

5 Standards and Regulations

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5.1 International Standards

5.1.1 IFOAM Standards

The Basic Standards for Organic Production and Processing (IBS) of the International Federation of Organic Agriculture Movements IFOAM were first published in 1980. Since then they have been subject to biennial review and republication.

The IFOAM Basic Standards define how organic products are grown, produced, processed and handled. They reflect the current state of organic production and processing methods. These standards should not be seen as a final statement, but rather as a work in progress to contribute to the continued development and adoption of organic practices throughout the world.

The IFOAM Basic Standards provide a framework for certification bodies and standard-setting organizations worldwide to develop their own certification standards and cannot be used for certification on their own. Certification standards should take into account specific local conditions and provide more specific requirements than the IFOAM Basic Standards.

Producer and processors that sell organic products are expected to work within, and be certified by certification bodies, using standards that meet or exceed the requirements of the IBS. This requires a system of regular inspection and certification designed to ensure the credibility of organically certified products and build consumer trust.

The IFOAM Standards Committee in close co-operation and consultation with the IFOAM member organizations and other interested parties develops the IBS. The

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IFOAM Basic Standards are presented as general principles, recommendations, basic standards and derogations.

At the homepage of IFOAM <http://www.ifoam.org> under „Organic Guarantee System“ the IFOAM Norms, consisting of the IFOAM Basic Standards for Organic Production and Processing and the IFOAM Accreditation Criteria for Bodies certifying Organic Production and Processing are published. The homepage also provides information on the IFOAM Accreditation Program (see chapter 6).

5.1.2 The Codex Alimentarius

The need for clear and harmonized rules has not only been taken up by private bodies, IFOAM and state authorities (e.g. EU Regulation 2092/91 within the European Union), but as well by the UN-Organizations FAO and WHO. FAO and WHO consider international guidelines on organically produced food products as important for consumer protection and information, and because they facilitate trade. They are also useful to governments wishing to develop regulations in this area, in particular in developing countries and countries in transition.

The Codex Alimentarius Commission, a joint FAO/WHO Food Standards Program, began in 1991 (with participation of observer organizations such as IFOAM and the EU) elaborating Guidelines for the production, processing, labelling and marketing of organically produced food. In June 1999 first the plant production and in July 2001 the animal production was approved by the Codex Commission. The requirements in these Codex Guidelines are in line with IFOAM Basic Standards and the EU Regulation for Organic Food (EU Regulations 2092/91 and 1804/99). There are differences with regard to the details and the areas, which are covered by the different standards.

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

The plant and animal production-section is already well developed in the Codex. In the section on processing of organic food especially of animal products, there is an ongoing debate in the Codex Alimentarius Organic Working group on how far the use of food additives and processing aids should be limited, taking into account consumer expectations for minimal processing and little use of inputs on one hand, and traditional eating habits in different regions and the possibility to choose between a certain range of products on the other hand.

In the view of IFOAM, which was actively involved in the elaboration of these Guidelines, this Codex Document is an important step in the harmonization of international rules in order to build up consumer trust. They will be important for equivalence judgments under the rules of WTO. For developing the market for organically produced food, the completion of this Codex Guidelines are important in giving guidance to governments in developing national regulations for organic food.

These Codex Guidelines for organically produced food will be regularly reviewed at least every four years based on given Codex procedure. Regarding the list of inputs there is a possibility of an accelerated procedure, which facilitates a quicker update of amendments. Regarding the future work a clear need was identified at the meeting of the Codex Committee of Food Labelling (CCFL) in 2003 in Canada to review the lists of substances for agricultural production as well as processing – taking into account the technological advances of the organic food industry, the development of research for organic farming/food and the growing awareness of different consumer groups for such food. The new criteria for agricultural inputs as well as those for additives and processing aids are used in such a way that decisions on future inputs are supported by technical submissions evaluated with these criteria.

Further information about Codex Alimentarius is available via the homepage www.codexalimentarius.net. There is also a special homepage on organic agriculture at the FAO Homepage: www.fao.org/organicag/. The Codex-Alimentarius-Guidelines on organic agriculture can be downloaded at ftp://ftp.fao.org/codex/standard/en/CXG_032e.pdf.

5.2 National and Supranational Regulations

5.2.1 The EU Regulation on Organic Production

In the member states of the European Union (EU), the labelling of plant products as organic is governed by EU Regulation 2092/91, which came into force in 1993, while products from organically managed livestock are governed by EU Regulation 1804/99, enacted in August 2000. They protect producers from unfair competition, and they protect consumers from pseudo-organic products. Plant and animal products, and processed agricultural goods imported into the EU, may only be labelled as organic if they conform to the provisions of EU Regulation 2092/91. The EU Regulation on organic production lays down minimum rules governing the production, processing and import of organic products, including inspection procedures, labelling and marketing, for the whole of Europe. Each European country is responsible for enforcement and for its own monitoring and inspection system. Applications, supervision and sanctions are dealt with at regional levels. At the same time, each country has the responsibility

to interpret the regulation on organic production and to implement the regulation in its national context.

EU Logo for Organic Products

In February 2000 the European Commission introduced a logo for organic products that may be used throughout the EU by producers operating in accordance with the provisions of the EU regulation on organic production. The logo may only be used on organic products where 95 percent of the ingredients are organic products that originate from the EU and that have been processed, packaged and labelled in the EU or on imports from countries with an equivalent inspection system. The use of the symbol is voluntary, and it may also be used in conjunction with national government or private logos for identifying organic products. So far only few companies, especially in Southern Europe, are using the EU logo and the market impact is low.

The brochure „Organic farming – Guide to Community Rules“, published by the European Commission in 2001 and the handbook „The Organic Market in Switzerland and the European Union – Overview and market access information for producers and international trading companies“ (Kilcher et al. 2004) provide extensive information about EU Regulation 2092/91 and market access regulations. The EUR-Lex website leads to a consolidated version of the EU Regulation 2092/91 and includes amendments up to 23.03.2002. Available in all languages of the EU at http://europa.eu.int/eur-lex/de/consleg/main/1991/en_1991R2092_index.html

5.2.2 Other National Regulations

Many countries outside the European Union legally protect organic products or are in the process of development of organic regulations (see table 4). All these regulations lay down minimum rules governing the production, processing and import of organic products, including inspection procedures, labelling and marketing.

Several EU countries have developed their own national regulations as well as national logos for organic products; in some cases this occurred long before the EU regulation on organic production came into force. These logos are well known and much trusted by consumers. The existence of these logos is one reason for the organic boom in these countries (see table 5).

Table 4: Countries with a Fully Implemented, with Finalized and with Draft Regulations

(Source: Commins, October 2003)

Countries with a Fully Implemented Regulation (39)		
Region	Country	Contact Details
EU (15)		
	Austria	Dr. A. Sattler, Bundeskanzleramt Abt, VI/B/1, Radetzkystrasse 2, 1020 Wien, Austria
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	Germany	Mr. Uwe Slomke, Bundesministerium für Verbraucherschutz, Ernährung und Landwirtschaft, Federal Ministry of Consumer Protection, Food and Agriculture, Referat 526 - Ökologischer Landbau, extensive Bewirtschaftungsverfahren, Rochusstraße 1, 53123 Bonn, Germany, tel. +49-(0)228 529 - 4160, fax - 4262, e-mail uwe.slomke@bmvvel.bund.de
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	Ireland	Mr. Michael O'Donovan, Department of Agriculture and Food, Johnstown Castle Estate, Wexford, Ireland
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5.2.3 US and EU Import Procedures

Since the US regulation on organic agriculture, the National Organic Program (NOP) came into effect in October 2002 there are two regulations, the US and the EU legislation (see 5.2.1), which influence strongly the standards of organic production and trade worldwide. From the perspective of the consumer one could say that production and inspection standards of US organic products, EU organic products and organic products from a lot of other parts of the world are equivalent with each other. However, farmers or traders who want to export organic products should already with application for certification know the potential final destination(s) of their products to assure that both production standards and procedures for imported products in the aimed market are met.

Importing Goods into the EU

Article 11 of EU Regulation 2092/91 governs market access for organic products in the countries of the EU. It stipulates that organic foods imported into the EU from third countries must have been produced, processed and certified in accordance with equivalent standards. Enforcement is the responsibility of the EU Member States. At the present time there are two ways of authorizing imports into the EU:

1. Access via the *list of third countries* (Art. 11, paragraphs 1–5): A country or certification body may apply to be added to the list of third countries via its diplomatic representatives in Brussels. In order to be added to this list, the country making the application must already have enacted organic farming legislation and a fully functional system of inspection and monitoring must be in place. In addition, it must provide an attestation of equivalence and other information on organic farming methods. The European Commission decides upon the application based on an assessment of the implemented system. To date 8 countries have been included on the list: Argentina, Australia, Costa Rica, Czech Republic, Hungary, Israel, New Zealand and Switzerland. Goods imported from these countries need to be accompanied by a consignment-specific „Certificate of Inspection for Import of Products from Organic Production“.
2. Access via *import permit* (Art. 11, paragraph 6): For all countries not included on the list of third countries (i.e. the vast majority of imports into the EU). As a rule, certification bodies operating at the international level will assist exporters and importers to put together all the information and evidence needed to accompany the application for an import permit. Requirements vary from one EU country to another, but the following requirements apply generally: An importing company needs to sign an inspection contract with a European certification body. The importer applies for an import permit with the local competent authority. With the application she/he has to provide documentation to prove that the production and certification of the respective products has been equivalent with the EU requirements. Products may not be released into the EU market before an import permit has been issued. Import permits are usually issued for a limited time period. Each consignment needs to be accompanied by a „Certificate of Inspection for Import of Products from Organic Production“.

The retroactive assessment on equivalency with the EU Regulation 2092/91 leaves more flexibility on the acceptance of imported products compared to the US-procedure (see below). However the implementation of this provision caused a lot of problems: the competent authorities have very limited resources to assess a request for import and the trade is confronted with a not-transparent system, unclear provisions and

different implementations in the various Member States. The European Commission realized this problem and is seeking an alternative, which shall be implemented in 2006 on expiry of the statutory period of time of the current provision.

Within the EU all organic products may be freely traded. However, procedures relating to the issue of import permits tend to differ between the EU countries. It is advisable to seek competent advice before trading commences.

Importing Goods into the US

Similar to EU Regulation 2092/91, the US NOP requires all produce labelled as organic in the US to meet the US standards. Although there are quite some variations on the import procedures: According to the EU production standards and inspection measures of imported products have to be equivalent with the EU meaning that there might be variations in the systems if they still provide the same level of assurance and are upholding the objectives of the EU Regulation.

The US regulation is more precise in its requirements for imports and demands imported products to fully meet the NOP provisions. The US system approves certification bodies as agents to operate the US certification program published as part of the rule. Retroactive certification is not possible. Inspections have to be conducted by inspectors trained on NOP using NOP questionnaires, and only certificates issued by certification bodies accredited by the US Department of Agriculture USDA are accepted. It is not relevant whether the certification body is based in the US or outside. So far almost 100 certification bodies had been accredited by USDA according to NOP, and only produce certified by these certification bodies may be exported to the US.

Recognition Procedures in the US and EU

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

According to the EU regulation 2092/91 the respective export countries have to request to be listed on the third country list. They have to supply the necessary information and might be examined on the spot by an expert group authorized by the European Commission for being listed. Based on this assessment the European Commission is deciding on the listing (see above). The US so far has accepted a few foreign governments' accreditation procedures. For example certification bodies accredited according to the US requirements by Great Britain, Denmark or New Zealand are accepted by the USDA for certifying according to US NOP without being

directly accredited by USDA. This is just recognition of the accreditation procedures, the respective certification bodies still have to meet the requirements of NOP to issue certificates accepted by the US.

The US is negotiating in addition equivalency agreements with Australia, the European Union, India and Japan. This means that USDA would determine that their technical requirements and conformity assessment system adequately fulfill the objectives of the NOP, and no double certification (e.g. Australian and US) would be necessary in case of imports. Although the US announced that equivalency determinations are most complex and time-consuming, and that they expect to take the negotiations with the EU at least five years.

Some countries with close trade relationships to the US, e.g. Canada, Australia and Mexico are currently revising their organic legislation, and it can be assumed that NOP is taken into consideration for these revisions in order to achieve bilateral agreements in future. Although the EU Regulation and US NOP are the strongest poles to influence national standards on organic production also other countries passed already or are elaborating legislation on organic production which are not necessarily in line with the EU or US system, e.g. Japan. It is quite likely that despite the harmonization activities initiated by IFOAM, FAO and UNCTAD, trading organic products will become even more complicate the next years

5.3 Private Standards

In some countries in Europe, farmer's associations had already formulated their private standards and labelling schemes long before national regulations came into force. These quality marks, for example in the UK, in Denmark, Austria, Sweden and Switzerland, are well trusted by consumers and are one of the reasons for the current boom in the market for organic products in these countries.

Originally, private standards were more a set of guiding principles rather than the detailed production and processing standards prevalent today. These private standards in some elements exceed the minimum requirements stipulated by national regulations: Private standards are more demanding in the field of agriculture and in processing, too. For imported products to be awarded the private labels, all of the foreign operators (producers, processors and traders) must fulfill not only the requirements set out in EU Regulation 2092/91 or other national regulations, but also comply with the respective private label standards. Those private labels undertake an additional verification of compliance.

Farmer's associations published all of the earliest organic standards. Standards committees and the general assembly still develop most of them in a democratic process. Along with publishing standards the associations then set up systems to verify compliance with those standards. These standards provide an identity to the farmers association and help to ensure the loyalty of the farmer.

The private standards have determined the content of the IFOAM Basic Standards, which in turn have had a major influence on the EU Regulation 2092/91 and the Codex Alimentarius. Compared to national regulations, private standards are developed from the bottom up rather than imposed from above. However, since the implementation of national regulations, private standards are forced to compile with them and state authorities more and more make standards-decisions instead of farmer's associations.

In 2002, an International Task Force on Harmonization of UNCTAD, FAO and IFOAM initiated efforts to harmonize organic standards and regulations. This partnership between the private organic community and the United Nations offers a forum for public and private discussions and aims to initiate the development of a constructive and effective partnership between the private and the public sector.

Standards and Regulations

Table 5: Government and Private Logos for Organic Products in Europe

Austria (state)	Belgium (private)	Czech Republic (state)
		
Denmark (state)	Finland (state)	France (state)
		
Germany (state)	Netherlands (state)	Norway (private)
		
Spain (state)	Sweden (private)	Switzerland (private)
		

5.4 Relationship to Fair Trade

Many producer associations in the emerging markets and markets in transition conform to the requirements of the Fair Trade organizations, e.g. FLO (Fair-trade Labeling Organization International), Transfair, Max Havelaar and World Shops (Weltläden). Having a Fair Trade label does not necessarily mean, however, that the products can also be sold as ‚organic‘. In order to be designated organic, the project must be subject to accredited organic inspection procedures.

Ifoam maintains close contacts with FLO and its members, since a large number of projects conform to the standards of both organizations. The combination of ‚organic‘ and ‚fair trade‘ labelling can enhance a product’s market prospects. Additional information and regulations can be downloaded at www.flo-international.org.

5.5 Literature

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