related to all stages of production and preparation up to the sale to the consumer ensure, as far as technically possible, the traceability of livestock and livestock products from the livestock production unit through processing and any other preparation until final packaging and/or labelling.

... handle agricultural products with emphasis on careful processing methods in order to maintain the organic integrity and vital qualities of the product at all stages.



## OFDC

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*Ref: 7.1.1*

Transportation vehicles used for both organic and conventional products shall be cleaned up before loading of organic products.

*Ref: 7.1.2*

Special marks or labels shall be made on transportation vehicles and containers to avoid mixture with conventional products.

*Ref: 7.1.3*

In the process of transportation and loading and unloading of products, clearly recognizable organic certification seal and statements concerned shall be stamped or affixed to packages.

*Ref: 7.1.4*

Transportation, loading and unloading of products shall be completely recorded and accompanied with receipts concerned to maintain the integrity of organic production.

As in other areas, there are many derogations from these rules and whole classes of organic production unaffected by them. Some systems extend to aquaculture while others do not. The United States system's requirements for certification and submitting a system plan for approval apply only to operations whose gross agricultural income exceeds \$5,000 annually. This ultimately allows a certain degree of "leakage" in the system, and for some organic production to go unregulated while in especially "leaky" systems, some non-organic production may get into the mix. The regulatory overlay of national organic systems poses a particularly difficult problem for convergence in this area, since in many cases the rules in this area will be enforced by other authorities, and similarities to existing regulations in other sectors is preferable.

This is also an area in which trade rules play a role, and in which producers argue that some requirements needed to fulfil the objective of verification affect producers in different geographical areas differently. For instance, producers in tropical areas are said to be disadvantaged by extensive conversion requirements, because land used for new organic production has seldom been conventionally farmed. And lack of a supply of certified organic seeds has underscored the need for discretion to use conventional but non-treated seed where it is necessary.

However, perhaps because of the international trade significance of verification of product origin, international agreement on the rules pertaining to some elements of verification (labelling, for instance) is more easily obtainable. International labelling standards are to be used as the basis for national standards, as recent WTO litigation has underscored (Peru vs. European Union, on sardines), and there is a good argument for the primacy of Codex standards for this reason.

## **2.10 Processing systems should maintain product identity and be consistent with principles of organic production**

In general, processing requirements for organic products follow the same basic template, with minor revisions in different systems. Basically, the intent is that the facility be environmentally friendly, segregate organic and non-organic product lines and inputs, refrain from using non-organic additives, prohibit use of synthetic additives or processing materials, use organic or environmentally friendly packaging material when available, and identify each product (and input, if necessary) appropriately. Some systems also cover transport. Like the matrix on verification, this one is illustrative rather than comparative. Differences are for the most part minor (although here, as on the production end, the devil is frequently in the details). Therefore, while some additives are permitted in some systems, they are banned in others.

While there is almost perfect consensus on maintaining product identity, there is less consensus on upholding principles of organic production at the processing end. There does not seem to be general consensus on such subjects because there is little consensus on what is “organic” at the processing level. Moving from the natural world to the factory introduces a number of considerations and conundrums. Local vs. global production is one of them. Some organic proponents object to many processing aids as the product of big business, while others are prepared to accept that organic products can be produced at the scale of, and to the requirements of globalised agricultural production systems.

Perhaps more important is that the controversies rarely resolve the issue of what is truly “organic” about processing and what is not. The history of litigation of provisions of the US NOP indicate that some of these controversies are not likely to be resolved soon. If history is a guide, agreement on these issues, even at the level of a general objective, may not be easy.

Another issue is social justice. Social issues are difficult enough to tackle in an agricultural production system based on a family farm, or a small production unit. They are much less likely to be resolved at a factory level. Most organic production systems have not in fact extended social justice principles to processing, if they have articulated them at all. Perhaps the most easily achieved form of consensus on this issue is that it remains unaddressed by organic programmes because it is addressed by other instruments, e.g. International Labour Organizations (ILO) conventions. Those could easily be referenced, rather than replicated.

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### **IFOAM norms**

*Ref: 6.3*

Processing Methods. ...Processors should choose methods that limit the number and quantity of non-organic additives and processing aids. ... (6.3.1.) ... Any additives, processing aids, or other material that chemically react with or modify organic food shall be restricted and must appear in Appendix 4.

## **EU Regulation**

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Ref: Art. 6

... producing organic food and feed from organic agricultural ingredients, except where an organic ingredient is not available on the market in organic form;  
(b) restricting the use of additives, other non organic ingredients with mainly technological and sensory functions as well as micronutrients and processing aids to a minimum extent and only in case of essential technological need or for nutritional purposes;  
Production of processed organic food shall be kept separate in time or space from production of processed non organic food.

## **US NOP**

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Ref: 205.270

Mechanical or biological methods, including but not limited to cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, distilling, extracting, slaughtering, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, chilling, or otherwise manufacturing, and the packaging, canning, jarring, or otherwise enclosing food in a container may be used to process an organically produced agricultural product for the purpose of retarding spoilage or otherwise preparing the agricultural product for market.

## **JAS**

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Ref: Art. 2

To preserve the characteristics of the organic agricultural products..., which is the raw materials in the manufacturing the processing processes, the processing methods applying the physical and biological functions shall be used basically and the use of the food additives and drugs synthesized chemically shall be avoided...

## **Codex Alimentarius**

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Ref: Art. 6 Fwd 7 & Fwd 10

Organic food handlers, processors and retailers adhere to standards to maintain the integrity of organic agriculture products ... handle agricultural products with emphasis on careful processing methods in order to maintain the organic integrity and vital qualities of the product at all stages. Therefore, the regulation of a process, rather than a final product, demands responsible action by all involved parties.”

## **ODFC**

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Ref: 4.4.2

Organic product processing shall not damage the main nutritional elements; such techniques as mechanical, refrigerating, heating, micro-waving and smoking may be used, as well as micro-organism fermentation, extraction, concentration, sedimentation and filtration may also be used; and yet, the extraction solvents shall be limited to water, ethanol, animal and plant oil, vinegar, carbon dioxide, nitrogen or carboxylic acid that comply with national food hygiene standard, while other chemical reagents shall not be added in the process of extraction and concentration.

### 3. Recommendations

The history of the organic movement underscores the need for a holistic and global performance-oriented view of the organic production process, rather than the multiplicity of prescriptive standards that exist today and are further proliferating. From its origins in 1920s and 1930s to its growth in the post-war era, and its widespread acceptance by consumers in the late twentieth century, the importance of organic products in the global marketplace has grown and multiplied exponentially. Enabling producers to meet this demand while upholding the high standards of the movement, and without forcing them to undertake the costs and burden of certification to multiple and sometimes mutually exclusive programmes, is a challenge in a global economy. But the guiding principles, or “common objectives” of the organic movement, perhaps should show the way.

Although language differences exist in the manner in which the principle underlying organic agriculture are articulated and structured across different programmes, and although they have changed over time and are represented differently in different contexts, they are remarkably similar in intent and effect. If over time the objectives were to be commonly articulated, and criteria and indicators expressed in terms of performance standards<sup>2</sup>, they would most likely in many cases be identical.

Common objectives are the necessary foundation of this process. Required by the Agreement on Technical Barriers to Trade (TBT) as a basis for equivalence, and recognized by the few regulatory systems that have found a basis for equivalence, they have not yet been formally agreed by governing authorities in a way that might enhance the prospects for broader, or multilateral equivalence. The two primary issues that will be confronted in the process are the level of detail at which the objectives can or should be articulated and agreed, and what additional elements of substance or process will be unavoidable in the venues where this negotiation might take place.

Venue is important because multilateral, or even “hub and spoke” determinations of equivalence<sup>3</sup>, cannot take place outside a context in which governments are formally bound – within the frameworks required by their respective regulatory processes. Several venues exist that could be used for this process. Which ones might be most useful depends on which strategy is determined to most expeditiously facilitate equivalence on a multilateral level.

This strategy should be based on some of the observations arising from this paper, namely

- Some “common objectives” are more common than others.
- Some are more fully articulated than others.
- Some already have a home in a multilateral venue, while others are on their own in terms of where agreement to them might best be negotiated.

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<sup>2</sup> Performance standard: A statement of general criteria that defines a desired result without specifying the techniques for achieving that result.

<sup>3</sup> Ones in which a single system recognizes as equivalent two different systems, which can then proceed to recognize the equivalence of each other.

- Some will lend themselves to agreement more easily than others because they are more easily translatable into performance standards, while others are not achievable without a certain amount of prescriptive language.
- The “devil” is in the detail, so choosing an appropriate level of generality is important.
- How equivalence is implemented in practice might be best addressed by mechanisms other than formal equivalence determinations, such as mutual recognition of conformity assessment or suppliers declarations of conformity, rather than third-party certification.

Harmonization and equivalence can, of course, take place in processes other than those at the highest level of generality. Chief among those is mutual recognition of conformity assessment, which is commonly used when formal equivalence is elusive but general agreement to the same kinds of standards is present on the ground. This paper does not attempt to deal with variations of mutual recognition of conformity assessment, including supplier declarations of conformity, which deserve their own treatment. It does note, however, that where organic standards systems depend exclusively on third-party certification they may perhaps be requiring a level of assurance greater than that actually demanded by the market, particularly for non-traded goods.

## **4. Details, Details**

This paper has opted to start with a high level of generality rather than a high level of detail, but it has been noted throughout that much additional detail exists within each of the ten general principles discussed here. Of the ten common objectives discussed above several stand out as ones that could reach equivalence determinations with most of the national programmes without a lot of additional work. These are “protecting and enhancing soil quality”, “responsibly using other resources”, and “planning for organic production”. Not only are these at the heart of organic production method but they are also relatively well-articulated, do not present huge problems of disparity of treatment within the systems compared here, and would find a receptive audience in the organic producing sector as well as in the consuming one.

Among the more technically articulated objectives, agreement to “minimizing or avoiding use of synthetic chemical fertilizers, pesticides and fungicides”, may have good prospects for agreement because lists have been agreed for the most part in the Codex Alimentarius, although national programmes will always be free to maintain their own. Agreement to many of the objectives subsumed in this principle would also be possible, should the optimal level of detail be more specific than general. Likewise, “prohibiting use of other technologies” would be easy at this point to agree upon if a principle could be developed, rather than a list. Otherwise, in future it would perhaps need to be renegotiated, depending on what is developed and what is disallowed.

“Responsible treatment of farm animals” and “verification”, could also be negotiated because there is agreement on most of the general objectives, if not the particular ways in which they might be implemented. Negotiating the minefield of organic animal husbandry, along with the

other more technical objectives, may be a good opportunity for revisiting some of their more prescriptive provisions in light of whether they could be articulated in terms of performance standards. Adopting a performance-based interpretation of these objectives might facilitate agreement by officials in regulated systems who otherwise would have little flexibility.

This could be particularly important for those objectives that are not particularly well, or fully, articulated across all of the systems, or ones that are covered by legislation not tied to organic production systems in national systems. “Avoiding pollution” and “protecting and enhancing biodiversity” are two such objectives. In the former lurks the big issue of whether organic standards should explicitly address health and safety concerns. Additionally, how to deal with existing pollution in organic systems is an issue on which there may be a huge gulf between countries, especially among those whose agricultural environments are severely stressed. The latter objective is barely articulated in most standards, but clearly, if lumped together with environmental protection, one of the implicit objectives of organic systems. Performance standards here – articulated either in reference to other legislation or on their own – could greatly facilitate agreement.

## **5. Venues**

As noted above, agreement on common objectives would ideally need to be formally endorsed, if not negotiated directly, by government officials who administer national organic programmes and who are responsible for determinations of equivalence. Some venues that could lend credibility to this enterprise exist. The CAC, which has itself generated one of the standards (and along the lines of the IFOAM standards) and whose standards are to be the international standards on which national ones are based, is the obvious choice for most of the common objectives listed above.

Within the CAC either the Committee on Food Labelling or the Committee on Food Import and Export Inspection and Certification Systems are natural choices, the latter because it has recently issued specific guidelines on equivalency for Sanitary and Phytosanitary measures (the SPS Agreement). Although it has consistently rejected work on equivalence of TBT measures, a case could be made for organic products rather than the full spectrum of TBT-related issues. Otherwise, the World Organisation for Animal Health (OIE) might be a venue to negotiate agreement on objectives of organic animal husbandry. The International Plant Protection Convention (IPPC) might be useful for environmental (pollution and biodiversity) issues. The International Standards Organization (ISO) is also potentially available for new work, although the United States is not represented there in a governmental role.

Finally, the Task Force itself, perhaps in partnership with the UNECE, could host a process to generate agreement on common objectives of organic production. If it garners active participation by the organic standards programmes discussed here it could generate a quasi-legal instrument at international level that could be used by national programmes as a basis for equivalence determinations.

# **Review of the ITF Consumer Research Question**

*Diane Bowen*

ITF Secretary

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## 1. Introduction

The purpose of this paper is to review and, hopefully, to satisfy the longstanding interest of the ITF in organic consumer research.

The paper undertakes the following four objectives:

1. Review the history ITF discussions and decisions on research on consumer sensitivity to organic standards.
2. Present a general overview of the body of recent organic consumer research.
3. Characterize the conclusions of the existing research on the topics that are most closely related to the ITF issue of consumer sensitivity to organic standards.
4. Provide references to major studies and reports, some of which are now posted on the ITF website, in order to give ITF members convenient access to detailed results of organic consumer research.

*Methodology:* The review was limited to that which could be carried out by the ITF in 2006 using the available resources. The ITF Secretary conducted an English language web-search of organic consumer research and contacted selected resource people to supplement and clarify the results of the web-search. The result is a report on the most recent, robust and relevant English language research, which it turns out, has been conducted in North America and Europe. This does not signify that other regions and consumers are not important, nor even that research in other regions does not exist. It merely indicates the preponderance of research that was discovered, which not coincidentally are in the two major consuming and importing regions for organic products.

## 2. History of the Consumer Research Topic in the ITF

### First Meeting

*Date: February 2003*

*Venue: Nuremberg, Germany*

Participants raised the point that government organic standards were often said to reflect and protect consumer expectations. Participants questioned the degree to which consumers are sensitive to standards. The ITF member from Consumers International (CI) agreed to coordinate a research study on the topic. The workplan from that meeting included a paper on “Consumer Sensitivity to Differences in Standards and Compliance Systems”. The ITF accepted that this would be a major undertaking, which would need considerable funding and would require on a longer timeline than the next meeting.

### Second Meeting

*Date: October 2003*

*Venue: Geneva, Switzerland*

The Steering Committee reported that funding constraints prevented the consumer research from moving forward. ITF expressed support to develop the Consumer Sensitivity research

as funding permits. The member from CI did not attend this meeting and the Steering Committee was subsequently informed that he would no longer participate in ITF due to reorganization at CI. The Steering Committee wondered whether OECD could assist in implementing this project, but this avenue did not materialize.

### **Third Meeting**

*Date: November 2004*

*Venue: Rome, Italy*

During the discussion of the paper on Impacts of Organic Systems on Organic Production and Trade, it was mentioned that harmonization may lead to a loss of consumer faith in labels. ITF reaffirmed that the consumer study should continue as a priority. The project was slightly re-framed to assess the level of consumer awareness of the differences in the norms, as well as their sensitivity to the differences. Furthermore, it was agreed that the comparative database project will give results that can be used to plan the study. A Terms of Reference for the research should be written and a budget prepared for ITF feedback. ITF SC was to initiate contact and consultation with consumer research experts. ITF members were asked to provide input on the contents of the study.

### **Fourth Meeting**

*Date: February 2005*

*Venue: Nuremberg, Germany*

A consumer research expert from the University of Kassel in Germany was invited to this ITF meeting. During a long discussion, some attendees reasoned that, although the aim of the report had been to identify consumer sensitivity to difference in standards, the study objective should shift to assess consumer values and reasons for buying organic products. In addition, they argued it should include research in developing countries as well as importing countries. The research expert responded that this type of research already exists and results are known. This was followed by a suggestion to compile the primary research. The high cost of original research was discussed. The group did not come to a firm reconciliation of this conversation and the different views. Next step is to propose a methodology based on the original objective about consumer sensitivity and postpone commissioning until the next funding cycle.

### **Fifth Meeting**

*Date: December 2005*

*Venue: Mammamet, Tunisia*

The Steering Committee reported that it had issued a request to six experts for tenders for the consumer research not to exceed 75,000 euros for studies of consumer sensitivity in the three major importing markets. Of the three responses received, two declined saying that the funding was insufficient for the project. One proposal was received but changed and scaled down in order to meet expectations and budget. ITF concluded that by this time, the results of the consumer study are a lower priority for achieving results on the ITF objectives. Alternatively, the ITF agreed that a situation analysis of existing studies should be commissioned. It was also agreed that ITF members should contribute studies from their

countries if available. ITF members expressed the prevailing view that consumers are neither aware of nor sensitive to differences in standards.

### **Sixth Meeting**

*Date: October 2006*

*Venue: Stockholm, Sweden*

The late timing of new funding for ITF in 2006 precluded the commissioning of a full review and situation analysis. However, the ITF Secretary agreed to prepare a limited review of existing research on consumer expectations and values relative to organic products.

## **3 Overview of Recent Consumer Research**

### **3.1 Spheres of research**

The preponderance of consumer research on organic products is conducted in North America and Europe. However sources and resources for the research differ markedly. In Europe, the European Commission has allocated significant financial resources toward the execution of consumer research by academic experts from universities and other experts in EU Member States. In North America, primarily the United States, most of the comprehensive national consumer research is prepared in the private sector by commercial market research firms and targeted at industry. This difference may reflect the policy differences between the United States and the European Union. According to a United States Department of Agriculture (USDA) report, “the EU actively promotes the growth of the organic sector with a wide variety of policies designed to increase the amount of land farmed organically. From the perspective of many EU countries, organic agriculture delivers environmental and social benefits to society, and is regarded as an infant industry requiring support until it is able to compete in established markets. This view of organic farming as a provider of public goods affords an economic rationale for government intervention in the market.”<sup>1</sup> The same report, observes that, “The US takes a free market approach. The US Government’s approach, while acknowledging organic agriculture’s positive impact on environmental quality, treats the organic sector primarily as an expanding market opportunity for producers and regards organic food as a differentiated product available to consumers.” Although the US Government provides grants for decentralized agronomic and market research, the work does not result from policy initiatives as in the European Union. A 2006 report by the USDA Economic Research Service (ERS), entitled *Market Led vs. Government Facilitated Growth: Development of the US and EU Organic Agricultural Sectors*, is published on the ITF website in the section “Related Reports.” (The ERS has also made a comprehensive inventory of market and consumer related research on organic agriculture and organic products, and this is also on the ITF website.)

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<sup>1</sup> USDA Economic Research Service, *Amber Waves*, February, 2006

However, the topics addressed by market and consumer research in the United States and the European Union are similar. They include market demographics, market size and channels, growth and segmentation, purchasing patterns, price sensitivity, and consumer attitudes and values. Some of the research, in both markets, measures the degree of correlation between consumer attitudes and perspectives and their actual purchasing behaviour.

A review of organic consumer research found that virtually none of it is directly aimed at answering the ITF's main question of consumer sensitivity to differences in organic standards and technical regulations. However, there is some research on the attitude and awareness of consumers about standards, inspection and government regulations. Also of interest are some aspects of the research that address the general values, attitudes and perceptions of consumers concerning organic food. This includes a topic that has arisen in ITF discussions – the value placed on local sources. This review concentrates on studies or portions thereof that focus on these topics, and their results.

### **3.2 North American studies**

Two market research firms in the United States specialize in the natural products market, which includes organic products. They are the Natural Marketing Institute (NMI) and the Hartman Group. Both of these groups conduct quantitative and qualitative market research, which is then sold. The Hartman Group study, *Organic:2006*, is based on a nationwide online survey of 2 109 United States consumers. Additional qualitative and ethnographic methods are employed to add depth to the research, including case studies of individuals about their use and adoption of organic product. The analysis includes segmentation into three attitudinal categories of consumers. The attitudinal categories describe the degree to which consumers are oriented toward certain values and lifestyles. The report provides comprehensive analysis of attitudes and behaviour by the organic consumer segment, as well as insights on perceptions and language about organics, motivators and barriers to purchase, pricing factors, purchase and use by channel, and consumer familiarity and usage of over 60 organic brands.

The NMI study, *Organic Consumer Trends Report: 2005*, is based on a study of 2000 consumer households, and is also segmented into attitudinal categories. Access to copies of these two reports, or portions thereof, is restricted to purchasers, who pay in the range of US\$500 to US\$17,500. However, both firms have cooperated with the Organic Trade Association in North America to make general results and conclusions from the research available to a wider audience.

In addition to these groups, universities (often their graduate students) and other institutions conduct consumer research regarding organic products, but these are mostly on a regional or local scale and will not be addressed here.

A public summary of some aspects of the Hartman and NMI reports, prepared by the Organic Trade Association in Power Point format, is published on the ITF website under "Related Reports".

### 3.3 European studies

A literature review relating to studies of organic consumption concluded that research comes from several different sources.<sup>2</sup> According to this review, these investigations are undertaken by public national organic bodies and stakeholder organizations, and academic establishments (including research students' studies). A second source derives from national government funded research reports and associated documentation. Thirdly, individual country contributions to EU-wide research projects also contain relevant material and are a main source of the comprehensive reports cited here.

The current comprehensive European studies have evolved since 2001. Research initiatives in individual countries have been used in a building block approach to create a comprehensive picture of the relevant consumer research questions and answers. The studies have been refined, re-analyzed, aggregated, and meta-analyzed. The most recent, comprehensive and synthesized result of this ongoing work is found in *Consumer Attitudes to Quality and Safety of Organic and Low Input Foods: A Review (QLIF)*, published in September, 2005. This is part of an integrated project on Quality and Low Input Foods, funded by the European Commission to further the implementation of policy agendas. QLIF emphasizes previous research of three European Union funded projects:

1. OMIaRD Vol 4 is from *Organic Marketing Initiatives and Rural Development*. It is financed under the Research and Technological Development Programme of the EU's Fifth Framework. The consumer research is one component of a range of research and recommendations. It includes consumer studies from eight European countries, Switzerland, Germany, Denmark, France, Italy, United Kingdom, Austria and Finland. This research used a laddering approach and means-end questioning of subjects.
2. Organic HACCP (Torjusen, 2004), as the project is commonly known, is part of the larger project, *Recommendations for Improved Procedures for Securing Consumer Oriented Food Safety and Quality of Certified Organic Foods from a Consumer Perspective*, which is supported by the European Commission as part of a policy-oriented programme on Quality of Life and Management of Living Resources. The market research report, published in 2004 as *European Consumers' Perceptions of Organic Food*, features a literature review on consumer research and case studies from the United Kingdom, Denmark, Italy and Hungary. The material from the United Kingdom and Denmark reflects work previously done by the DARCOF in Denmark.
3. The DOLPHIN project is formally, *Development of Origin Labelled Products: Humanity, Innovation and Sustainability*. According to QLIF, this was a Concerted Action project funded under the Fifth Framework Programme's Quality of Life and Management of Living Resources theme. Its objective was to consolidate current knowledge on socio-economic aspects of typical and traditional agri-food products, described as "origin labelled products" or OLPs. Although it is less central to the ITF interest, it helps to support the conclusions of the other studies on the topic of local organic food.

<sup>2</sup> Midmore, Peter *et al.*, *Consumer Attitudes Toward Quality and Safety of Organic and Low Input Foods*, September, 2005 (Integrated Project No 506358, 'Improving quality and safety and reduction of cost in the European organic and "low input" food supply chains').

An annotated bibliography at the end of the QLIF report contains key references to comprehensive reports and also tables of all the relevant national research in the participating countries.

The QLIF, OMIARD, and Organic HACCP reports are posted on the ITF website under “Related Reports”.

## **4 Conclusions of the Research Relevant to the ITF Question and Related Issues**

### ***Does the existing research indicate consumer awareness of and confidence in standards and regulations, and their enforcement?***

The QLIF report observes that knowledge of European consumers about standards and technical regulations for organic products varies considerably across Europe. However, it concludes that overall, knowledge of the standards is low. The researchers unexpectedly found little difference in the knowledge of the rules between groups of organic products users and non-users. Most often, consumers exhibit the knowledge that organic involves a reduced use of synthetic chemicals. The research indicates that the knowledge of organic practices and standards is mainly on the level of vague concepts rather than specific details. These include no GMO use, and natural methods of growing crops and raising animals.

In general, European consumers are not highly confident in certification labels, especially overseas labels. There are exceptions. For example, the Danish studies conclude that there is high awareness and confidence in the Danish rules and inspection system. Organic regulations may be perceived by consumers as ensuring better overall food safety, even in relation to risks that are not covered by the rules. Consumers expressed a desire for more information about organic products, particularly through labelling. This is especially true for products coming from more industrialized systems and distant origins.

In the United States, the private research has addressed the issue of consumer awareness of the US organic regulation. According to the study by the Hartman Group, Inc., *Organic 2006: Consumer Attitudes & Behavior, Five Years Later & into the Future*, Spring 2006, as summarized by the Organic Trade Association:

The majority of Americans (56%) are aware that the use of organic labels is regulated. People who use organic products the most are the most aware (68%); people who do not use organic products are the least aware (41%).

Awareness does not necessarily mean that people understand what the regulations mean. Most core users\* say they have a clear or increasingly clear understanding of organic standards (62%). Only 45% of mid-level\* and 41% of periphery\* users report the same thing.

Only about 10% of all respondents know the correct meaning of the “USDA Organic” label; 43% admit they do not know what it means. Only 24% of core consumers know the correct meaning of the USDA Organic seal, but over half think it indicates a 100% organic product. Non-users (7%), even more than periphery users (2%), knew the correct meaning.

58% of core and 74% of midlevel users distinguish between USDA and more generic organic labeling when making food/beverage purchasing decisions, with high percentages favoring USDA organic.

Consumers are mostly looking for the word organic, rather than searching for the USDA seal, but the seal does serve to indicate authenticity for skeptics. The report states “while the USDA seal is not a purchase driver for most, it does reinforce decisions consumers are making at the shelf and provides a layer of comfort as they continue seeking new organic products ...”

\* The study classifies organic product users into three categories – core, mid-level, and periphery – according to their usage and purchasing patterns for organic products.

### ***Does the existing research address consumer sensitivity to differences in standards?***

Based on the review, there is no existing consumer survey that addresses the question of sensitivity to differences in standards. Given the conclusion above that consumer knowledge of standards is generally low, one can conclude with some confidence that consumers are not sensitive to the differences in the various standards and technical regulations.

### ***What are the values, attitudes, and expectations of consumers relative to their consumption of organic products?***

Studies in both Europe and North America yield a consistent result. Consumers associate organic food with the three categories of values and attributes in order of importance:

1. their health, safety and well-being
2. food quality, including taste and freshness
3. environmental quality, which is linked to consumers’ desire for an environmentally friendly lifestyle.

During general interviews, the Danish and British researchers found a strong association between organic and environmental qualities, such as lower environmental pollution and animal welfare. But when actual purchase behaviour was paired with values and perceived attributes, qualities linked to personal benefit were of higher importance than qualities linked to public benefit. The importance and attribution of animal welfare in organic consumption varies significantly in different European countries, according to the OMIRaD studies.

According to the Organic Trade Association, the research concludes that the number one reason that all types of United States consumers purchase organic food is for health reasons – to avoid products that rely on and may be affected by chemicals, antibiotics and growth hormones – and secondly to support the environment. Consumers in the “core“ category also want to avoid GMOs. Consumers who are newer and less frequent purchasers, “peripherals”, buy organic products to try new things, as a reflection of trends. The Hartman report concluded that organic consumption in the United States is a function of the forces of two market segments, the natural foods segment and the gourmet segment.

***What is the attitude of consumers toward local/regional vs imported organic food?***

This question is addressed strongly in the European research. The research shows that consumers strongly prefer local and regional organic products to those transported long distances from overseas. The preference is related to all three main values and attributes: health and safety, product quality, and environmental protection. Overall, the preference is also associated with the trust in the labels and controls. Researchers in Austria, Italy, the United Kingdom and Germany found a strong link between purchasing locally/regionally and concerns about environmental factors such as food miles and pollution. Product quality was found to be strong drivers of local preference in Austria, Italy, the United Kingdom, Finland, Germany and France. Local and regional food is linked with the perception of freshness. Respondents in some countries also expressed pride in their local agriculture and its products, and displayed a sense of identity with it. Local production is also associated with stronger personal relationships with farmers and sellers and smaller scale products, which is, in turn, related to higher trust. The research did not offer any comparisons on this topic for conventionally produced products.



# **Best Practices for Organic Marketing Regulation, Standards and Conformity Assessment**

## **Guidance for Developing Countries**

*Gunnar Rundgren*

Grolink

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## TERMS

The following terms are used in this report and in the organic sector with the following meaning:

**EU Regulation:** Council Regulation (EEC) no 2092/91, with amendments and additional regulations. The regulation for marketing of organic products in the EU.

**IFOAM accreditation:** Accreditation by the International Organic Accreditation Service (IOAS) of a certification body to the IFOAM Norms. The status of which is often referred to as “IFOAM Accredited”.

**ISO 65 accreditation:** Accreditation (by an accreditation body) of a certification body for compliance with the ISO 65. The status is often referred to as “ISO 65 accredited”.

**Organic regulation:** Governmental rules for products marketed as organic. When there is a mandatory organic regulation, sales of organic products that do not fulfil the requirements of the regulation are unlawful. If the regulation is voluntary, producers can claim adherence to the regulation and therefore have to follow the regulation, but other organic producers are not prevented from selling their production as organic.

**NOP accreditation:** Accreditation of a certification body by the USDA, having met requirements of the National Organic Program (NOP). The status is often referred to as “NOP accredited”.

**Regulation:** Term used to cover the whole regulatory package i.e. laws, decrees, regulations, ordinances and public standards, recognising the regulatory practices differ.

**Third-country list:** The list of the non-EU of countries that have been recognized as having an equivalent organic regulation as the EU, according to Article 11.1 of the EU Regulation.

**Note:** The terms “IFOAM accredited”, “NOP accredited” and “ISO 65 accredited” are used throughout this report as abbreviated forms of the more complete phrasing, such as “Accredited by the USDA to the NOP”. This kind of use is widespread not only in the organic sector but also in other sectors, e.g. “ISO 9001 certified”.

See Annex 2 (page 253) for further definitions.

## 1 Introduction and Scope

This paper identifies best practices and lessons learnt in countries around the world, regarding standards, certification and marketing regulations in organic agriculture. It is largely based on a paper developed for the UNEP UNCTAD CBTF project on ‘Promoting Production and Trading Opportunities for Organic Agricultural Products in East Africa’.<sup>1</sup> Within that framework, the paper develops national policy recommendations for organic agriculture, for possible adoption by the Governments of Kenya, Tanzania and Uganda.

The scope of the paper covers regulations concerned with claims in the market place for a product to be organic. There may be other kinds of regulations relevant to the organic sector, e.g. regulations for support programmes for organic farming, but these are outside the scope of this paper. The paper does not deal with other aspects of government policy and intervention for the organic sector. Such other interventions may, in fact, be more important than marketing regulations.

Countries differ and have different priorities, and therefore their policy choices will be different. Nevertheless, there are common elements in a good policy as well as in a bad policy. In some cases, it is, perhaps, easier to recommend what not to do than what to do. The paper first presents facts on organic regulations and the main components of such regulations, which is followed by a discussion and finally it presents options for how the organic sector can be regulated. It also asks whether organic regulation is necessary at all. No direct answer is given, rather the paper attempts to develop ideas on what the objectives of regulations are, when a regulation is appropriate and, where there are regulations, how they can be constructed. The paper makes reference to seven case studies from Chile, Costa Rica, Denmark, Egypt, Malaysia, South Africa and Thailand. These case studies, other experiences and a literature search form the basis for the analysis and the following recommendations. The full case studies are found in the paper developed for the UNEP UNCTAD CBTF project.

## 2. The Extent of Organic Regulations

Governments of a few countries and in some states within the United States, became involved in the 1980s in establishing a regulatory framework for the organic market in order to protect consumers from misleading claims and producers from unfair competition. The European Union established an organic regulation in 1991<sup>2</sup> and the USA in 2002<sup>3</sup>. By 2005, 71 countries had organic regulations in various stages of implementation (Table 1). The first regulations normally contained some basic production standards and very simple rules for certification, if any. Regulatory objectives, such as strengthening the competitive position of domestic

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<sup>1</sup> “Best practices for organic policy: what developing country Governments can do to promote the organic sector”. UNCTAD/DITC/TED/2007/3. Available at [www.unep-unctad.org/cbtf](http://www.unep-unctad.org/cbtf).

<sup>2</sup> Council Regulation (EEC) 2092/91.

<sup>3</sup> National Organic Program (7 CFR Part 205)12.

producers, increasing farm income and protecting the environment, have been added to the initial ones relating to truthful labelling. Most notably, in the European Union the regulation for organic marketing also forms the foundation for directed support to organic farmers under the agro-environmental programmes of the Common Agriculture Policy.

**Table 1. Overview of countries with organic regulations**

<b>Region</b>	<b>Fully implemented</b>	<b>Final not implemented</b>	<b>In draft</b>
EU-25	25		
Rest Of Europe	6	5	1
Asia & Pacific	7	1	5
Americas & Caribbean	3	5	7
Africa	1	1	2
Middle East	1	-	1
<b>Total: 71</b>	<b>43</b>	<b>12</b>	<b>16</b>

Source: Commins, 2004 & Kilcher *et.al.* 2006

### 3 Why Organic Marketing Regulations?

As they become interested in organic agriculture, most governments embark on developing an ‘organic regulation’. Of seven countries studied for this paper, Denmark has had a mandatory organic regulation since 1987; Costa Rica since 2001; Chile and Egypt are in the process of establishing their regulation, which will be mandatory; the Thai and Malaysian, governments are pursuing voluntary regulations; while in South Africa there is no activity towards developing regulations. These regulations are typically market regulations that try to limit the use of a word, ‘organic’, to products produced according to standards set by the government and certified by an organisation approved by the government. In OECD countries these regulations are often, but not always, triggered by a concern for the domestic market, while in most developing countries they have been installed mainly, and in some case apply only, for exports. The main push for organic regulations comes from producers or organic certification bodies that want to have fair competition; consumers are rarely involved.

Three main reasons given to explain why mandatory regulations are considered to be the right policy response for developing the organic sector are:

- give organic agriculture a more respectable and credible image
- provide access to export markets
- aid development of the local market

These three aspects are discussed below. In addition to the main reasons governments may have further considerations, such as wanting to define organic systems for the purpose of supporting organic farming. However, such factors fall outside the scope of this paper, as a marketing regulation is not necessary to accomplish these aims.

### 3.1 Giving credibility to the sector

It is quite obvious that the introduction of an organic regulation means an official recognition of organic production, which will strengthen the sector, making it visible and credible, and removing some biases against organic systems, both in the public and private sectors. Once the government has acknowledged organic farming through an organic regulation, it is hard to ridicule or ignore organic farming. However, a mandatory regulation is hardly the only way for a government to accomplish this.

### 3.2 Export market access

The European Union, Japan and the United States have implemented systems for import approval of organic products. As these are based on mandatory governmental regulations it can be assumed that the easiest way to obtain access to these markets is to implement similar systems in the exporting country and gain market access through equivalence. However, in all three markets very few products<sup>4</sup> enter the markets through an equivalence agreement. There is not even any equivalence agreement between these three markets: Japan has granted limited equivalence to the European Union and the United States, while neither the European Union nor the United States have granted any equivalence to the others. Some countries have been granted equivalence by the European Union, based on their export regulations, i.e. the use of the claim 'organic' has not been regulated in their domestic market. Australia and Argentina are two such countries. To negotiate equivalence is very resource-demanding and time consuming. Of the countries studied only Costa Rica<sup>5</sup> has managed to gain a limited EU approval<sup>6</sup> and Denmark has achieved limited recognition from the United States<sup>7</sup>.

The main way products can gain access to the United States and European Union markets, is by certification from a certification organisation that has got acceptance in those markets (Diane Bowen 2004)<sup>8</sup>. The case studies show that exports of organic products are flowing from the countries without regulations, e.g. Chile, Egypt, Thailand and South Africa. In addition, there are promising markets for organic products in countries that do not have a mandatory regulation, such as South Africa, New Zealand, the Gulf States, Malaysia, Singapore and Russia.

Regulation is seen as a tool for assisting organic producers access export markets through equivalence agreements, but the real need is not obvious. In any case, it is not a quick solution

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<sup>4</sup> It is estimated that less than 20 percent of the products imported into the European Union come from approved countries; in Japan the percentage is lower.

<sup>5</sup> Since 1994, of developing countries, the EU has only approved Argentina and Costa Rica and, just recently, India.

<sup>6</sup> This approval is partial, i.e. not all producers certified in Costa Rica are accepted, only those certified by two (out of six) named certification bodies.

<sup>7</sup> The Danish authorities have the mandate to certify producers to the US National Organic Program. i.e. the Danish system itself is not recognised — only the ability of the inspection service to control producer to the US rules.

<sup>8</sup> The details of the import regulations in the United States, the European Union and Japan are complicated but well explained in other papers and, therefore, not expanded on here. In addition, the European Union and the Japanese systems are in a process of change.

(e.g. Chile applied for EU recognition in 2000 and this is still pending) and it is very resource consuming. Often, national regulation just results in another layer of complication for producers, who apart from having to fulfil the export market requirements, now also have to fulfil a domestic regulation. Finally, there is no need to have a mandatory regulation if the aim is to support the export sector, it is sufficient to run a government supervised system for export marketing of organic products. The key to export market access lies in competent and qualified certification agencies, and efforts to strengthen them should have priority.

### 3.3 Development of domestic markets

The demand for a domestic organic regulation would arise from any of the situations listed below, or a combination of them:

- the marketing of many different organic products claiming adherence to different standards and thereby creating confusion in the market place;
- the wide-spread selling of non-organic products as organic in the market place, i.e. fraud or consumer deception;
- lack of confidence in the credibility of organic products by consumers;
- lack of confidence in the credibility of organic products by organic producers, fearing that they compete with other organic producers that are not following the same standards.

Some believe that consumers will not trust organic products unless the government has set standards and a mandatory system of certification; this was also expressed in some of the case studies. However, there is little empirical evidence for this assumption. Until 2001 the United States market for organic products developed to a US\$ 7 billion value without a federal regulation in force, although there were, however, several state regulations in place. Also European Union countries had developed quite an organic market in the early 1990s, at a time when only Denmark and France had national regulations. Looking at European Union (EU-12) averages for the period 1989–1991 (when there was no regulation), 1992–1994 (just after the EU Regulation was implemented), 1995–1997 (when there was ample subsidies allocated to organic farming) the total growth in organic farming during these three-year periods were as follows:

1989-1991	107%
1992-1994	60%
1995-1997	70%

Because of a weakness in the data it is difficult to draw any far reaching conclusion, but in any case there is little support for the opinion that on an European Union wide level the introduction of the regulation dramatically changed the market conditions, or the spread of organic farming. Comparisons between Denmark and France, which had early regulations (mid 1980s) with Sweden and Italy, which had regulations from 1995 and 1992 respectively, shows no direct positive impact of regulation on the development of the sector (Rundgren 2002).

It is hard to draw any conclusions from the case studies to support the merits of a mandatory regulation for domestic market development. Only Denmark and Costa Rica have mandatory regulations, and there is no indication that the domestic market in Costa Rica is more dynamic than the domestic markets in Egypt, Thailand, Malaysia or South Africa. Nevertheless, it sounds plausible that a domestic market regulation might be of some use in countries with real market confusion and widespread fraud, but with a general high confidence in government. Still, there are countries with regulations in place for ten years, that have fraud and consumer scepticism about the reliability of organic products. Countries with wide-spread scepticism against government might even experience some negative reaction to governmental regulation<sup>9</sup>.

An additional market development aspect regarding organic regulations has been that in some countries other regulations may have impeded on the right to market a specific product as organic, e.g. the wine classification system in France, pasta classifications in Italy, and meat labelling rules in the USA, thus preventing any quality claims regarding a product other than those defined by law. In this scenario an organic regulation has been important in removing the unwanted regulatory obstacles. Obviously, though, there are also other regulatory solutions to this situation than just an organic market regulation, the simplest being to amend the regulation causing the problem in the first place.

## 4. The Components of Organic Regulation

An organic regulation will normally address issues relating to:

- use of organic statement in the market place
- production standards and other requirements the operators have to fulfil
- conformity assessment systems and procedures
- the responsibilities of authorities
- the use of a special organic label
- market surveillance<sup>10</sup>

Of these, standards and conformity assessment often are the focus of regulations. They are, therefore, discussed in some detail below. Market surveillance and organic labelling are also considered, but there is no specific section covering the responsibility of authorities as this is cross-cutting and addressed in many places within the document.

The use of one organic label and market surveillance mechanisms are often more important to the development of the sector than refined systems for conformity assessment or very detailed standards.

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<sup>9</sup> In the United States, there have recently been expressions from some organic activists that the US Department of Agriculture (USDA) has “sold out” the organic sector to big industry etc.

<sup>10</sup> Market surveillance refers here to the monitoring of the market place to discover possible fraudulent statements by non-organic producers, or the proper labelling etc by organic producers.



## 4.1 Standards

There are currently two international standards for organic agriculture, the Codex Alimentarius Guidelines for the production, processing, labelling and marketing of organically produced foods (GL 32 – 1999, Rev. 1 – 2001) - CAC/ GL32<sup>11</sup>; and the IFOAM Basic Standards (published as part of the IFOAM Norms, latest revision July 2005<sup>12</sup>). There is no data available on how many different organic standards there are in the world, but there are perhaps 60 countries with some kind of official standards and another 100 private sector standards. Most of the standards are quite similar. Some of them clearly reference the mentioned international standards (e.g. the Indian regulation is basically identical to the IFOAM standards of 2002, the Brazilian regulation uses the list of inputs from Codex, Malaysia's standards reference both), but a number of them also reference other foreign standards, in particular the EU Regulation (e.g. South Africa).

Of the case studies, Costa Rica, Chile and Denmark have mandatory organic standards, i.e. standards that have to be followed by anyone that markets organic foods. In Costa Rica private bodies also have their own standards. Chile had voluntary official standards in 1999, which become mandatory in 2006. In Thailand there are both private standards and voluntary governmental standards. Malaysia also has voluntary official standards, but most certified products are imported and certified to the standards of the exporting country. There is no indication that the voluntary official standards are in much use. In the same time, the South African standards for organic agriculture were drafted in 2001, and although never approved by the government, they are actively used in the domestic market in South Africa. In Egypt products are certified to the EU Regulation, and to various private sector standards within the European Union – a few also to local standards. In all the countries, producers for exports normally follow and are certified for conformity to the export market standard. Even in Denmark, producers wanting to export to the USA have to follow the NOP rather than the EU Regulation.

Whether through mandatory regulation, voluntary public programmes or by the private sector, one organic standard applied by all organic producers, certified or not, within a country helps to build energy and joint activities in the sector. It also facilitates extension and access to information for producers and consumers alike. It can also form the basis for a common mark, one of the success factors for market development. In order to ensure that the standard is actively used, the full participation of the organic sector is needed. Also, it is necessary to be clear about the scope of the standard and its intended use: is it for the domestic market, the export market or is it for both? It should be recognised that if it is for export markets, the simplest solution is to follow the standards of those markets, although those standards can be too demanding for the domestic situation.

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<sup>11</sup> Available at [www.codexalimentarius.net/download/standards/360/CXG\\_032e.pdf](http://www.codexalimentarius.net/download/standards/360/CXG_032e.pdf)

<sup>12</sup> Available at [www.ifoam.org/about\\_ifoam/standards/norms.html](http://www.ifoam.org/about_ifoam/standards/norms.html)

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The Brazilian organic movement is concerned that the organic regulation should be adapted to the country's geographic, climate, social, political and economic environment. It should not create internal barriers by adopting international standards established mostly by high income countries. At present a Brazilian organic producer wishing to export must follow the importing country's regulations. Consequently, a Brazilian regulation is not necessary for exports. Instead its purpose should be to develop a strong organic internal market.

(Fonseca 2006)

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It is widely recognised that local conditions vary too much to have one international, very detailed organic standard (ITF 2005). The use of foreign organic standards is convenient for trade, but most of the time definitely not for the producers, and in particular not for small-holders. Government can support the development of a domestic (or regional, see further on) organic standard. It is recommended that, initially, such a standard be voluntary. Regardless of whether it is a governmental organic standard or a private sector standard, the stakeholders, and especially the practitioners, should be heavily involved in their development. If the standards are private, the government should participate as an important stakeholder.

It is also recommended that the initial standard be developed with the local market development in mind, thus, it should not too demanding and should be relatively easy to apply by producers and to verify by certification bodies or by some other mechanism. It is, of course, preferable to have one single standard that applies equally to products for domestic and exports markets. In reality, though, the practical choice is often to either adapt the domestic standard to fit the needs of the export market so much that it is no longer adapted to the local conditions; or to make export access impossible because the standard does not fulfil the requirements of importing markets. If national standards are supposed to apply to exports, they should reference Codex and IFOAM standards as a basis for ensuring acceptance by the importing country.

**Recommendation 1.** A national or regional standard for organic production should be developed. A good starting point for a national or regional organic standard is that it be voluntary. Standards should be developed with close cooperation between the private sector and government. National organic standards should be well adapted to the conditions in the country.

## 4.2 Conformity assessment

Third-party certification has been a very important tool for the development of the organic market. Through certification, organic products are given a distinct credible image, which is particularly useful in marketing situations where there is a distance between producers and consumers, e.g. sales through supermarkets and in international trade. For international markets, certification can be considered as a must as all major markets require certification for products marketed as organic. However, there is no direct evidence that third party

certification is what the market or the consumers really want, and other kinds of quality assurance mechanisms might also be useful. There are 70 countries with a home-based organic certification organisation. Most of Africa and large parts of Asia still lack local service providers. There are only seven certification bodies established in Africa: in South Africa, Kenya, Uganda, Tanzania and Egypt. Asia has 117 certification bodies, but 104 of these are based in China, India or Japan. Most Latin American countries have domestic certification bodies. See Table 2.

**Table 2. Organic Certification Bodies**

Number of organic certification bodies	2005	2004	2003
Africa <sup>13</sup>	7	9	7
Asia	117	91	83
Europe	157	142	130
Latin America & Caribbean	43	33	33
North America <sup>14</sup>	84	97	101
Oceania	11	11	10

(TOS 2005)

In all the seven case studies there are domestic certification service providers. Denmark has a governmental control system and no private certification organisation; this is also the case with Finland and Malaysia. A number of states in the USA, Spain and Thailand have governmental certification agencies but also private bodies. In Egypt, South Africa, Chile and Costa Rica there are domestic private bodies supplying certification services, and foreign bodies that also offer certification. Domestic certification bodies normally dominate the certification for the local markets, while the foreign ones are oriented towards the export market sector.

Cost is often quoted as an obstacle to certification, especially for small producers, and sometimes requirements such as documentation are also seen as a barrier. Certification costs often represents somewhere between 1 and 4 percent of the value of the products, but can go even higher. Moreover, they also apply to the conversion (transition) period when producers cannot sell their products as organic. In many projects in developing countries, certification costs are paid for or subsidised by development projects. In a few cases by exporters or importers may be certification costs (Damiani 2002, Giovannucci 2005, EPOPA 2006). In many European Union countries, as well as in the United States there are government programmes to support certification costs. In Denmark, Thailand and Malaysia government certification is free for farmers, and in Tunisia the government cover up to 70 percent of certification costs (Kheder

<sup>13</sup>. Differences between the years only reflect a change in classification as regards to what constitutes a certification body and what is just a local agent.

<sup>14</sup>. When the US NOP was implemented the number of certification bodies increased as a number of new organisations started to offer the service. However, over the years they realised that the organic certification market was not very lucrative, or that accreditation requirements are too demanding. The same pattern can be seen in Japan 2006.

and Belkheria 2006). In China, companies that are certified receive up to US\$ 4,000 from the state government<sup>15</sup>. Were premium prices to fall, cost of certification would need to be further considered.

Certification services are available globally. For export purposes, the simplest solution is to buy the services from international certification bodies. However, there are merits in a domestic certification body. Locally based certification bodies often play a major role in the local development of the sector and in the formulation of locally adapted standards. A local branch of a foreign body is rarely engaged in local development in the same way, and as the service they offer is mostly uniquely for the export market, they have little interest in developing the local market. For producers wanting to access the home market, the only certification thus available is to foreign standards and at a cost more adapted to the export sector. In some regards a local body can also exercise more efficient controls; only an organisation with a local presence can follow the market on a day-to-day basis and react quickly to important developments – such as disease outbreaks or government pesticide distribution programmes – that can affect the certification (Rundgren 2005). Government can support capacity development for local certification bodies. This has been done in India, for example, where the responsible authority, APEDA, organises training for certification bodies.

### **4.3 Private or governmental certification?**

In most countries, certification is provided as a private sector service. However, a number of American states, as well as Malaysia, Thailand, Denmark, Finland and China have governmental certification services. The experiences and success of such governmental services seem to differ and it is hard to make any generalised statement about whether this service should be private or governmental. There are a number of potential advantages with private certification services, such as competition, service orientation, better links to the organic sector etc. However, there are also merits in a governmental certification system, mainly its stability and its automatic “acceptance” as being independent.

When a government supervises and approves private bodies with the purpose of reaching equivalence, e.g. with the European Union, it will have to invest considerable resources towards achieving it. It has to train staff and develop systems. In contrast, a direct governmental certification organisation will not be requested by trade partners to have external approval or accreditation<sup>16</sup>. If the sector is small and there is not a market for more than say one or two certification bodies, then the resources spent on developing a total quality assurance system will be considerably less with a direct governmental certification than with private certification bodies that are approved by government, creates an additional layer of costs.

It should be noted that government certification bodies often have problems cooperating with private sector bodies in other countries. This is because it is often difficult, both formally and

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<sup>15</sup> Wei Hua, personal message, February 2006.

<sup>16</sup> However, many countries with governmental certification chose to also establish accreditation mechanisms, e.g. United States, Thailand and China.

conceptually, for government bodies to enter into, say, a multilateral recognition agreement with private entities in other countries or to submit themselves to the private sector IFOAM Accreditation Programme. Some governments may also have a credibility problem, as importing countries may actually have less confidence in a government service than a private sector service, because, for example, fear of corruption. Where there is considerable scope for a government certification is, in particular, where the government has a strong agenda for an organic sector, but where the private sector is weak and where there is no certification service offered for producers for the local market. Government certification would allow the private sector to focus on market development and other pressing issues. Governments should be aware that there are greater expectations that certification shall be provided free of charge or for a very low cost (for the farmers) if performed by government. This perception is also reinforced by the fact that in most countries with government certification the service is provided-free or at a subsidised rate.

**Recommendation 2.** Government should facilitate access to certification services, either by stimulating foreign certification bodies to open their offices or by supporting the development of local service providers. In some countries, especially where the private sector is weak, the government could consider establishing a governmental certification service.

#### **4.4 Participatory quality assurance and other non-third party quality assurance systems**

Brazil and Bolivia accept so-called “participatory certification” within their regulatory system (Fonseca 2006 and TOS 2006). This system is also under consideration in Costa Rica, and are reported to be used in Thailand and South Africa (EPOPA 2006c). It is a system for certification that emphasises the participation of stakeholders, including producers, in contrast with the “objective and independent” approach favoured under international norms (IFOAM, 2004). IFOAM uses the term “Participatory Guarantee System” to make a clearer distinction. Such systems are often specifically designed to serve small producers. The standards used are often the same as those used in third party certified production<sup>17</sup>. These and other non-third party quality assurances are now spreading quite rapidly in developed and developing countries alike. They often address the quality assurance of the product, are linked to alternative marketing approaches (home deliveries, community supported agriculture groups, farmers markets, popular fairs) and help to educate consumers about products grown or processed with organic methods. It is important, though, that governments do not introduce overly rigorous regulations, which would inhibit such developments as formal certification may not be what is demanded in the domestic market.

**Recommendation 3.** Compulsory requirements for mandatory third party certification should be avoided as it will not enable other alternatives to emerge. Other conformity assessment procedures, such as participatory guarantee systems, should be explored.

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<sup>17</sup> For the time being, there are no international norms for what constitute such a participatory guarantee system, and the variation in how they operate is high.

## 4.5 Market surveillance

Assuming that the main reason to regulate the organic sector is to reduce fraud in the market place and the misuse of organic claims by non-organic producers, it is remarkable that most organic regulations place their emphasis on regulating the certified organic farmers, and that most are not clear about the responsibility of market surveillance. Also, in most countries the majority of resources are allocated to checking organic farmers and certifiers, and very few resources are expended on checking the market place. Market knowledge rests mainly in the sector itself and organic actors will, in most cases, be the first to detect a scam or false claim. Therefore, it is recommended that governments work closely with the private sector to develop market surveillance, regardless of which regulatory framework is chosen.

**Recommendation 4.** Government should work closely with the private sector to develop market surveillance, regardless of which regulatory framework is chosen.

## 4.6 An organic mark

A common mark (label) that is actively promoted has much greater market impact than a common standard or a government regulation (but they can obviously be mutually supportive), as most consumers can easily recognise a mark, while they normally have little knowledge or even little interest in standards and regulations. Such an organic mark can take many forms. It can be a governmental label accessible to producers certified by an approved body (US Department of Agriculture [USDA], Japanese Agricultural Standard [JAS] or the Danish Government), it can be a mark of the organic association available to its members, it can be a mark owned by the trade, or it can be the mark of a certification body, e.g. BioSuisse or Demeter. In Denmark 92 percent of consumers recognise the governmental label for organic products and in Sweden 96 percent of consumers recognise the mark of the private certification body, KRAV (KRAV 2006). Initially, the ownership or the underlying construction around a mark is not very important. More important is that it is widely used on all organic products. Therefore, an accessible “marketing mark” is likely to be most successful. Through public or collective ownership, e.g. by an organic sector business association or organisation, the future policies for the use of a mark can be adapted to the various stages of development.

**Recommendation 5.** The introduction of an accessible organic label in the national or regional market should be given priority.

## 5 Assisting Producers to Comply with Requirements

The ability of farmers to comply with standards and certification requirements is often limited. Simple “instructions” should be developed by government or NGOs where the organic “dos and don’ts” are presented in a way accessible for small-scale, often illiterate, producers, e.g. in pictorial form. Ensuring proper understanding and assistance in implementation to low-resourced farmers is likely to contribute to a more credible organic market, as many of the violations of organic standards emanate from misunderstandings or lack of information.

### 5.1 Group certification

Group certification is a concept that has been developed over the last 10-15 years to allow producers organise themselves in groups with an Internal Control System (ICS). It is not formally recognised in most regulations; however through a consultative process by IFOAM, it has reached, more or less, global *de facto* acceptance, at least for producers in developing countries. With group certification the role of the external certifier is mainly to verify that the Internal Control of the group is working rather than inspecting the individual farmers. All the case studies, except Chile and Denmark<sup>18</sup>, have systems for group certification. Through group certification, producers have access to and can get assistance in the complicated organic certification. It can also result in substantial savings, e.g. in Costa Rica there can be a difference in costs of several hundred dollars for a small farm. However, there are substantial demands on qualification and resources at the group level, which pose limitations to its applications. IFOAM has developed a guide for the management of Internal Control Systems and training manuals<sup>19</sup>. In some places, e.g. in South Africa, these organic Internal Control Systems are merged with other quality management systems, e.g. EurepGAP, and training programmes are developed.

**Recommendation 6.** Producers, especially smallholders should be supported to comply with standards, certification procedures and regulations. Special considerations should be given to the certification of smallholders. Training programmes for farmer groups to set up Internal Control Systems should be supported.

## 6 Options for Organic Regulations

In this section the options for organic regulations are further developed and discussed. Though there are many different ways to regulate, there are four basic options:

- no regulation
- use of general consumer protection regulation
- voluntary regulations
- mandatory regulations

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<sup>18</sup>. IFOAM has embarked on a project to develop group certification also in the European Union.

<sup>19</sup>. Available at [www.ifoam.org](http://www.ifoam.org)

The scope of the regulations can cover domestic markets (which would normally include requirements for imported products), exports or both.

Within each main regulatory option there are many alternatives for how the various components of an organic regulation, particularly the aspects of standards and conformity assessment, can be regulated. How they are actually regulated is perhaps often more important than whether they are regulated or not, or if the regulation is mandatory or voluntary.

## 6.1 Setting the objectives – agreeing on the problems

Before embarking on regulatory initiatives, governments and the sector should carefully assess the situation and see what added value a regulation can bring. It is important that common objectives are agreed upon and that there is a joint analysis of what the main problems to be solved are, as well as to what extent these problems can be solved by a regulation. For example, as mentioned earlier access to import markets is unlikely to be achieved just by making a regulation. In addition, there is often the perception that fraud is commonplace and false organic claims are frequently made for products on sale. However, the question is whether fraudulent practices really are an issue or whether this perception is rather a result of poor cooperation and transparency within the sector. Furthermore it is, obviously, a delusion that fraud will disappear just because there is a regulation in place<sup>20</sup>. It is important that the impact of the regulation on all organic stakeholders is assessed – and not only on the strongest lobby group – and that all stakeholders participate in the consultations.

**Recommendation 7.** Before establishing a regulation governments should clarify the objectives. The regulations should be developed in close consultation with the sector and they must be enabling rather than controlling in nature.

## 6.2 The regulatory options

### Options for the standard component

**Reference:** S1

**Standards:** Organic products have to be produced according to a standard equivalent to international standards, i.e. IFOAM Basic Standards or Codex Alimentarius.

**Comment:** Organic producers have to follow defined organic standards. The standards owner should ensure adherence to international standards. Authorities can demand demonstration of compliance.

**Reference:** S2

**Standards:** Organic products have to be produced according to private sector standards registered (and approved) by the government.

**Comment:** The approval can be based on a technical assessment by government or by another body, e.g. IFOAM assesses standards for adherence to IFOAM standards.

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<sup>20</sup> There are clearly incidences of fraud in regulated markets.



**Reference:** S3

**Standards:** Organic products have to be produced according to a National Organic Standard, set by the National Standards body.

**Comment:** This can be either a prescriptive standard or a framework standard (standard for standards).

**Reference:** S4

**Standards:** Organic products have to be produced according to general rules laid down in the regulation.

**Comment:** This leaves details open for interpretation by certification organisations.

**Reference:** S5

**Standards:** Organic products have to be produced according to detailed standards set in the regulation.

**Comment:** The model chosen in most organic regulations.

### Options for the conformity assessment component

**Reference:** C1

**Conformity assessment:** Producers are allowed to make claims and are considered organic unless otherwise is proven.

**Comment:** This means that there is no active quality assurance mechanism, but rather that government can act on suspicion or complaints, quite similar to the system employed in many other trades.

**Reference:** C2

**Conformity assessment:** A producer shall be able to demonstrate conformity by adherence to some kind of conformity assessment/quality assurance system.

**Comment:** All producers bringing goods to the market have to be part of some quality assurance system, which can be third party certification, a sector organisations' internal scheme, participatory certification etc.

**Reference:** C3

**Conformity assessment:** There is random inspection of producers by the government.

**Comment:** The government takes a more active role in ensuring compliance.

**Reference:** C4

**Conformity assessment:** Various conformity assessment systems can be registered and approved by the government.

**Comment:** Same as above with the difference that the government is more active in assessing and approving certain systems.

**Reference:** C5

**Conformity assessment:** All producers have to be certified by approved or accredited certification bodies.

**Comment:** The model chosen in most organic regulations.

Governments are advised to consider how the components will contribute to the objective of the regulation and the development of the sector. The strictest (most onerous) level of regulation is represented by the application of options S5 and C5. It is the solution chosen by the European Union, Japan and the United States and most organic regulations so far. Options S1 and C1 represent the use of consumer protection legislation rather than any special organic regulations. The components can be combined in different combinations, e.g. option S3 for standards with any of the options for conformity assessment.

### **6.3 No regulation**

The biggest challenge for the organic sector is wide-spread real fraud. However, it is not very difficult for an organised sector association to approach shops selling fraudulent products and convince them to cease marketing these products. Failing success it is always possible to go to the media. Most businesses are protective of their brands and would not, once exposed, risk loss of consumer confidence for minor short-term gains. This strategy was successful in Sweden (until the membership of Sweden in the European Union in 1995) and also fairly successful in Germany. Smaller scale fraud or road-side sales etc. are not likely to be identified and taken care of in a no-regulation scenario, but the question is whether that is a major problem for the sector in the first place. In most non-regulated countries there is, unfortunately, no well-organised organic sector to take up this role and consumer awareness is generally low, both factors representing a challenge for a no-regulation scenario. Governments can support the sector to organise itself and in its efforts to take action in the market place, as well as contributing to consumer education. This is essential in all scenarios, but is of greater importance in an un-regulated scenario.

### **6.4 Use of general consumer protection regulations**

The simplest level of regulation is to work within existing consumer protection or marketing regulations, i.e. regulations that state claims in the market should be truthful. By linking to such regulations (assuming that they exist), very little, if any, regulatory effort is needed<sup>21</sup>. A regulation can basically state that any product marketed as organic must have been produced according to an organic standard, which could be a private sector domestic standard, a standard adopted by the government or a standardising body<sup>22</sup> or a regional standard. In the simplest form it could state that any organic product should be produced according to standards that are equivalent to the IFOAM Basic Standards or the FAO/WHO Codex Alimentarius guidelines. Such a regulation does not need to have the requirement that products are also certified by an approved or accredited certifier<sup>23</sup>. In that way it would be open to both certified and not certified farmers and for participatory guarantee systems. This kind of regulation can

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<sup>21</sup>. In many cases the responsible authority can use existing consumer protection regulations even without any amendments to existing laws or new implementing regulations.

<sup>22</sup>. In some countries, e.g. in East Africa, Canada, New Zealand and East African and some Latin American countries, organic standards have been formulated by national standards organisations, while in most others, the standards are embedded in regulations, mostly developed by the Ministry of Agriculture.

<sup>23</sup>. This was the case for the first organic regulation in California 1979.

be a good starting point, which can be built on later on. If it refers to a united national or regional standard it will promote coherence in standards and counteract fragmentation in labels and standards.

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The New Zealand Standard for Organic Production was released in November 2003. At this stage it serves as a benchmark for certifiers operating in the domestic market. It is a voluntary standard. Consumer protection is through the Fair Trading Act, with reference to the New Zealand Standard as required. There are no specific organic labelling laws in New Zealand.

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(Seager Mason. In: Helga Willer and Minou Yuseffi, *The World of Organic Agriculture 2006*)

## 6.5 Voluntary domestic organic regulation

If the main objective is to boost the credibility of organic products by a government-supported system, one option is to set up a voluntary organic regulation. Similar to the option above, a voluntary regulation can be based on different sets of standards and verification mechanisms. Thailand is probably the best example of a voluntary organic regulation.

Both the use of consumer protection regulations and the Voluntary Domestic Organic Regulation will have their main application within the domestic market. They can, therefore, be based on standards developed for local conditions, i.e. conditions experienced by the domestic producers and the expectations of the domestic consumers. However, it is recommended that imports allowed access to these same markets must be required to have a clear reference to international standards (IFOAM and Codex Alimentarius).

Products produced under a Voluntary Domestic Organic Regulation can take be exported to unregulated markets or markets with less demanding import rules. For access to the strictly regulated export markets, producers would have to rely on certification bodies, domestic or foreign, that certify production to these regulations. The weakness of voluntary regulations is that they may not taken up by all the market actors and, therefore, much of the trade uses competing labels and systems. This is noted in the case study from Thailand. In the eco-labelling field there are many examples of voluntary regulations, e.g. the EU eco-label, where government credibility is invested in a voluntary scheme, but the regulation does not prevent others from making environmental claims. In this context, voluntary regulations appear to be fairly successful. A voluntary regulation is also less likely to be challenged under the TBT agreement.

## 6.6 Voluntary organic export regulation

If the main objective is to support exports, one possibility is to develop a voluntary government scheme to support exporters. The main way this can be of any use is through achieving

an equivalence agreement (for example, European Union and possibly American markets), or acting as an accreditor (for example, the American market). It can also give credibility to products sold in other, not yet regulated, markets.

A voluntary export regulation is normally based on standards in line with the requirements for the export markets. In a simpler and more market-oriented form a Voluntary Organic Export Regulation does not set any standards at all, but will use the standards of the relevant import markets, i.e. it provides a framework for the government to take responsibility for the credibility of organic products exported from its territory to any standard demanded<sup>24</sup>. For example, when acting as an accreditor for the United States' NOP, the full NOP will be applicable and the domestic standard is of no relevance<sup>25</sup>. In this way the scope for recognition (of equivalence) is limited to the conformity assessment system only. Such a system will be much easier to implement and will be quicker to get recognised as there is no need for tedious comparisons of standards. The draw-back of this approach is that it does force producers to use a standard that might be less well adapted to the local conditions.

Obviously, there is nothing preventing products certified for exports to be sold on the local markets<sup>26</sup>, with indications that they are produced under a system of government acceptance. In that way an export scheme could also be used for the domestic market. If the market shows appreciation it can become a *de facto* domestic standard over time.

## **6.7 Mandatory organic export regulation**

In order to protect the credibility of exported organic products, governments may consider a Mandatory Organic Export Regulation, i.e. a regulation that requires all products exported as organic from its territory to fulfil certain standards and conformity assessment procedures<sup>27</sup>. It can be constructed similarly to the voluntary export regulation. The main difference is that it will restrict exports to un-regulated markets – exports to the regulated markets, are already restricted by the rules of the importing country. It is hard to see that there are many advantages in a mandatory export regulation when compared with a voluntary system, apart from the possible increase in credibility. For both a voluntary and a mandatory export regulation it should be recognised that reaching equivalence is a very time consuming process, not only to put the system in place, but also to apply for recognition, to accommodate audits and to make necessary adjustments. To get certification directly to the standards of the importing countries is always a quicker solution for producers.

## **6.8 Mandatory organic domestic regulation**

In a fragmented organic sector with many warring groups and using many different marks and standards in the market place, a mandatory government regulation may be an appropri-

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<sup>24</sup>. Could also mean to a private standard.

<sup>25</sup>. This is done e.g. by the Danish and Indian government.

<sup>25</sup>. To foreign or local standards.

<sup>26</sup>. This is done by Australia.

ate measure to support the market development. This was the situation in the European Union at the end of the 1980s, which triggered the introduction of the EU Regulation, a Mandatory Organic Domestic Regulation. It is understood that with a Mandatory Organic Domestic Regulation rules govern all sales and marketing of organic products. By this the strongest legal protection framework is established. The reason to embark on a Mandatory Organic Domestic Regulation would mainly be in response to apparent fraud in the domestic market, or widespread confusion about different organic standards. Despite this most mandatory regulations do not specifically address direct fraud, e.g. the situation where non-organic producers sell their products as organic in the market place. Many governments exhaust their resources in checking the certified producers and the certifiers instead of actually monitoring the marketplace and what is sold there, i.e. they perhaps miss the most important objective of the regulation. If governments embark on a Mandatory Organic Domestic Regulation it should draw on the lessons from the last decades, and avoid repeating the mistakes made by others. They should also consider the situation of farmers, in particular small farmers, women farmers and other possibly disadvantaged groups, and see how they can cope with the requirements.

A Mandatory Organic Domestic Regulation takes substantial resources for its establishment and implementation, requiring trained staff and incurring high costs. It has the risk of being less conducive for development as details are set for all aspects, something that hampers innovation and development. In any case it is easier to start with a “lower level” of regulation and make it more stringent at a later date than to start with the most onerous regulation.

**Recommendation 8.** Mandatory regulations should be considered when the need is clearly established and other simpler options have been ruled out. In the early stage of development, a mandatory organic regulation is neither likely to be a priority nor the best policy response.

## 6.9 Scope and extent

Another aspect to consider is the scope and extent of the regulation regarding kind of sales, who needs to be certified, etc. In some countries with a mandatory regulation there are special rules for small farmers, e.g. in the United States’ NOP, farmers selling organic products for less than US\$5 000 annually are exempt from certification, i.e. they can make the organic claim, they have to follow the standards but don’t have to be certified. In some countries retailers and transporters are also put under the certification regime. This can increase the complications and costs for the sector and where the motivation for retailers and transport companies to apply for certification is very low, may in the end threaten a not yet well developed sector.

## 6.10 Process and implementation

There is widespread underestimation of the time and resources needed to put in place organic regulations. In many countries, e.g. the United States and Brazil, the process from the original act or standard until all pieces were put in place took ten years. Many countries have passed

mandatory regulations on organic production, but then failed to implement them. This is worse than having no regulation at all, as an unimplemented mandatory regulation puts everything in limbo. If there is a law that requires mandatory certification for organic products, governmental standards and government approval of certification bodies, no organic market can take place unless all these components are implemented. A domestic certification body cannot develop its business as they are not yet approved, producers cannot apply for certification if the standards are not yet defined, and the government cannot approve certification bodies until it has established its supervision and approval system. All these elements also need budget allocation and trained staff. Lack of implementation is reportedly the main factor for countries failing to get approval as a third country by the European Union (Crucefix 2005). If the country embarks on a mandatory organic regulation it is of critical importance that such a regulation is “farmer-friendly” and “trade-friendly”. A badly drafted organic regulation is likely to do more harm than good. To “import” an organic regulation, e.g. from the European Union, is not likely to be successful as stated in the case study from Thailand.

Government should also consider working with and using existing institutions, e.g. instead of establishing a resource demanding national accreditation system for organic production, governments may choose to work with the International Organic Accreditation Service, an off-shoot of IFOAM. This can be for the whole accreditation service or for the technical assessment parts of the accreditation process. Such cooperation with international organisations can also contribute to increased export market access.

## **6.11 Imports**

As soon as there is a domestic organic market, there will also be imports of organic products. Imports of organic products, as shown in Malaysia, but also in other countries, developed and developing alike, can play a role for the development of the domestic organic markets. Imports can provide high-quality exposure to organic products for domestic consumers, they can be necessary raw material for organic processed products, and they can have a demonstration effect (processed foods) or set benchmarks for the domestic industry to meet. Governments are encouraged to ensure that requirements for imports comply with the Agreement on Technical Barriers to Trade (TBT-agreement).

The ITF is in the process of developing useful recommendations on how an organic regulation can be developed, based on international standards and so that it is enabling both for domestic markets and for international trade. Some of the recommendations are:

- The organic production standards should be equivalent to a single international “reference” standard (such as IFOAM Basic Standards or Codex Alimentarius).
- It should use international requirements (standards) for conformity assessment.
- There should be common international procedures for approval or accreditation of conformity assessment bodies, which would reduce duplication of work and enhance access to markets, including countries in which a regulatory infrastructure is absent or less well developed.
- Mutual recognition between certifiers and accreditors should be recognised in the regulatory systems.

- Redundancy in conformity assessment (certification and accreditation) can be largely reduced by one audit/inspection/evaluation leading to multiple approvals.

The producers of goods that are imported are almost never consulted as stakeholders in the regulatory process, and in many cases national producers are outright hostile to imports. Therefore, there is an apparent risk that imported products will be discriminated against in regulations. Some national regulations that seem to be developed primarily to satisfy export market access, can in their turn become major hurdles for imports. For example, the Chinese regulation for organic production has set the standards so high that they should comply with the total requirements of the United States, the European Union and Japan, in addition to their own requirements. These standards also apply to imports into China, which in this case establishes the highest entry barrier of them all (Ong 2006).

**Recommendation 9.** The recommendations from the ITF for regulatory solutions should be considered. Imports should be allowed based on equivalence to international standards.

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# **Report of the ITF Workshop on International Requirements for Organic Certification Bodies**

9 October, 2006

Stockholm, Sweden

**Report**

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## Introduction

The Chair introduced the background for this meeting, including the decision to develop one set of international requirements for organic certification bodies, based on ISO 65, adding additional essential organic requirements and possibly deleting non-essential ISO 65 requirements. The objective, it was explained, is to create something solid enough to allow for equivalency on an international basis.

The Chair noted that the terminology in the title was changed and that this change needs to be discussed. The Chair proposed and the workshop accepted the following agenda.

## Agenda

- The goals for the workshop
- Discuss and agree on the proposed approach
- Discuss details
- Discuss progress for further consultation and adoption of the requirements
- Discuss the requirements as basis for equivalency decisions
- Discuss potential ownership

The chair clarified that this is a preparatory workshop for the main meeting.

## **Presentation of the paper:** Study and Recommendations for International Requirements for Organic Certification bodies

The paper took into account the previous paper, workshop and ITF meetings on the topic of requirements for organic certification bodies. The paper presents recommendations for the international requirements and also a detailed comparison of the key existing norms for certification body requirements. The Terms of Reference asked for minimum essential requirements and also flexible requirements according the stage of development. The paper also refers to the concept from the Tunisia Workshop of requirements as divisible into one of three boxes: requirements for operators; general requirements for competence of certification bodies; and, specific requirements of the sector certification scheme. After considering this, the consultant decided to also include “sector specific explanations”. These further develop the application of the basic competency requirements; and may actually cover “gaps” in the ISO 65 document.

The author explained her consideration of what level of detail is appropriate. She also posed the question, “Should the document be outcome-based, or is prescriptive detail also appropriate at times?” Others aspects to consider include harmonization, minimum essential requirements, conducting process certification, and finally, protecting organic integrity.

*Regarding flexible requirements for the “stage of development”:*

Although there may be a need to allow flexibility at the entry level, there is also the need to facilitate access of international markets. Therefore, any flexible requirements should be time-limited. The paper proposes “progress requirements.” Finally, the requirements apply equally; but some are proposed as progress requirements with flexible timelines.

The draft table reflects the considerations above, and it includes the following annotations in the fourth column:

- minimum essential requirements: “m”
- progress requirements: “p”
- deletion of either ISO 65 or organic requirements: “d”

**Questions and general comments**

In response to the presentation, participants raised the following general questions and comments:

- Is there a better way to organize the thinking of this than by starting with ISO 65? Is there a possibility to have a guidance document with this?
- Why use the term “sector specific explanation” as opposed to “guidance”.  
*Answer:* ISO has “guidance” and there may be a need not to confuse the different items.
- What is the meaning of “delete” because these are the accreditation requirements demanded of certification bodies. What is the use of this document?
- It is useful to realize that the organic regulations and IFOAM criteria are constructed in a similar framework. Is this a document for equivalence or for applying to a certification body?
- The document builds on existing tools, and it is useful to have it adopted to be used for equivalence. The ITF can consider whether there could be other uses, for example, in practice with accreditation and certification bodies. However, if there is buy-in for equivalence, then the immediate need for harmonization is reduced in the short-term but moving toward harmonization in the long-run.
- If it is used only for equivalency, it seems that the document should be “outcome” based.
- Realistically, although the ideal is for governments to work with outcome-based standards for equivalency, the tendency is to focus on a high level of detail. Therefore, we need to consider what will really work with equivalency.
- Codex has developed equivalency guidelines for SPSS. The committee is looking for new work. Perhaps organics could be a sector-specific exercise to extend the Codex work on the topic of equivalency judgment.

Regarding the proposal for “progress requirements” participants raised the following points”:

- From a developmental point of view, progress requirements are nice; but they may be difficult from an accreditation point of view. There is not only the matter of being able to write the document, but also the work of knowing the document. When looking at including progress requirements, it is suggested to look at it in this context – not only “writing” but “knowing”.

- There is also a gap in what the producers understand. They cannot always understand the rules, and want simpler explanations.
- The development and use of certification documents is a matter of transparency toward clients and the consumer, and not just to please the accreditation body. What level of detail is necessary to serve these constituents?
- In response to a question it was clarified that the paper focuses on training of personnel, evaluation details, and appeals as the primary requirements in the quality manual.
- Scale and complexity of a certification body (CB) brings different risks. There are sometimes bigger risks for the larger and more complex certification bodies, not only for the small ones.
- The challenges can be a matter of fulfilling the exact interpretation and detailed demands of the accrediting body. Certification bodies can sometimes be “guinea pigs” for accrediting bodies when they are first trying to deal with organic certification bodies.
- The progress requirements could create an even bigger problem for recognition of the development country CBs. Also, it needs to decide where to put its energy. If we want to go by details, progress requirements are more for discussion than if we focus on the outcome.
- Flexibility and quality approach is a delicate balance. WTO includes “progressive” approaches. But there is the question of how to implement them? The key is to find a way of determining whether flexibility does or does not compromise the organic integrity.
- Another approach could be to have different requirements for different categories of countries; but this also has the same risks and problems. A response to this suggestion was that it is more the scale and complexity of the CB and situation that is determinative, not the country location. There is a question of how to allow for development including in markets where big established CBs have been operating and setting a benchmark.
- The word “progress requirement” could be risky. Sovereign countries can decide not to work with a country until it reaches a certain level. Some of the ISO systems accreditation (e.g. 9000) specify when documentation is required and in other cases accept when there is knowledge of procedure.
- In the IFOAM Criteria, there was an attempt to earmark specific criteria for flexibility and it did not work. Instead, there is an explanation in the introduction that provides guidance for the accreditation body to the possibilities for flexibility.
- The issue of progressive requirements should include the issue of fairness when there are very large and small CBS operating in a country.
- How to define when flexibility requirements “kick in”?
- The challenge is the totality of all the requirements, and how to understand and implement it in the language of the quality culture. If you try to do it another way, e.g. plain language, it creates acceptability problems because ISO 65 is so prevalent. The language and requirements sometimes only hide the lack of competence/expertise and understanding of the accreditation bodies themselves, when trying to deal with a sector. On the other hand, it means development of a document that is difficult for the CB to find useful and practical.

## IOAS presentation on barriers in the IFOAM certification Requirements

The IOAS reported on the experiences of IOAS staff with IFOAM Criteria requirements that pose difficulties for CB compliance. These include the following difficult requirements:

- *Using or sharing work with another CB*  
This is a challenge area and the number one problem, and one that ISO 65 does not address. Issues include product acceptance, operators transferring between CBs. The regulatory requirements faced by CBs are also a complicating factor.
- *Impartiality*  
These include the structural issues (such as ISO 4.2e) and decision-making structure. Struggles include new entrepreneurial CBs, government-linked CBs that are required to set up other groups and hierarchies.
- *Surveillance Techniques*  
This includes inspection of conversion, split and parallel production, audit reconciliation (inspector qualifications in this area are generally low) and unannounced visits. For conversion, there are different concepts operating between regions, e.g. management issue in Europe and related to history of substance use in the US. In parallel production, there are also different histories and experiences. GMO regulation is difficult often because of lack of information, e.g. GMO tracking in the manufacturing and supply chain. Subcontracting creates some difficulty of scrutiny and accountability. Grower groups are another challenge, as inspectors are oriented toward production inspection and not inspection of control systems.
- *Indirect Certification*  
ISO 65 does not deal with such situations directly. The main problem is that in small-holder certification the CB has to take a role similar to an accreditor. The inspector does not have the necessary knowledge and training is necessary. Once the problem is recognized CBs can overcome the difficulties.

The IOAS concluded that the problems are not so related to the size of the CB, as to what training is conducted and available.

### Questions and discussion

- If you have so many challenges on some particular points, are they really needed?
- How does IOAS address product acceptance when accrediting to ISO 65?

*Answer:* IOAS implements it according to the general way it is addressed in ISO 65.

*Further explanation by IOAS:* ISO 65 prohibits CBs from using another CB's decision, so in effect it also blocks product acceptance. This is especially challenging in the case of multi-ingredient products.

*Follow up question:* Literally, does ISO 65 require a contract between certification bodies in order to accept ingredients certified by others?

*Answer:* ISO 65 does not really cover cooperation with the rest of the world.

- Regarding impartiality, there has been a needed separation of certification from the producer.

- The paper mentions the strengths of the local CBs (local and cultural knowledge), as well as some of the challenges. How is it possible to bring these strengths to the fore-front in the international context?
- Is group certification accepted in the EU and US?

*Discussion:* Some participants thought that the EU and US do not accept this kind of work. Others believed that *de facto*, all the EU Member States and the US are accepting group certification for imports. In the EU, group certification is employed in wild collection, and product is moving.

- What about market surveillance?

*Answer:* There is little attention to what is going on in the shops, but it is outside the scope of this body. The topic of the trade going from one system to another is a matter for the ITF to consider.

## Discussion of the Table of Recommendations

Participants discussed “how to discuss” the document and what should be delivered. Despite the overall issue of developing “outcome-based” vs. “descriptive/prescriptive” document, the Chair recommended discussing the document as prepared by the consultant, and that the concept can be debated in the main meeting.

### Section 3

Comments:

- Definition of an operator. The sector specific explanation should include more on operator responsibility: buyers need assurance that what they buy is from an organic source.

*Response:* This is only the definitions section and further development is in other sections of the document. Raise it under 8.1.2.

### Section 4

Comments:

4.2a)

- Should the document address details to manage risk with inspectors?

*Discussion:* There could be other essential organic integrity concerns than just the payment to inspectors. How far can you go (think of the developing country situation) in specifying the fee structure for the operator so as to be fair and enable the operators? The examples here are only fee structure and payment to inspectors, but there could be more, and it is difficult to see where there are more details in other norms.

*Clarification from author:* The related details in other norms are specified in the comparison table.

- This is an example where requirements may be appropriate to the traditional CB but not to other systems such as Participatory Guarantee Systems (PGS).

*Response:* This is focused on third party certification whereas PGS can be discussed on a more general level in the main meeting.

4.2c)

- Should there be a statement that testing is not the basis for inspection and certification?

*Response:* it is addressed in 1.2 . The “scope” for the certification is organic, so it will be limited there. However, maybe the nature of organic certification can have even more emphasis in the document.

4.2h)

- The paper suggested to delete this. It is practically impossible to acquire insurance in some countries and necessary in others. Do other sectors have difficulties with this in countries where insurance is not obtainable?

*Response:* Covering liabilities may not mean insurance, but rather that it is an entity subject to prosecution. Some doubts were expressed about the applicability of requirements for financial stability and the difficulty of assessing it.

*Response:* In the IFOAM system, this is more of a “red flag” item than an enforcement item. However, the operators have a risk if CB is not stable.

*Conclusion:* This point could be deleted.

4.2l)

- Some participants thought that this could be deleted or re-phrased. The point is to have different procedures for organic in order to maintain the organic integrity of that certification.

4.2 o)

- What about certifiers soliciting business based on the needs of another one of their clients?

*Discussion:* Could add “not soliciting applications based on the needs of other clients.”

*Response:* It is a specific example, but there could also be other very specific issues that are not address but generally covered.

Details in IFOAM Criteria are there mainly because risk was identified.

*Response:* There are many details in the other regulations, and should this document be expected to include them all?

4.4

- There is cooperation other than subcontracting that is not addressed in ISO 65. This includes product acceptance and other forms of cooperation.

4.4c)

- It was suggested to either delete or keep notes explaining exception in the cases where certification bodies are cooperating in some specified manner as well as to other subcontracting. This could also mean, for example, that operators would be asked to consent to inspectors and testing labs.

*Note:* ISO 17011 clarifies that use of an individual (such as an inspector) is not considered subcontracting.



- In the context of the guarantee systems, there is a wide range of rules of what can be accepted and how it can be accepted. For example:
  - o the proposed EU Regulation will also require CBs to accept anything from other approved CBs.
  - o China: milk produced in Europe and distributed from Korea must be produced and certified to Chinese organic standards. The Chinese CB must review the inspection report. Chinese CBs can have mutual recognition agreement as long as it is submitted and approved by CNCA 45 days prior to implementing the agreement; these are case-by-case agreements for specific products, not a general agreement.
  - o India: There will be a means for Indian CBs to work with foreign CBs for imports coming into India.
  - o Costa Rica: Import checking is in general market surveillance, but there are not mechanisms otherwise for regulating imports.

There was no agreement on how to handle this point above.

#### 4.5 *Quality System*

##### 4.5.2

- Because 4.5.3 is a progress requirement, then it is appropriate to also make the requirement to appoint a person for ensuring the management.

##### 4.5.3

- There is a proposal for progress requirements. The participants agreed to the consultant's approach.

##### 4.6.2

- Additional organic requirement. Accepted. Although, ongoing monitoring of operators' changes and corrective actions can be challenging, especially for a farm-oriented CB.

##### 4.7.2

- Should the audit intervals be fixed or left general?

*Discussion:* The participants agreed to leave it periodic because the need will vary on a case-by-case basis.

*Note:* ISO17011 has added many prescriptive requirements for the internal audits and especially the management review.

##### 4.8.1

- Participants commented that although government regulations also require transparency of certified parties, these parties often withhold information when requested. It was also noted that b) first bullet point under sector specific explanation is really an addition and should be moved to the list of essential organic requirements. Participants questioned what ISO 4.8.1 means.

The discussion of the Table was discontinued after 4.8.1 due to lack of time.

## **Nature of the document**

A question was raised: Who are the customers for this document, and how will they use it?

*Discussion:* It might sell better as strictly an equivalency document. The problems are the differences in the rigidity of the systems in their willingness to accept others. This document WAS started with ISO 65, which is a requirement for certification bodies. So if we want to frame it as an equivalency document, then perhaps much more of the detailed ISO 65 prescriptive requirements should be removed, and it should be made much more outcome-based, accompanied by relevant and appropriate description (e.g. what should be addressed, but not necessarily how it should be addressed)

Participants acknowledged that the discussion above contradicts where this has been heading in the ITF, which is that it would be possible to formulate one set of certification requirements that would be used universally. In reality that should be possible (one norm) but difficulties with buy-in for that can be foreseen. For example, to get a country whose requirements are already written into legal “rules” to now change to this document would be very difficult.

It was suggested that another value of this document could be to interpret quality management for the sector in plain English. It could also start to serve as a sector guidance tool, although another “tool” more specific to this purpose could be developed.

China expressed the opinion that there should be minimum requirements for equivalency that could help China to recognize other CBs currently recognized in major government systems. Many of these bodies could not meet some of the country-specific requirements of the Chinese regulation.

This document is something that two accreditation bodies could sit with, to provide a means to measure each others’ requirements, and decided what can and cannot be accepted.

It could also be a reference for new legislation development. Although it does slightly contradict the role of as an equivalency tool.

## **Process for further consultation of the new version of the document**

The document could be sent to consultation, with questions on the:

- a) concept and approach
- b) details
- c) potential for commitment to it
- d) potential long term ownership

Specific suggestions and agreements for consultation:

- It was suggested that in the private sector, something could be done at the Certification Conference.

*Response:* This paper will be presented there.

- IAF? Brazil agreed to find a way to request IAF review of the document.
- FAO and UNCTAD could send out consultation to its constituencies and IFOAM to its constituency.
- Catalyze domestic pressure on key governments (importing) to review and comment on the document, or send appointed ITF ambassadors.
- Central America: There is a private sector and national competent authorities initiative that could be contacted.
- There should be a report to the plenary about the presentation to IAF.

### **Title of the document**

If the thrust of the document is changed then the title should be reconsidered. The group agreed to propose the following title: *Requirements for Conducting Organic Certification: Guidelines for Establishing Equivalence.*

### **Ownership of the document**

Participants discussed the ownership of this document, in the context of its role as guidance. Some of the options were:

IFOAM  
Codex  
UNCTAD

### **Suggested criteria for ownership**

- If the governments are to use this, it would need a certain type of absorption into the system of the governments.
- The owner should be able to carry the weight and importance of the document.
- It should be a body that organizations have already invested in, e.g. UN bodies or a new organization.
- It should be an organization that itself is dedicated to the organic sector and can be a permanent caretaker.
- Ownership should not exclude or de-motivate anyone from participating in the development and continuation of it.

There is a concept of an MLA coming to the ITF, and the frame should be the same.

Consultation of the document should probably include the issue of ownership.

### **Next Steps**

Participants agreed to the following two next steps:

- Get agreement in the main meeting.
- Contingent on funding, rewrite a portion of the document as a sample, and send a consultation out through the avenues identified in the workshop.

## Addendum 1: Participant list

	<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>	<b>Country</b>
Mr	Christer	Arvius	Kommerskollegium/National Board of Trade	Sweden
Mr	Ken	Commings	International Organic Accreditation Service	USA
Mr	Paddy	Doherty	IFOAM Criteria Committee	Canada
Ms	Jane	Earley	World Wildlife Fund, US	USA
Mr	David	Eboku	Uganda National Bureau of Standards	Uganda
Ms	Felicia	Echeverria	Eco-Logica Certification Agency	Costa Rica
Ms	Maria Fernanda	Fonseca	PESAGRO	Brazil
Dr	P.V.S.M.	Gouri	APEDA	India
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Ms	Cristiane	Mascarenhas S. Sampaio	Ministry of Development, Industry and Foreign Trade	Brazil
Ms	Eva	Mattson	Grolink/IFOAM Criteria Committee	Sweden
Ms	Laura Cecilia	Montenegro	Argencert SRL	Argentina
Mr	Asad	Naqvi	United Nations Environment Program	Switzerland
Ms	Peggy	Haase	Kommerskollegium/National Board of Trade	Sweden
Mr	Min	Pu	WTO/SPS Enquiry Point	China
Mr	Alessandro	Pulga	Istituto per la Certificazione Etica ed Ambientale	Italy
Ms	Mildred	Steidle	Organic Services GmbH	Germany
Mr	Boudewijn	van Elzakker	Agro Eco Consultancy	Netherlands

Mr	Maohua	Wang	Certification and Accreditation Administration of the People's Republic of China	China
Ms	Wibulwan	Wannamolee	National Bureau of Agricultural Commodity and Food Standards	Thailand
Ms	Na	Xu	China National Accreditation Service for Conformity Assessment	China
<b>ITF Steering Committee:</b>				
Mr	Antonio	Compagnoni	Institute per la Certificazione Etica e Ambientale	Italy
Ms	Selma	Doyran	FAO, Codex Alimentarius Commission / Joint FAO/WHO Food Standards Programme	Italy
Mr	Gunnar	Rundgren	IFOAM	Sweden
Ms	Nadia	Scialabba	FAO	Italy
Dr	Sophia	Twarog	UNCTAD	Switzerland
<b>ITF Secretariat:</b>				
Ms	Diane	Bowen	IFOAM	USA
Mr	Matthias	Fecht	IFOAM	Germany

# **Report of the Sixth Meeting of the International Task Force on Harmonization and Equivalence in Organic Agriculture**

10 -13 October 2006

Stockholm, Sweden

## **BACKGROUND AND SUMMARY**

The International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF) was launched on 19 February 2003 in Nuremberg, Germany. This was a joint initiative of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Conference on Trade and Development (UNCTAD) and the International Federation of Organic Agriculture Movements (IFOAM).

The Task Force is an open-ended platform for dialogue between public and private institutions involved in trade and regulatory activities in the organic agriculture sector. The objective is to facilitate international trade of organic products. It is a practical response to the difficulties faced by organic producers and exporters due to the hundreds of different organic regulations, standards and labels worldwide, and a follow-up to the recommendations of the Conference on International Harmonization and Equivalence in Organic Agriculture held by the three organizations in February 2002.

At its first meeting, the Task Force formulated its Terms of Reference and work plan. The second meeting was held at UNCTAD, Geneva, Switzerland, on 20-21 October 2003, to review the existing standards, regulations and conformity assessment systems. At the third meeting in FAO, Rome, on 17 – 19 November 2004, the ITF mainly discussed a paper proposing a long-term strategy and a paper proposing short-term actions. Based on these two discussion papers, the ITF moved the process towards formulating concrete proposals on mechanisms for achieving harmonization and equivalence in the organic sector and means of facilitating access to organic markets, particularly for developing countries and smallholders. Following the proposals made at the meeting in Rome, a so-called interim meeting of the ITF on 28 February 2005 in Nuremberg agreed to proceed with four new studies analyzing possible mechanisms for facilitating trade in organic agriculture. Furthermore, the ITF decided to start with an evaluation of the feasibility and necessity of pursuing two additional projects, a standards database and a consumer study.

The International Task Force on Harmonization and Equivalence in Organic Agriculture held its fifth meeting in Hammamet, Tunisia, from 5-7 December 2005. Based on four discussion documents, the ITF agreed on a work plan for the period from January 2006 to December 2007. In preparation for the meeting, the ITF also held an accreditation workshop with ITF members and other experts from accreditation and certification bodies in the morning of 5 December 2005.

The sixth meeting, convened in Stockholm, Sweden, was attended by 40 participants; 15 representing governments (Philippines, China, Sweden, India, Germany, Indonesia, Thailand, Switzerland, Tunisia, Brazil, Netherlands, Uganda, Costa Rica), three from UN agencies (FAO, UNCTAD, UNEP), four from international non-governmental organizations (IFOAM, IOAS, ISEAL, ISF), and eight participants from private sector certification bodies and businesses. A workshop of experts from accreditation and certification bodies was convened prior to the main meeting to discuss the paper on International Requirements for Organic Certification Bodies. Results from the workshop were brought to the main meeting. In the course of the three-day ITF meeting, participants heard information presentations on two topics (participatory guarantee systems and guidance to developing countries on government regulations); discussed two papers presented by their authors (one on International Requirements for Organic Certification Bodies and the other on Common Objectives of Organic Standards Systems); discussed and prioritized three terms of reference and one concept note for potential future work; prepared a number of recommendations and agreements; and formulated a draft ITF Communiqué on the ITF achievements.

Specifically, the ITF accomplished the following work:

#### *International Standards*

Formally recommended that for import approvals, governments use Codex Alimentarius Guidelines and IFOAM Basic Standards as the basis.

#### *International Requirements for Organic Certification Bodies*

The ITF agreed to continue with the development of an international requirement that will serve as a benchmark for equivalence, a catalyst for convergence on a single international requirement, and for direct accreditation as possible.

#### *Guidelines and Criteria for Equivalency*

The ITF agreed to commence with developing a tool for equivalency of organic standards and technical regulations, for use within and among private and government systems.

#### *Common Objectives of Organic Standards Systems*

The ITF progressed toward finalizing a document on common objectives that will serve as a reference for partners wanting to embark on a CRO process, for equivalence determinations and for countries drafting regulations.

### *Effect of Equivalency*

Participants agreed that the ITF will prepare a review on the effects of equivalency on operators, and another on the potential negative impacts of equivalency in the regulatory system.

### *Consumer Research*

A review of consumer research related to attitudes and values about organic agriculture, products and standards, including references to key studies, was finalized to serve as a resource for interested parties worldwide.

### *Multi-lateral Agreement (MLA) Among Organic Conformity Assessment Bodies*

Comments were given for the finalization of a Terms of Reference that can be available for future work in this area.

### *Cooperation*

1. A guidance paper for developing countries on government organic regulations is now offered from the ITF as a resource.
2. Information on Participatory Guarantee Systems has been received by ITF and is available as a general resource.

### *Communiqué*

A communiqué on ITF's work and achievements will be published with the aim to engage other stakeholders in the solutions that the ITF has identified and on which it will move forward.

### *ITF Recommendations and Commendation*

The ITF approved the following recommendations:

- that IFOAM proactively seek to evaluate the equivalence of government organic regulations with the IFOAM Basic Standards;
- that a platform for cooperation between accreditation/approval bodies for organic certification is created.

The ITF also welcomed IFOAM's efforts to establish an international Forum of Certification Bodies.

The following recommendations will be on the agenda of the next ITF meeting:

- that norms (ISO, IFOAM) should allow the delegation of certification decisions to partners in MRAs.
- that governments allow delegation of import approvals for organic products to certification bodies, based on their cooperation in mutual recognition agreements or otherwise.

### **Timeline of the ITF**

At the conclusion of the meeting, ITF members agreed to hold the seventh ITF meeting in Autumn 2007, and to aim to finish the ITF work and end the Task Force in 2008.



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## **Report of the Sixth Meeting of the ITF**

10-13 October 2006  
Stockholm, Sweden

### **Opening**

#### **Welcome from KLSA and Organic Farmers' Association**

Mr Åke Barklund, General Secretary of the KSLA, which provided the meeting facility, welcomed the participants and gave an overview of KSLA and its work. Founded in 1811, KSLA provides a forum for discussion and debate on important issues for the agriculture and forestry sector among and beyond its distinguished membership.

Inger Källander, President of the Organic Farmers' Association of Sweden, also welcomed the participants and described the healthy situation of the organic sector in Sweden, mentioning the strong political support and policy-oriented goals for organic agriculture. Targets for the organic sector include aiming to have 20 percent of Sweden's agriculture under organic production by 2010 and organic products to have a 25 percent market share. Cooperation of the various stakeholders in Sweden has been successfully coordinated for many years by KRAV, which maintains a private organic label that is highly recognized by Swedish consumers.

### **Progress Report from Steering Committee**

The ITF Steering Committee gave a progress report based on the ITF goals, objectives and work plan. According to its Terms of Reference, the ITF work is planned and implemented in phases, including a review phase, a proposal formulation phase, and a phase to advise stakeholders and provide information on developments following the discussions of the proposals. The Steering Committee announced the second ITF publication, "Strategy on Solutions for Harmonizing International Regulation of Organic Agriculture"; and it also mentioned that it plans to publish four more papers that were recently finalized.

Elements of the ITF strategy were reviewed. These include:

- production standards equivalent to a single international standard
- mechanisms for the judgment of equivalence to the international reference standard
- one international requirement for organic certification bodies
- common international approaches for recognition or approval of certification bodies

Items of the ITF work plan that were on the agenda of this meeting were put into the context of the four strategic elements.

## **Updates from Codex Alimentarius and IFOAM**

### **Codex Alimentarius Commission**

It was reported that the *Codex Alimentarius Guidelines on Organically Produced Foods* have been fully developed except for the revision of the list of substances used in organic food processing. The framework established in Codex that applies to the international trade of food products, including standards, inspection/certification systems, and traceability of products was also presented. Regarding equivalence, GL 26-1997 references the equivalence of inspection and certification systems. Committee work on *Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Certification Systems referencing Technical Barriers to Trade* was suspended, but resumption could be requested by a member country.

### **IFOAM Organic Guarantee System**

IFOAM presented information on the revision of the IFOAM Organic Guarantee System, and in particular on IFOAM Basic Standards. IFOAM's revision of the Basic Standards aims to make the norm a more suitable tool for equivalency, the objectives being to produce "standards-for-standards" based on the principles of organic agriculture, which differentiate organic from not-organic and allow for regional variations. Participants were informed that ITF members would be included in the stakeholder consultation process for the revision.

## **Country Reports**

Reports on the status of their organic regulations and related programmes were received from ITF members from the following countries: Thailand, Philippines, Argentina, Brazil and the Dominican Republic. Participants also heard updates from the European Union, China, Costa Rica, Canada and UNCTAD. Written reports and presentations received for the meeting from these countries will be posted on the ITF website.

## **Paper: International Requirements for Organic Certification Bodies**

It was explained that this paper was based on the first paper on this topic, presented at the fifth ITF meeting. Its main objective was to develop a common international set of requirements for conducting organic certification.

The Terms of Reference for the second paper requested a detailed comparison of the certification requirements of ISO 65, IFOAM, Codex, USDA, NOP, and Japan. This comparison was the basis for constructing the main element of the paper, which is a table of recommendations for international requirements for organic certification bodies. The table of recommendations takes into account the request to provide flexibility relative to the scale and stage of development of the certification bodies. The table also takes into account the concept from the first workshop, where all the requirements in organic guarantee systems can be visualized as

falling into three boxes (categories), where box 1 is the production requirements, box 2 is the specialized requirements for the organic sector, and box 3 is the general competency requirements for certification bodies (ISO 65). The table in this paper puts the general competency (ISO65) requirements into the second column, and the sector-specific essential additional requirements into the third column. Some of the items in the third column list sector-specific requirements that are linked to the organic standards and inspection scheme; and other items add detail to the general competency requirements. A fourth column provides flexibility for scale and stage of development by listing time-limited “progress requirements”; and a fifth column recommends whether a requirement should be considered “minimum”, or whether it could be a progress requirement or deleted.

The presentation raised several issues:

1. Is it appropriate to drop any ISO 65 requirements?
2. What should be done in cases where the ISO 65 text does not appear to be sufficient to address the competency requirements in organic certification?

### **Report on the 11 October Workshop**

The Steering Committee reported that the approach of the document was greatly appreciated by the workshop participants. Participants supported the suggestion that there could be progress requirements and some participants thought that there could be more of these.

The recommended deletions from ISO 65 were generally supported, but it was recommended to call them “non-applicable” or another similar term. The workshop discussions included: the various ways that product acceptance are handled; the responsibilities of the operator; whether ISO 65 is the best starting point; clearer rules for market surveillance; potential of progress requirements to undermine acceptance of the document; appropriate language style of the document; relationship to PGS systems; and the balance between outcome-based and descriptive/prescriptive content of the requirements.

The main issue of the workshop discussion was the nature of the document. Should it be developed for actual use in accrediting and approving certification bodies (in which case it should be a detailed document) or should its purpose be for guidance for equivalence? It was concluded that it might be hard getting acceptance on adopting new criteria, the it was decided the paper should be more along the lines of an equivalency tool, creating another, perhaps competing, international norm in addition to IFOAM Accreditation Criteria for use in accreditation. The workshop proposed a new title, “Requirements for Conducting Organic Certification: Guidelines for Establishing Equivalence”. It was then questioned that, if the document is to be a guideline, should it become more outcome-based and less reflective of the ISO 65 elements. Concerns about re-positioning this document to guidance were that it would be less useful as guidance for writing new regulations and may not be practically useful to any stakeholder. It was also pointed out that the process for this document must include careful consultation and an eventual determination of the document’s ownership. It was requested that participants at this meeting take a clear decision on the role of the document before taking other decisions on it.

Questions to be addressed in deciding what the role should include:

- Will anyone use it directly for accreditation/ approval?
- How difficult will it be to “sell” it?
- Could it lead to less harmonization?
- How should guidance be given for developing new regulations?
- Is there political will to solve the problems?
- Will responsible authorities and the other users put enough energy into it?

## **Discussion**

The discussion was centred on two topics – the nature of the document and the inclusion of progress requirements in it.

### *Regarding the nature of the document*

Comments supported both the role of the document as guidance and its role as a norm.

Arguments in favour of the guidance role included that:

- in order for an MLA to work, a guidance document is needed;
- it is unrealistic to expect the established government and private systems to replace their current requirements with a new one from outside their system, at least in the short term;
- countries have their own requirements related to sovereignty and their government systems.

Arguments in favour of the role as a norm included that:

- it should be possible to have one global norm for certification body requirements, unlike standards where regional differences matter; the current document is largely based on the ISO 65 Guide anyway;
- it is very important to have an organic sector interpretation of ISO 65;
- countries developing new regulations could have a ready-made basis for their own regulations, or could simply refer to it in the same way as is done with the ISO 65.

Participants also discussed the prospect of the document serving multiple roles. It was pointed out that an outcome-based document is not necessarily restricted to guidance and could also be used for accreditation/approval. The document could have short-term and long-term roles. In the short-term, it could be adopted by countries developing new systems and also as equivalency guidance, whereas in the long-term it could also become a harmonized international norm. It was reasoned that governments that have implemented their own requirements may not be willing or able to adopt the international norm for their internal use, even if they would use it for accepting foreign systems. However, once they revise their own requirements they would be more likely to move towards alignment with an international norm. In the short-term the document could be positioned as a sector-specific ISO 65 or a sector document based on ISO 65, and in that role it could also serve the purpose of giving input to the revision of ISO 65. It was pointed out that ISO 65 is not optimal for the sector, and this could be a first step to moving away from it. It was noted that the document should include some of the background description from the earlier paper on the international requirements, so that readers would understand why the document was produced.

*Regarding progress requirements*

The comments on process requirements were mostly in support of including them in the document. However, some participants expressed scepticism, suggesting that they would neither be accepted in the regulatory context, nor in the ISO context. Several participants compared this approach with the conditions applied to operators in the certification process, which must be met within a certain timeframe. Others pointed to additional precedents for the approach, including in the WTO, and that the EU Regulation is also trying to make flexibility work at the operator level. There was a suggestion that the name should be changed to something more marketable, such as “scale sensitivity”. It was also suggested that criteria for when to use progress requirements should be established, some of which can be found in the introductory section of IFOAM Accreditation Criteria. Clear time limits would be important for making the process requirements feasible. An alternative to including process requirements is to set the baseline for the whole document at a lower level.

The ITF meeting decision on this topic is recorded under the heading “Meeting Achievements and Decisions”.

**Terms of Reference: Feasibility Study for a MLA**

A draft Terms of Reference for a feasibility study on establishing a multi-lateral agreement among accreditation and approval bodies was presented to the ITF.

**Discussion**

At the outset of discussion, a key question was raised; would the MLA be linked to a common or equivalent organic standard or not? Linking to a common organic standard was seen by some participants as essential for having a practical effect at the level of organic certification. An MLA would recognize that organic certification bodies accredited or approved by MLA signatories would be able to certify to the different organic norms without holding multiple accreditations and/or approvals. As an example, if US Department of Agriculture National Organic Program (USDA NOP) and the German National Accreditation Body (DAP) were signatories of the MLA, then USDA could accept the DAP accredited organic certification bodies without having to do their own evaluation. It is important that the level at which the MLA would function is decided; and one participant commented that it might be most realistic to make an MLA at the level of evaluation where it is accepted that one body can provide evaluation to another body’s scheme. The sovereignty of governments and the limitations imposed on national accreditation bodies by the International Accreditation Forum (IAF) MLA were raised as potential barriers to an MLA. However, a recent agreement between the Philippines and Japan to mutually accept certificates was mentioned, although this was not in the area of organic certification. It was clarified that under these terms of reference, ITF would serve as the organizer of the MLA agreements. One participant expressed the view that establishing one international accreditation system would be a better solution than a MLA. It was generally agreed that the idea to explore how an MLA could be established is worthwhile, but any decision on this should be made when prioritizing all of ITF’s work items.

## **Paper: Common Objective of Organic Standards Systems**

This paper follows up on an earlier paper presented to the fifth meeting of the ITF in 2005. The Terms of Reference for the current paper requested a proposal for what could be considered common objectives of organic standards and technical regulations. After reviewing the possible levels of objectives, the presentation outlined potential obstacles to the recognition and use of common objectives for judging equivalency of standards and technical regulations. The following ten objectives were proposed to be the set of commonly recognized organic objectives:

- protect and enhance soil quality
- minimize/avoid synthetic chemical inputs
- protect/enhance biodiversity
- avoid pollution
- responsible use of resources (air, water, soil)
- responsible and organic treatment of farm animals
- prohibit the use of non-organic technologies
- plan/manage organic production
- verify organic production
- maintain organic integrity in processing

The presentation made recommendations for how the organic sector could or should function to fulfil these objectives, some of which were contested in the subsequent discussion. The presentation concluded with recommendations for issues to consider and possible venues in the determination of a set of common organic objectives.

### **Discussion**

Participants commented on the list of ten proposed objectives and offered many comments to the author's recommendations for how the sector should fulfil these objectives. They also took up discussion on whether and how the approach of common objectives should be developed as an equivalency tool.

#### *Regarding the proposed objectives and proposals for fulfilling them*

One participant questioned why social justice and wild collection were not included in the list of objectives. Another participant remarked that while social justice has always been in the organic principles, it was not incorporated in any of the regulations and, therefore, it is not common to the various norms. It was suggested that the list of ten objectives be re-worked to follow more along the lines of the principles of organic agriculture rather than on politically popular topics, e.g. biodiversity. Comments about some of the presentation's recommendations to fulfil the objectives reflected a general opinion that organic norms and production should not be assigned the role to resolve all the issues and challenges of pollution, safety, and biodiversity; and that it is rather the role of other regulations and standards to protect public health. Some participants added, however, that organic systems make positive differences in such matters as promoting biodiversity and reducing food safety risks, citing such examples as

the role of soil biodiversity as a foundation for the whole biodiversity, and control and verification systems in organic as reducing food safety risks. Other participants cited that consumer expectations, especially regarding food safety, can and do differ from those of the farmer and the standards developers. There is also the factor of many small producers whose perspective is economic and market access, and not necessarily either environmental or health and safety. A remark was made that some perceptions are “just there” and do not come from the standards or even the principles. The paper’s author stated that it could be considered a step to just make reference to relevant food safety regulations and guidelines. There was also discussion on the recommendation to change organic standards from process-based to performance-based (also called outcome-based) with more metric indicators. One person related this question to the debate on whether environmental goods in the TBT should be list-based or criteria-based. One participant commented that a challenge with the performance-based approach is that the indicators may not be currently available, citing the current situation for biodiversity. Putting any objective criteria on the end product could be dangerous, according to another participant, because it could trigger a cascade of all kinds of these criteria, e.g. residue levels coming into the requirements. A question was raised whether the organic sector should be adopting approaches from other systems, or if they should be adopting from the organic sector. Bringing in big changes in approach would create confusion, especially in developing countries where stakeholders are just learning the organic perspectives. Another argument raised against changing the approach of organic standards was that it is incompatible with how the organic standards and other food regulations, standards and guidelines (such as Codex Guidelines) are currently related to each other.

*Regarding whether and how to move forward on common objectives*

Participants discussed whether or not to move this forward formally as an equivalency tool, or if the work should be further developed as a reference. It was proposed that a set of common organic objectives combined with an “ITF 65” could serve as the benchmark for the dialogue with regulators on either the need for de-regulation or improving their regulations. To the question of how it would be moved forward as an equivalency tool came the remark that there is no natural harbour for convergence in the international context. There were suggestions that the Codex Committee of Food Inspection and Certification Systems, the UNECE (in collaboration with ITF), and the WTO could be possible venues for further movement. It was explained that there have been no organic cases in WTO, thus ruling it out as a resource for further development; in addition, regarding WTO cannot be considered as a possible venue as it does not work at such a level of specificity. The ITF Secretary explained the Steering Committee’s work since the fifth meeting in evaluating the prospect of using UNECE, and its conclusion that up to now UNECE’s work has been mainly useful for inventorying common objectives in various sectors, which the ITF has already done for the organic sector. Regarding the Codex system as a venue, it was mentioned that Codex tends toward food safety and not other issues. Some participants spoke in favour of revising the document to centre it around organic principles, enabling it to serve as a good reference for the development of new standards and technical regulations. There was some question whether organizing around the private sector principles would make it feasible to also encompass the governmental objectives in regulations. The chairperson summarized that the paper will be sent to the full ITF for written comments and then revised.



## **Terms of Reference: Tool for Equivalence of Standards**

A Terms of Reference (ToR) for developing a tool for judging the equivalence of standards and technical regulations was presented. The draft ToR proposed to use relevant WTO and Codex Alimentarius Commission (CAC) guidance documents as a framework, and to examine the experience of governments with equivalence negotiations, case studies from other private sector equivalency agreements, and the IFOAM policy and procedure for approving other standards as resources for developing the mechanisms of the tool.

### **Discussion**

It was explained that the tool could be used in various contexts – bilateral agreements, multilateral agreements, or regional trade agreements. It could leave open the reference to any international standard and could be used on its own for negotiations between parties without external reference. In response, a participant commented that different types of tools might be needed for multi-lateral, bilateral, and regional trade agreements; and that this would affect the ToR. Regional agreements are finalized in a very different manner than bilateral agreements. It was also suggested that there should be separate tools for standards, which are private and voluntary, and for technical regulations, which are government and mandatory. This is because private and government regulations would not be negotiated as equivalent. However, it was also noted that although in some countries there are regulations where the technical requirements are self contained, in other countries the regulations are in the form of references to standards; so making a sharp distinction may not be so useful. Also, it is not a useful distinction for countries that have no regulations. It was also noted that Article 2.7 of the TBT is applicable for technical regulations, but the case of organic regulations is not so clear – whether organic regulations are considered mandatory technical regulations or regulations on voluntary labelling. To date, no organic regulation has been notified to the TBT. Although there has been a request for a new clause in the TBT to apply to voluntary standards, there have been objections to this on the grounds of it raising new barriers to harmonization. A question was raised about the relationship of this tool to the approach of common objectives, and it was recommended to make some choices at the meeting rather than trying to develop too many approaches. Keeping it simple, such as on the level of common objectives, may work better; and there should be a clear picture of the meeting's strategy and what tools to use. The Chair clarified that this ToR is about an equivalency approach, whereas the common objectives path leads more toward harmonization. A caution was raised about focusing only on equivalency, when harmonization is a better long-term solution. Following on this, it was suggested that the ITF makes a note to deal with the risk of equivalency to perpetuate bad regulations. It was also requested to examine the impact of equivalency between two parties on the other affected parties. Developing an equivalency tool was supported by one participant, who further stated that the problems in equivalency negotiations arise from the details of the systems. It was mentioned that there is a mutual equivalency agreement on organic regulations between Switzerland and the European Union. The ToR will correct the statement that there is none, and include this agreement as a reference for development of the tool. It was also suggested that ways in which the tool can be developed in the CAC or WTO/TBT

framework should be considered rather than, or in addition to, the private one; governments can relate to and work in this frame. In response, it was noted that the CAC/WTO is currently only a frame and in order to make progress, details would need to be developed; and it might be good to start out by trying the integrated approach of the ITF (public and private) before rejecting it. There was a request to include input from tropical countries into the tool development. The chairperson stated that the whole ITF will be consulted and she concluded that the results of the discussion lead to the ToR remaining as proposed.

## **Concept Note: Impact on Equivalence on Operators**

A concept note for the Impact of Equivalence on Operators was presented. The history and development of this topic from the beginning of the ITF discussion until the sixth ITF meeting was explained. The topic started out as a question about the influence of operators on the standards and regulations. But the ITF has moved beyond the phase of analyzing the situation and is in a phase of developing solutions, and it was more relevant to examine the potential impact of the solutions mechanisms and anticipate consequences for the ITF. The concept note describes a study that would consider the issue in the framework of fair vs. unfair competition.

### **Discussion**

In the opinion of several participants, this is an important topic that should be taken up. Specific supporting comments included:

- Producers are regarded as important to the acceptance of the equivalency process.
- Producers are more sensitive to the differences in organic standards and technical regulations than consumers.

In addition, it was felt that, although the structural aspect of the agriculture and trade system affects operators more, it would be nice to have a small paper to demonstrate the relative impact of equivalence in the context of all these other impacts and stressors on the producers. It was noted that a domestic example of impact of equivalency is the NOP, which by its structure and rules, removed all the differences among standards within its system. It was also suggested that if undertaken, the study should be sure to look at the gains for producers by relaxing restrictions. The development level of the operator was offered as another facet to include in the analysis, as well as the level of the impact e.g. the farm level or the level of all operators in a given country. Another dimension was introduced into consideration – the impact of equivalency on private seals, which are related to operators and private standards, and whose revenues come from this system. A related suggestion was made that when the equivalence approach is designed it should be inclusive of the operators.

Participants also discussed how to prioritize and design such a study. It was speculated that doing a credible job is likely to be very costly, and that it must be weighed against the progress to actually facilitate trade. One idea was to persuade a research institution to do the

study, rather than the ITF itself. One participant suggested that one approach of illustrating the positive side of equivalence for operators without new research could be to examine the current research on impact of multiple certification on the operators; this data exists in several sectors besides organic. On the other hand, some participants suggested a more qualitative approach, including conducting the following: referencing existing conceptual studies; soliciting operator and other stakeholder comments on the issue, and reviewing the existing information, similar to the consumer research review. It was suggested that whatever the decision, it should be prioritized in the context of the other work items. The chair summarized the discussion by concluding that the discussion leaned toward doing a limited survey focusing on information that exists now; but that the final decision will be made when looking at the whole work plan.

## **Information Session: Guidance to Developing Countries on Organic Regulations**

This paper falls within ITF's role to provide useful information rather serving as one of the solutions strategies for ITF's work. The paper provides guidelines for a developing country to determine whether organic regulations are really needed in the country. It also provides advice, in case regulations are needed, on how to develop good regulations. The paper reviewed a range of options for giving oversight to organic labelling and trade. A policy framework for organic agriculture is also included.

### **Discussion**

A question was raised: is it wise for a country to have a locally appropriate domestic standard and a stricter export standard? Speculating on the impact of this scenario, one participant expressed disbelief that there would be a flock of imports as a result. Some participants argued that there should be only one standard, citing the following rationale: the European Union requires a uniform domestic and export programme; local consumer trust is better with one standard; a separate domestic and export standard could induce foreign certification bodies to work in the country for the exports; the variances are more important to have in other aspects such as conformity assessment, exempting small producers with domestic markets from third party certification. According to one participant, the Australian market shows that an export market cannot develop without having a domestic one and vice versa – and now there is pressure for a government framework for organic market development, although not necessarily a regulation.

Participants also discussed the question of whether there should be any more organic regulations at all. Participants supporting the continued development of organic regulations cited the benefits. Points raised included that: the law is needed for the credibility; it is needed to motivate the participation of the big actors in the organic sector; regulations have a legitimate role to protect from fraud; a compulsory single regulation it is the original model.

It was then mentioned that it is more important to focus on making a good regulation; and it should really try to follow the regional situation. Dissenting opinions were expressed about creating regulations, arguing that the first step is to build the most locally appropriate standard in the private sector and develop the market before turning to building regulations. Trying to make an export standard that meets all the export market requirements can make it impossible for the domestic producers. Another perspective offered was that regulations are one of several frames for developing organic agriculture in developing countries. The indicator framework, which is supported by the World Bank, was mentioned as having the potential to build organic credibility and obtain subsidies for organic farmers. The Aid-for-Trade initiative is another avenue for supporting the organic sector, and it was suggested that it might be considered to try including organic agriculture formally in both these initiatives.

The author of the paper responded to comments, stating that the ideal is a standard adapted to the local conditions; but practically, there will then be no equivalency agreement and the exporting producers will end up getting certified to the standards of the importers. (An intervention here suggested that the previous statement should go into the preamble of the document). It was advised to try to think ahead, but also be realistic to the current situation. In Europe, all the other regulations work well without a link to a mandatory labelling regulation. There is, also, fraud in the regulated markets, although there are various ways to address marks.

## **Information Session: Participatory Guarantee Systems**

The ITF received an information briefing from two presenters on a new concept for organic guarantee called Participatory Guarantee System (PGS), which is founded on the principle of social control. A movement to organize PGS has been started through the auspices of IFOAM, and a dedicated task force is now in functioning.

Reasons for starting a PGS system include the high cost for third party certification, education and empowerment opportunities, and to encourage community building and revival of traditional organic values. The system includes the stakeholders served, and builds on trust and openness. The basic premise is that farmers can be trusted, and the guarantee comes through this trust. Early steps in the movement include organizing include workshops and the publication of case studies ([www.ifoam.org](http://www.ifoam.org)). Additional documents from the organizers are available on the ITF website, in the section on the Sixth Meeting.

Ecovida in Brazil is probably the most developed case of PGS. Motivation for the establishment of this PGS came from the implementation of regulations in the importing countries, which were considered not suitable models for the development of control systems for organic in Brazil. The TBT provides a broad framework for conformity assessment; which is not just third party certification. Ecovida is a network of 2 600 family farmers including ten smallholders, 30 non government organizations (NGOs), and 15 cooperatives. Commercial channels are very diverse, ranging from street markets to government procurement. Total sales for 2003 were US\$1.2 million – two-thirds of this from regional domestic markets, and one

third exported or otherwise sold as third-party certified from a group with an internal control system. Plans for further development of the system include preparing a norm for this type of conformity assessment.

## **Discussion**

### *Regarding the comparison and linkage of Participatory Guarantee Systems and Internal Control Systems*

One participant wondered whether planned improvements in the system potentially make it less simple and, therefore, ruin it. Another participant asked how an organization can move its conformity assessment system from a PGS to an Internal Control System when the market demands third party certification for particular channels and transactions. The presenter responded that PGS is a group system to which the internal control system can be added. However, it was noted that a key difference between the two systems is where decisions takes place, which is the external body in the case of the Internal Control System and the farmers in case of the PGS. It was stated that this creates a fundamental difference in the two systems and it could be a disservice to try to squeeze them into one framework.

According to one participant, there is a thriving PGS movement in India and the system is working there up to the farm gate, but not beyond that. The question of the level at which PGS is developed was raised, with the conclusion that the national level is the appropriate place for build-up of the system, but that the local level must remain the location for the conformity assessment and decision-making. It was also noted that sanctions are important for this system, and that there are a variety of measures available, in addition to dismissal of an individual from the PGS group. Regarding credibility, the importance of getting full stakeholder involvement was encouraged, especially consumers, and to measurably demonstrate the credibility of the approach. The long-term economic viability of these systems was raised as a yet unanswered question.

## **Meeting Achievements and Decisions**

Participants discussed and agreed on the following achievements on the work plan for the sixth meeting.

### **International standards<sup>1</sup>**

- The Steering Committee recommended that for import approvals, governments use Codex Alimentarius Guidelines and IFOAM Basic Standards as the basis.

*The recommendation was adopted.*

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<sup>1</sup>The ITF also took up this topic when formulating its Communiqué, noting that “The ITF recognizes that a single reference for organic standards is not yet a feasible proposition; although the guidelines of the Codex Alimentarius Commission (CAC) and IFOAM Basic Standards (IBS) are very similar in content, their scope and governance are too distinct to be merged. The ITF, however, realizes that having two international reference standards, from the public and private sector respectively, is valuable, provided that there is effective linkage between the sectors.”

- It was also recommended that the ITF should recommend to Codex that the guideline is revised along the lines of the revision of the IFOAM Basic Standards.

**Discussion:** The Codex Secretary responded that because this recommendation was not discussed in the meeting, it would be difficult to take it up. In addition, the ITF has no authority to make a recommendation to Codex; only Member States or IFOAM can make that recommendation. In response it was noted that the ITF agreed in Tunisia to bring recommendations to Codex based on the ITF results.

*The recommendation was adopted.*

### **Common objectives**

Participants agreed that the paper will be sent for written comments and then a final revision and publication will be prepared. This should include a structural change to aggregate the ten or so objectives within the Principles of Organic Agriculture. This document will then serve as a reference for partners wanting to embark on a Common Regulatory Objective (CRO) process, for equivalence determinations and for countries drafting regulations.

### **Guidelines and criteria for equivalency**

Participants agreed to prepare a draft tool for the judgment of equivalency, according to the amended ToR.

### **Effect of equivalency on operators**

Participants agreed that a small review of the topic based on existing information will be prepared and brought to the next meeting. Related to the discussion of effects of equivalency, the ITF will also prepare a brief review on the potential negative effects of equivalency on the regulatory system.

### **Consumer paper**

The work is completed and will serve as an information document.

### **International Requirements for Organic Certification Bodies**

The ITF decided to continue developing the current draft in its current format. It also decided that the next step is for the members to provide written comment on progress requirements criteria and the sector-specific descriptions. The document will serve as a benchmark for equivalence, a catalyst for convergence on a single international requirement, and for direct accreditation as possible.

Participants agreed that a consultation process needs to be defined by the Steering Committee and the issue of ownership should also be addressed in the consultation.

### **Discussion:**

*Role of the document:* Participants reviewed the discussion from the first meeting day and observed that the workshop preferred the option for the document serving as an equiva-

lency guideline. It was felt that the ITF discussion introduced some new ideas and some members stated a preference for the document to be available as a norm for use in accreditation/approval. Still others suggested that it could have multiple roles. One participant expressed the opinion that the workshop was not the best approach, and would have preferred that the document was only discussed in depth in the main meeting. It was generally agreed that there should eventually be a single normative document for direct use, and that the current document can be developed towards that aim. In the shorter term it was agreed that there are other needs that the document can fill, including to have a norm available for use by countries implementing new programmes (provided that it is rewritten in a format conducive to this use); and to influence the ISO 65 revision process as well as to demonstrate the insufficiency of ISO 65 on its own for the organic sector for the purpose of dialogue and convergence on an international norm. It was noted that an ISO 65-plus requirement is the current model for all the regulations and the private international systems – they all have additional requirements to ISO 65. There are still some major issues to be resolved in developing the document for the longer term, including whether this should be developed as a more outcome-based approach. It was also suggested to move quickly into a communication mode about this work.

### **Organic MLA**

Comments to the ToR were received at the meeting. This ToR will be kept for potential future use.

### **Other forms of cooperation**

The ITF was informed about the Participatory Guarantee System as an emerging system. The document will be posted on the ITF Web site.

The ITF agreed that consideration is given to emerging alternatives to third party certification, such as PGS.

**Discussion:** It is good to continue the work. It was suggested that the PGS movement eventually try to find a connection to the international market.

## **Summary Report of ITF Work Progress**

This presentation reviewed what has been agreed by the ITF in the past, and also proposed some new ideas for the future. The following proposals for recommendations and other actions were presented:

It was proposed that:

- *The ITF recommends that governments allow import approvals for organic products be delegated to certification bodies, based on their cooperation in mutual recognition agreements or otherwise.*

**Discussion:** It was suggested that the wording of this proposal be changed to, for example, “government approval of certification bodies include acceptance of their approvals for organic products based on their Mutual Recognition Agreements.”

**Decision:** A brief paper and proposal on this will be brought to the next meeting.

- *The ITF recommends that norms (ISO, IFOAM) should allow certification decisions be delegated to partners in MRAs.*

**Decision:** This matter will be included in the agenda of the next ITF meeting.

- *The ITF recommends IFOAM proactively seeks to evaluate the equivalence of government organic regulations with the IFOAM Basic Standards.*

**Decision:** To adopt.

- *The ITF welcomes the initiative by IFOAM to convene an international organic certification Forum.*

**Discussion:** There was a request that the ITF be provided with feedback from these meetings.

**Decision:** To adopt.

- *The ITF recommends that a platform for cooperation between accreditation/approval bodies for organic certification is created.*

**Discussion:** The ITF workshop was originally intended for this type of function, and it may be more appropriate for ITF to be the platform. It may be difficult to elicit attention from the IAF at large due to the workload of the IAF. It was suggested that ITF could invite all the National Accreditation Bodies dealing with organic systems to the ITF and ITF workshops. It was also suggested to build on interest from the Australia/New Zealand accreditation body for participation. It is, however, clear that the ITF itself cannot provide a permanent platform for these bodies. Following the ITF initiative they should continue their cooperation by own means.

**Decision:** To adopt.

- *Regarding communication and promotion:*
  - *the ITF Steering Committee shall develop a communication strategy*
  - *the ITF will seek opportunities to present its results to decision makers*
  - *the ITF information, process and results are presented at relevant international and regional meetings*
  - *The ITF produces supporting promotional materials*



**Discussion:** One participant observed that the ITF is not fully aligned on some of the topics; it is important to focus communications on the clear agreements. However, it was also urged that communication should be high priority in the work plan. There was a request to have some materials in other languages. ITF members are encouraged to translate the materials into their native languages themselves. It was stated by one participant that while ITF is trying to achieve harmonization, in the meantime one of the harmonizing activities is to promote the multiple purpose evaluations. The ITF Steering Committee should consider ways of fostering this and bring it forward further. Finally, ITF members were encouraged to alert to the ITF to opportunities for strategic communication.

**Decision:** To approve

## Communiqué

A communiqué drafted by the ITF Steering Committee was presented to the meeting for comments. Participants decided to amend the title of the document to indicate that the communiqué was issued from the sixth meeting of the ITF. It was also agreed that the list of organizations with which all active ITF members are affiliated will be included as a footnote, and KRAV, Tanzania, and Uganda will be added to this list; in addition, names of participants at the sixth meeting will be included at the end of the document. Input from participants about improvements to the wording were taken into the draft document during the discussion. The amended draft document will be circulated to the full ITF membership for comment. Once finalized, the Communiqué should be taken by ITF members to their constituencies with the purpose of seeking engagement. The Communiqué will be issued in English, French and Spanish languages.

## Next Steps and Schedules

The following next steps for ITF were reviewed by the chairperson:

### Tools

- Revise paper on International Requirements for Organic Certification Bodies
- New paper: Tool for Judgment of Equivalency (of Organic Standards and Technical Regulations)

### Reviews and references

- Revise paper on Common Objectives of Organic Standards Systems
- Revise paper on Guidance to Developing Countries on Organic Regulations
- New review paper: Impact of Equivalence on Operators
- New review paper: Negative impacts of Equivalence (e.g. on perpetuating weaknesses)
- New briefing paper: Delegating Certification Decisions and Import Approvals to CBs

### **Communications**

- finalize and publish ITF Communiqué
- develop Communication Strategy (including ownership, consultation, outreach, mainstreaming)
- publish ITF Volume 3

**Discussion:** A question was raised about whether resources can be conserved by not publishing printed volumes of ITF work and instead, maintaining them only in electronic format. However, it was noted that there is an allocation in the current budget for the third ITF volume and Communiqué.

### **Important ITF dates**

- member inputs due by 24 December
- next meeting: Autumn 2007
- end ITF: IFOAM Congress 2008 or at least by end of 2008

**Discussion:** Regarding the location of the next meeting it was proposed to meet in North America (WWF offered as the venue), even though obtaining a visa may be a challenge. Several people spoke in favour of exploring a location in the US; others did not want to lose members if visa risks are too high. Alternatively, South America, e.g. Brazil, Canada, and Bali, Indonesia were also suggested as locations.

Guidelines suggested by participants for a decision on the location:

- not too difficult or expensive to reach
- no travel restrictions
- consider expense for self-funding members

Regarding end date for ITF, it was encouraged that the end should be set now, and then ITF should not to bring any new work item on the agenda beyond a certain point, in anticipation of the end date. The end of 2008 may be more realistic than the middle of the year. The end date for ITF does not mean that the work cannot continue in other structures and by other avenues. ITF can recommend owners/managers, for example, the International Requirements for Organic Certification Bodies) where pieces of the ITF work can be continued. The ownership topic will be on the agenda of the next meeting.

## Addendum 1: Participant List

	<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>	<b>Country</b>
Mr	Christer	Arvius	Kommerskollegium/National Board of Trade	Sweden
Ms	Margit	Backes	Federal Agency for Agriculture and Nutrition	Germany
Mr	Miguel	Castro	Ministry of Agriculture and Livestock, National Organic Agriculture Program	Costa Rica
Mr	Johan	Cejie	KRAV	Sweden
Mr	Ken	Commins	International Organic Accreditation Service	USA
Ms	Sasha	Courville	ISEAL Alliance	England
Mr	Paddy	Doherty	IFOAM Criteria Committee	Canada
Ms	Jane	Earley	World Wildlife Fund, US	USA
Mr	David	Eboku	Uganda National Bureau of Standards	Uganda
Ms	Felicia	Echeverria	Eco-Logica Certification Agency	Costa Rica
Ms	Maria Fernanda	Fonseca	PESAGRO	Brazil
Mr	Don	Gaidano	Horizon Organic Dairy/ While Wave Foods	USA
Dr	P.V.S.M.	Gouri	APEDA	India
Ms	Margreet	Hofstede	Department of Agriculture Ministry of Agriculture, Nature and Food Quality	Netherlands
Ms	Marianne	Joensson	Kommerskollegium / National Board of Trade	Sweden
Dr	Mwatima	Juma	IFOAM	Tanzania
Ms	Inger	Källander		Sweden
Ms	Samia	Maarer Belkhiria	Direction Générale de la Production Agricole Ministère de l'Agriculture	Tunisia
Ms	Cristiane	Mascarenhas S. Sampaio	Ministry of Development, Industry and Foreign Trade	Brazil
Ms	Eva	Mattson	Grolink/IFOAM Criteria Committee	Sweden

Ms	Laura Cecilia	Montenegro	Argencert SRL	Argentina
Mr	Asad	Naqvi	United Nations Environment Program	Switzerland
Ms	Teresita G.	Oyson	Bureau of Export Trade Promotion	Philippines
Ms	Peggy	Haase	Kommerskollegium/National Board of Trade	Sweden
Mr	Min	Pu	WTO/SPS Enquiry Point	China
Mr	Alessandro	Pulga	Istituto per la Certificazione Etica ed Ambientale	Italy
Ms	Radha	Ranganathan	International Seed Federation	Switzerland
Mr	Stefan	Schönenberger	Federal Office for Agriculture (Bundesamt für Landwirtschaft)	Switzerland
Mr	Ananto K.	Seta	Ministry of Agriculture	Indonesia
Ms	Mildred	Steidle	Organic Services GmbH	Germany
Mr	Maohua	Wang	Certification and Accreditation Administration of the People's Republic of China	China
Ms	Wibulwan	Wannamolee	National Bureau of Agricultural Commodity and Food Standards	Thailand
Ms	Na	Xu	China National Accreditation Service for Conformity Assessment	China
<b>ITF Steering Committee:</b>				
Mr	Antonio	Compagnoni	Institute per la Certificazione Etica e Ambientale	Italy
Ms	Selma	Doyran	FAO, Codex Alimentarius Commission / Joint FAO/WHO Food Standards Programme	Italy
Mr	Gunnar	Rundgren	IFOAM	Sweden
Ms	Nadia	Scialabba	FAO	Italy
Dr	Sophia	Twarog	UNCTAD	Switzerland
<b>ITF Secretariat:</b>				
Ms	Diane	Bowen	IFOAM	USA
Mr	Matthias	Fecht	IFOAM	Germany

## **Addendum 2: Agenda**

### **Sixth Meeting of the International Task Force on Harmonization and Equivalency in Organic Agriculture**

Royal Swedish Academy for Agriculture and Forestry  
Stockholm, Sweden  
9-13 October 2006

#### **Agenda**

##### **Monday 9 October 2006**

9:00-17:00 Workshop on Requirements for Organic Certification

##### **Tuesday 10 October 2006**

08.00-18.30 Field trip for ITF members  
*IFOAM Criteria Committee Meeting*  
*Steering Committee Meeting*

##### **Wednesday 11 October 2006**

09.00-9.30 • Welcome to the 6th ITF meeting  
(Swedish Ministry of Agriculture and Board of Trade)  
• Housekeeping items

09.30-10.00 Progress report: Presentation  
(Chair)

10.30-11.15 IFOAM and Codex Alimentarius updates on international  
organic standards: *Presentations*  
(Angela Caudle and Selma Doyran)

11.15-12.00 Updates from ITF members

12.00-13.30 Lunch

13.30-15:30 International certification requirements: *Paper*  
(Mildred Steidle)

16.00-17.00 Feasibility of an organic MLA: *ToR*  
(Diane Bowen)

17.00-17.30 Consumers' research situation analysis: *Information document*  
(Diane Bowen)

**Thursday 12 October 2006**

- 09.00-10.30 Common Regulatory Objectives: *Paper*  
(Jane Earley)
- 11.00-11.45 Guidance for judging equivalency: *ToR*  
(Diane Bowen)
- 11.45-12.30 Impact of equivalence on competition among operators: *Concept note*  
(Diane Bowen)
- 12:30-14:00 Visit and lunch at the Swedish Board of Trade
- 14.00-15.00 Guidance to developing countries on organic regulations: *Paper*  
(Gunnar Rundgren)
- 15.30-17.00 Participatory guarantee systems: *Information documents*  
(Inger Källander)

**Friday 13 October 2006**

- 09.00-10.00 Achievements of the 6th ITF meeting: *Presentation*  
(Chair)
- 10:00-10:45 Synthesis of ITF work progress: *Paper*  
(Gunnar Rundgren)
- 11.15-12:00 ITF Communiqué: *Draft*  
(Nadia Scialabba)
- 12.00-13.00 Next steps  
(Chair)

# Communiqué of the ITF meeting

Stockholm, Sweden

11-13 October 2006

The International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF), composed of individuals working in government agencies, inter-governmental agencies, and civil society and other private sector organizations involved in organic agriculture regulation, standardization, accreditation, certification and trade, joined forces in 2003 in an open-ended platform for dialogue between public and private stakeholders to seek solutions to facilitate international trade in organic products and access of developing countries to international organic markets.

The ITF focuses on opportunities for harmonization, recognition, equivalence and other forms of cooperation within and between government and private sector organic guarantee systems. It commissions technical studies to fill information gaps and meets at least once a year to discuss and agree on next steps. It publishes the results of its work in books and on a dedicated website.

The Review Phase of the ITF work (2003-05) analyzed the impact of existing organic regulations on trade, current models and mechanisms that enable organic trade, experiences of cooperation, recognition and equivalence in the organic sector, and potential models and mechanisms for harmonization, equivalence and mutual recognition.

The Current Solutions Phase of the ITF agreed to pursue a strategy comprised of the following elements:

- A single international reference standard for organic production, as a basis for regional and national standards.
- A mechanism for the judgment of equivalence, based on the reference standard.
- One international requirement for organic certification bodies.
- Common international approaches for recognition or approval of certification bodies.

The ITF also agreed to:

- use or adapt existing structures and mechanisms of regulation, rather than establishing new entities;
- give special consideration to the situation of developing countries;
- gear actions towards cooperation at and between all levels: among and between governments (with or without an organic regulation), accreditation bodies and certification bodies.

The ITF agrees that solutions should support the continued growth of organic agriculture and maintain its principles. They should fulfil the additional criteria of: benefits to both producers and consumers; respect for national sovereignty; access to all markets with minimal bureaucracy; fair competition; consumer protection; context-sensitivity; stakeholder support and participation; market choice; and, transparency.

The ITF is currently developing the following tools:

- a set of essential international requirements for organic certification bodies, as a basis for equivalence;
- a guidance document for judging equivalency of organic standards.

In light of the progress achieved so far, the ITF recognizes that a single reference for organic standards is not yet a feasible proposition; although the guidelines of the Codex Alimentarius Commission (CAC) and IFOAM Basic Standards (IBS) are very similar in content, their scope and governance are too distinct to be merged. The ITF, however, realizes that having two international reference standards, from the public and private sector respectively, is valuable, provided that there is effective linkage between the sectors.

The ITF recommends that:

1. Countries make every effort to utilize the ITF results in order to facilitate trade, and in their efforts to build or enhance the organic sector.
2. Public-private participation be improved in decision-making for both international organic standards (i.e. CAC and IBS).
3. Governments commit to using international standards as the reference point for import approvals.
4. The International Requirements for Organic Certification Bodies, being developed by the ITF on the basis of ISO 65 and the IFOAM Accreditation Criteria, serve as a benchmark for equivalence, a catalyst for convergence on a single international requirement and for direct accreditation as possible.
5. Governments and private accreditation systems develop mutual recognition, which will be based on the International Requirements for Organic Certification Bodies.
6. Equivalence of organic standards and technical regulations will be based on one set of criteria, which is being developed by the ITF.
7. Consideration is given to emerging alternatives to third party certification, such as Participatory Guarantee Systems.



With this Communiqué, the ITF commences the Communications Phase of its work in order to mobilize political support. ITF members commit to bringing this Communiqué to the attention of their respective constituencies, with a view to seeking participation – and engagement – in the ITF process of development and use of the above-mentioned tools.

Stockholm,  
13 October 2006

Ms Teresita G. Oyson, Ms Na Xu, Mr Gunnar Rundgren, Ms Sophia Twarog, Ms Laura Cecilia Montenegro, Ms Selma Doyran, Ms Nadia Scialabba, Mr Christer Arvius, Ms Marianne Joensson, Dr P.V.S.M. Gouri, Dr Mwatima Juma, Mr Ken Commins, Ms Felicia Echeverria, Mr Ananto K. Seta, Ms Sasha Courville, Ms Maria Fernanda Fonseca, Ms Wibulwan Wannamolee, Mr Stefan Schönenberger, Mr Don Gaidano, Ms Samia Maamer Belkhiria, Ms Radha Ranganathan, Mr Asad Naqvi, Mr Alessandro Pulga, Mr Maohua Wang, Ms Cristiane Mascarenhas S. Sampaio, Mr Johan Cejie, Mr Antonio Compagnoni, Ms Margreet Hofstede, Mr David Eboku, Mr Miguel Castro, Ms Peggy Haase, Mr Min Pu, Ms Margret Backes.

## Annex 1

### **Terms of Reference** for the International Task Force on Harmonisation and Equivalence in Organic Agriculture

The International Task Force on Harmonisation and Equivalence in Organic Agriculture, convened by FAO, IFOAM and UNCTAD, will serve as an open-ended platform for dialogue between public and private institutions (intergovernmental, governmental and civil society) involved in trade and regulatory activities in the organic agriculture sector. The objective is to facilitate international trade and access of developing countries to international markets.

More specifically, the Task Force will:

*1. Review the existing organic agriculture standards, regulations and conformity assessment systems including:*

- Their impact on international trade in organic agriculture products;
- Models and mechanisms of equivalency and mutual recognition;
- Extent of international harmonisation.

*2. Build on the recommendations of the IFOAM/FAO/UNCTAD Conference on International Harmonisation and Equivalence in Organic Agriculture (2002), and on the reviews mentioned above, to formulate proposals for the consideration of governments, Codex Alimentarius Commission, relevant bodies of FAO, UNCTAD and IFOAM and other appropriate organisations on:*

- Opportunities for harmonisation of standards, regulations and conformity assessment systems;
- Mechanisms for the establishment of equivalence of standards, regulations and conformity assessment systems;
- Mechanisms for achieving mutual recognition among and between public and private systems;
- Measures to facilitate access to organic markets, in particular by developing countries and smallholders.

These proposals will take into account their impact on production systems, their relevance to consumers and the need for transparency.

*3. Advise stakeholders and provide information on developments following discussions of the above proposals.*

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## Annex 2

### Definitions

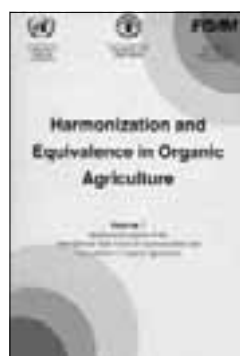
Accreditation	Procedure by which an authoritative body gives a formal recognition that a body or person is competent to carry out specific tasks.
Certification	Procedure by which a third party gives written assurance that a clearly identified process has been methodically assessed, such that adequate confidence is provided that specified products conform to specific requirements.
Conformity	Any activity concerned with determining directly or indirectly that relevant requirements are fulfilled.
Conformity	Body that performs conformity assessment services and that can be the object of accreditation. (ISO/IEC 17000).
Equivalence	The acceptance that different standards or technical regulations on the same subject fulfil common objectives.
Harmonization	The process by which standards, technical regulations and conformity assessment on the same subject approved by different bodies establishes interchangeability of products and processes. The process aims at the establishment of identical standards, technical regulations and conformity assessment requirements. (Ref. WTO modified)
Recognition	Arrangement (either unilateral, bilateral, or multilateral) for the use or acceptance of results of conformity assessments. (Ref: ISO modified)
Requirements for conformity assessment	Any procedure or criteria used directly or indirectly to determine that the assessment relevant technical regulations or standards are fulfilled. (Ref: WTO modified)

Standard	<p>Document approved by a recognized body that provides for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method. (Ref : WTO/TBT)</p> <p>Note: the recognized body can be any relevant constituency</p>
Technical regulation	<p>Document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method. (Ref: WTO/TBT)</p> <p>Note: technical regulations can refer to, or be based on, standards</p>

## Other Volumes in the ITF Publication Series

***The Organic Guarantee System. The need and strategy for harmonisation and equivalence.*** 1/1/2003. Christina Westermayer and Bernward Geier. ISBN no. 3-934-055-23-0.

The “Organic Guarantee System” is a comprehensive publication for all stakeholders in the various fields connected with organic guarantee systems. Based on the Conference on International Harmonization and Equivalence in Organic Agriculture, held in 2002 by IFOAM, FAO and UNCTAD, it includes contributions from the original Conference Reader as well as a considerable amount of new material from presentations made at the conference. The publication covers and reflects on developments in the fields of standards, regulations and guidelines; inspection, certification and accreditation; and markets, trade and development.



***Harmonization and Equivalence in Organic Agriculture, Volume 1. Background papers of the International Task Force on Harmonization and Equivalence in Organic Agriculture.*** 1/1/2004. eds. Joy Michaud, Els Wynen and Diane Bowen; UNCTAD/DITC/TED/2005/4. ISBN no. 3-934055-47-8.

Harmonization and Equivalence in Organic Agriculture, Volume 1, presents the first results of the International Task Force (ITF) on Harmonization and Equivalence in Organic Agriculture. This volume features the first four background papers that describe the current situation in organic regulation and trade, and offers some models that could apply to potential solutions. A Terms of Reference of the ITF and reports of the first two task force meetings are also included.

***Strategy on Solutions for Harmonizing International Regulation of Organic Agriculture. Volume 2 Background papers of the International Task Force on Harmonization and Equivalence in Organic Agriculture.*** UNCTAD/DITC/TED/2005/15.

This second volume of background papers of the ITF on Harmonization and Equivalence in Organic Agriculture presents the long-term strategic goal and medium term objectives agreed upon by the ITF in order to solve the trade challenges in the organic sector. It also includes the reports of the third and fourth ITF meetings.




***Harmonization and Equivalence in Organic Agriculture, Volume 3 Background papers of the International Task Force on Harmonization and Equivalence in Organic Agriculture.*** UNCTAD/DITC/TED/2007/1. ISBN-10: 3-934055-80-X. ISBN-13: 978-3-934055-80-3

The third volume of background papers of the ITF on Harmonization and Equivalence in Organic Agriculture presents four discussion papers that further develop the potential solutions as proposed by the ITF in Vol. 2 of this series. A Terms of Reference of the ITF, the ITF definitions and a report of the fifth ITF meeting are also included.

Please visit the ITF website at [www.unctad.org/trade\\_env/ITF-organic](http://www.unctad.org/trade_env/ITF-organic) to download electronic copies of all ITF publications. Paper copies of these publications can be obtained from the ITF Secretariat.

For contact information please refer to the ITF website.



Harmonization and Equivalence in Organic Agriculture, Vol. 4, presents the 2006 work and results of the International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF). Organized by UNCTAD, FAO and IFOAM, the ITF is seeking solutions to international trade challenges that have arisen as a result of the numerous public and private standards and regulations for organic products that now prevail worldwide.

This volume presents the discussion papers, Communiqué and Report of the Sixth ITF meeting in 2006, including international requirements for organic certification bodies, common objectives of organic standard systems, consumer issues and guidance to developing countries on best practices. Also included is the Report of an ITF workshop held specifically for experts involved in organic certification and accreditation, which was held on the occasion of the Sixth Meeting.