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IFOAM

*International Federation of
Organic Agriculture
Movements*

Harmonization and Equivalence in Organic Agriculture

Volume 3

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



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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, FAO, IFOAM 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 on 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, IFOAM and UNCTAD, 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 the first meeting the ITF agreed on its Terms of Reference (see Annex 1) 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 28 February 2005.

The fourth meeting in Nuremberg and fifth meeting of the ITF, held in Hammamet, Tunisia, on 5–7 December 2005, further developed several potential solutions. This third volume is a compilation of four discussion papers on these potential solutions, and the report of the fifth meeting. Together with the first two publications in this series, it provides the comprehensive record of the ITF.

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ABBREVIATIONS

- AQSIQ:** General Administration of Quality Supervision, Inspection and Quarantine of China
- BRC:** British Retail Consortium Global Standard
- CAAQ:** Conseil des Appellations Agroalimentaires du Québec
- CAB:** Conformity Assessment Body. In the organic regulatory environment it is more normally called Certification or Inspection Body
- CAR:** Conformity Assessment Requirements
- 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
- CFQLCS:** Center for Food Quality, Labelling and Consumer Services
- CNAB:** China National Accreditation Board
- CNAB-AC23:2003:** General requirements for bodies operating assessment and certification of organic production and processing
- CNCA:** Certification and Accreditation Administration of China
- CNOPS:** China National Organic Product Standard
- DAP:** Deutsches Akkreditierungssystem Prüfwesen
- DMFAF:** Danish Ministry of Food, Agriculture and Fisheries
- EA:** European Accreditation
- EEC 2092/91:** Council Regulation 2092/91 (and its amendments) on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs.
- FAO:** Food and Agriculture Organization of the United Nations
- FAS:** Foreign Agricultural Service of USDA
- FLO:** Fairtrade Labelling Organization
- FVO:** Food and Veterinary Office of the European Commission
- FSC:** Forest Stewardship Council
- GAP:** Good Agricultural Practices
- GMO:** Genetically Modified Organism
- 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
IEC: International Electric/Electrotechnical Commission
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
ILO: International Labour Organization
IOAS: International Organic Accreditation Service
IOIA: Independent Organic Inspectors Association
ISEAL: International Social and Environmental Accreditation and Labelling Alliance
ISO: International Standard Organization
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
JOIA: Japanese Organic Inspectors' Association
MAFF: Ministry of Agriculture, Forestry and Fisheries (Japan)
MLA: Multilateral Recognition Agreement
MSC: Marine Stewardship Council
NOP: National Organic Program (USA)
OFDC: Organic Food Development and Certification Center of China
OFIS: Organic Farming Information System (EU database)
OFPA: Organic Foods Production Act
RCO: Registered Certification Organization
RFCO: Registered Foreign Certification Organization
TBT: Agreement on Technical Barriers to Trade
UNCTAD: United Nations Conference on Trade and Development
USDA: United States Department of Agriculture

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Experiences of Equivalence and Recognition Mechanisms in the Regulation of Organic Agriculture

David Crucefix

International Organic Accreditation Service

Executive summary

In seeking increased harmonization of the regulation of the production and trade in organic products worldwide, the FAO/IFOAM/UNCTAD International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF) considers that judgment of equivalence between organic standards and recognition of conformity assessment systems will be critical tools. The words “equivalent” or “equivalency” appear in most legal texts dealing with arrangements for imports of organic products. Despite this, the way in which equivalency is determined or negotiated in both public and private sectors has not been well documented. Equivalency and recognition as mechanisms in the regulation of organic agriculture are the subject of this paper.

The sources of information for compiling this paper have been both published documents (legislation, public announcements and reports), responses to a questionnaire provided to country competent authorities (both assessors and assessed) and interviews with the various participants. Given the relative importance of trade relations between governments, many contributors required that their comments be in confidence and this has been respected throughout. Where specific details are provided, these are publicly documented elsewhere. Any “sensitive” issues have otherwise been handled in a non-specific way.

Harmonizing efforts in organic agriculture are being implemented in both the public and private sector. They take the following forms in order of decreasing hierarchy of harmonization:

- negotiations and determination of equivalence of parallel technical regulations and recognition of parallel conformity assessment systems;
- negotiation and determination of equivalence of parallel technical regulations only;
- recognition of parallel conformity assessment systems;
- cooperation on accreditation.

Recognition of conformity assessment systems, in this case, accreditation has proved less problematic than equivalence assessments because the former is essentially an assessment of compliance. There is less justification for accepting variation in requirements of accreditation than there is for accepting variations in standards. Therefore, the recognition process is more straightforward.

There was general agreement that current equivalence processes could be improved by establishing a clear common objective, setting clear procedures, developing greater transparency and sharing of information and defining criteria for variations that make allowances for stage of development and local conditions. Whether bilateral or even multilateral, equivalence processes may be assisted through Codex Alimentarius Commission structures, and models remains to be investigated.

In conclusion, this paper indicates that both recognition and equivalence are existing tools helping to harmonize the regulation of organic labelling and marketing. The experiences described here, nevertheless, suggest an opportunity for the ITF to work with the various stakeholders to define better mechanisms of assessment and equivalence judgment that meet the characteristics of:

- both sides having clear idea of the overall objective;
- clear procedures;
- greater transparency and sharing of information; and
- defined criteria for variations, which permit allowance for stage of development and local conditions.

In addition to equivalence and recognition of conformity assessment, there are other forms of cooperation available between the private accreditation sector and governmental authorities that oversee certification bodies. This paper provides examples. These other options for cooperation should be further utilized by governments.

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1 Introduction

This paper forms another contribution to the work of the International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF) established by FAO, IFOAM and UNCTAD.

The objective of the dialogue stimulated by the ITF is the facilitation of trade in organic products and, in particular, access of developing countries to international markets.¹

The status of public and private sector standards, technical regulations and requirements for conformity, their interrelationship and the problems caused as a result of a lack of relationship or harmonization have already been reviewed.² The ITF have also made efforts to agree upon standard definitions of the various terms used in relation to this topic³ and these are summarized in the Abbreviations and Definitions section at the beginning of this document.

In seeking increased harmonization of the regulation of the production and trade in organic products worldwide, the ITF considers that judgment of equivalence between organic standards and mutual recognition of conformity assessment systems will be critical tools.⁴ Such tools are already being used between regulatory blocks and to a certain extent within the private sector and they conform well to intentions the WTO expressed in the Final Act of the Uruguay Round of Multilateral Trade Negotiations, signed in Marrakech on 15 April 1994.

Equivalence was cited as a core concept by the *Agreement on Technical Barriers to Trade* (TBT Agreement), which requires Member Governments to consider acceptance of other Member Governments' technical regulations as equivalent when they are satisfied that those regulations fulfil the same objectives as their own.⁵ Similarly, the TBT Agreement requires Member Governments to use the results of conformity assessments performed by other territories if they are confident that the procedures used, though different, are equivalent to their own.⁶

¹ http://r0.unctad.org/trade_env/test1/openF1.htm

² UNCTAD-FAO-IFOAM. 2005. *Harmonization and Equivalence in Organic Agriculture, Volume 1. Background papers on the International Task Force on Harmonization and Equivalence in Organic Agriculture*. Michaud, J., Wynen, E. and Bowen, D., Eds. Revision March 2005. Bonn, UNCTAD, FAO, IFOAM. UNCTAD/DITC/TED/2005/4.

³ http://r0.unctad.org/trade_env/test1/meetings/itf3.htm

⁴ UNCTAD-FAO-IFOAM. 2005. *Harmonization and Equivalence in Organic Agriculture, Volume 1. Background papers on the International Task Force on Harmonization and Equivalence in Organic Agriculture*. Michaud, J., Wynen, E. and Bowen, D., Eds. Revision March 2005. Bonn, UNCTAD, FAO, IFOAM. UNCTAD/DITC/TED/2005/4.

⁵ Article 2.7 – Members shall give positive consideration to accepting as equivalent technical regulations of other Members, even if these regulations differ from their own, provided they are satisfied that these regulations adequately fulfil the objectives of their own regulations.

⁶ Article 6.1 – Without prejudice to the provisions of paragraphs 3 and 4, Members shall ensure, whenever possible, that results of conformity assessment procedures in other Members are accepted, even when those procedures differ from their own, provided they are satisfied that those procedures offer an assurance of conformity with applicable technical regulations or standards equivalent to their own procedures.

The Codex Alimentarius Commission (CAC) Guidelines for the Development of Equivalence Agreements Regarding Food Imports and Certification Systems⁷ (CAC/GL 34) has provided a structure and outlines a process to follow between countries acting bilaterally or multilaterally, to develop equivalence agreements concerning food import and export inspection and certification systems. These are intended to cover trade in one or multiple directions between trading partners. The model is intended to provide a framework for the facilitation of the international trade of food products, while at the same time ensuring their safety and integrity.⁸ While it is focused primarily on equivalence of conformity assessment, the Guidelines state that this process will be “...facilitated by the use of CAC standards, recommendations and guidelines by both parties”.⁹

As part of the long term plan established by the ITF¹⁰ this paper was commissioned to better understand and document efforts in both the private and government sectors to develop equivalency and mutual recognition agreements, and, indeed, any form of cooperation on trade facilitation that recognises the work of another party. It was considered helpful to document the combined experience and lessons learned from such efforts in whatever form and environment they have occurred to date. Recognition between conformity assessment bodies is not included and will be the subject of a separate paper.

The aim of this document, therefore, is to compile and analyse the experiences of the governments with one another and governments with the private sector in cooperation (including recognition), at the level of accreditation/supervision¹¹, and cooperation (including equivalency) regarding their standards and technical regulations.

The paper presents the result of research and interviews, which chart the experiences of a range of government departments and relevant private sector actors regarding their involvement in:

- equivalency discussions and determinations;
- recognition of other conformity assessment programmes;
- other forms of cooperation, e.g. joint audits, provision of supervision reports.

The report also analyses successes and failures, presents any lessons learned, describes the impacts (both positive and negative) and where applicable, describes plans or actions that have been developed to improve the processes.

⁷ Codex CAC/GL 34

⁸ Although the CAC /GL34 Guidelines were written to apply to “any aspect of food safety or other relevant requirement for food” the Committee that works on this document (CCFICS) now focuses on its relevance to the WTO SPS Agreement and not on the TBT Agreement, which would be more relevant to the organic sector.

⁹ CAC 1999: S7 5.27

¹⁰ UNCTAD-FAO-IFOAM. 2006. 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. New York and Geneva, UNCTAD-FAO-IFOAM. UNCTAD/DITC/TED/2005/15. See http://r0.unctad.org/trade_env/test1/projects/itf/ITFSolutionspaper0504withfigures.pdf

¹¹ The term accreditation/supervision is used in this document to refer to the assessment of competence of the CABs. In some countries this is a formal accreditation, whereas in others it is performed by government departments.

2 Government to government collaboration and recognition

The words “equivalent” or “equivalency” appear in most legal texts dealing with arrangements for imports of organic products.¹² In all cases it implies the acceptance by the importing territory of conformity assessment measures applied in the country of export and possibly recognition of a parallel technical regulation as fulfilling the same objective. According to the texts the extent of these measures may include:

- Both recognition of the production standards and the inspection and supervisory system. Under EC 2092/91 this mechanism works on two levels: blanket acceptance of a country system¹³ or case by case by product.¹⁴
- Recognition of the inspection and supervisory system only, where the CAB must verify full compliance with the import territory production standard.¹⁵
- Direct accreditation of the CAB in a country, which is deemed to have a (grading) system equivalent to the import country.¹⁶

Recognition of equivalency may be only one of several routes under which organic products may enter a country or region subject to the legislation. The other routes require full compliance and are limited to:

- Direct approval of conformity assessment bodies by the importing territory. In addition the export country CABs verify compliance with the import country technical regulation.¹⁷

This mechanism is not discussed further here.

The various routes of import approval under the EU Regulation, the US NOP and JAS have been previously summarized in an ITF paper.¹⁸ Although equivalence is written into legislation and the mechanisms appear to have been utilised, what is less well known is exactly if and how equivalence is determined. Not surprisingly most of the work on this has been performed by the big importing territories of the United States, European Union and Japan but also includes, as assessors, South Korea and Switzerland¹⁹ and, as assessed, Argentina, Australia, Canada, Costa Rica, Denmark, Israel, New Zealand, Quebec and the United Kingdom. The following section focuses on how these mechanisms work in practice in these territories from the perspective of the import and export country.

¹² For example, EEC 2092/91 Article 11(1) and (6), NOP Rule 205.500 (2), JAS 1783/2000 (2), Argentina SAGyP 423/92 – 1992 Article 3, Mexico Proyecto de ley de productos orgánicos – April 2005 Article 33.

¹³ EEC 2092/91 Article 11(1-5)

¹⁴ EEC 2092/91 Article 11(6) – this mechanism is not further considered in this paper.

¹⁵ NOP Rule 205.500 (1)

¹⁶ JAS 1783/2000 (2)

¹⁷ NOP Rule 205.500 (a), EC 2092/91 Article 11(7)

¹⁸ FAO. 2004. pp. 25–46. In J. Michaud, E. Wynen & D. Bowen, eds *Harmonization and Equivalence in Organic Agriculture, Volume 1. Geneva, Rome & Bonn, UNCTAD, FAO & IFOAM*. 229 pp.

¹⁹ Switzerland has tended to recognize (without further evaluation) countries recognized as equivalent by the European Commission.

2.1 European Union determination of equivalence of third countries

2.1.1 Legal basis

Paragraphs 1–5 of Article 11 of EEC 2092/91²⁰ establish a regime of equivalence for products imported from third countries and refers to a list drawn up by the Commission based on an assessment of the:

- “guarantees which the third country can offer. .. as regards the application of rules equivalent to Article 6”, and
- “the effectiveness of the inspection measures applied which ... must be equivalent to the inspection measures referred to in Articles 8 and 9 ...”

The mechanism was, therefore, designed to consider equivalence of both the production standards and the conformity assessment measures in the third country.

Commission Regulation 94/92²¹ set down more detailed rules for implementing this arrangement, which are considered in more detail below. The list of equivalent third countries is published and updated as an Annex to this regulation 94/92. As of June 2005, six countries (Argentina, Australia, Costa Rica, Israel, New Zealand and Switzerland²² – Czech Republic and Hungary were removed on their accession to the European Union) are listed as having rules governing production and inspection of agricultural products equivalent to those of EEC 2092/91. Nine countries (Chile, Colombia, Dominican Republic, Guatemala, India, Japan, Tunisia, Turkey, United States) have made requests to be added to the list and are at various stages of consideration.²³ Public information on the Web site of the Food and Veterinary Office of the Directorate General of Health and Consumer Protection of the European Commission indicates that a visit to India took place in November 2004 and the Standing Committee on Organic Farming considered the report in their July 2005 meeting.

2.1.2 Scope

The overall scope of the recognitions is that of EEC2092/91, as it has been amended over the years; unprocessed crop and livestock products under Article 1(1)(a) and processed crop and livestock products for human consumption under 1(1)(b). This excludes wines and aquaculture products (although a Commission proposal to replace EC2092/91 in December 2005 will bring both wine and aquaculture into the scope from 2009). The national production rules and the inspection and oversight system put in place by the third country government is determined as

²⁰ http://europa.eu.int/eur-lex/en/consleg/pdf/1991/en_1991R2092_do_001.pdf Consolidated version to 1 May 2004

²¹ http://europa.eu.int/eur-lex/en/consleg/main/1992/en_1992R0094_index.html Consolidated version to 1 May 2004

²² The recognition of Switzerland is different from other listed countries. Initially, the relationship between Switzerland and the European Union consisted of a reciprocal autonomous recognition of equivalence. Since 2001, it has become a mutual recognition of equivalence, being part of a bilateral trade agreement on agriculture. The recognition of Switzerland is part of a bilateral treaty, which assures market access and equivalency in the further development of legislation of both parties. A common working group for organic agriculture is established that periodically examines the equivalency status and recommends further development of the bilateral agreement to the competent joint committee.

http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_114/l_11420020430en01320349.pdf

²³ European Action Plan for Organic Food and Farming, 2004.

equivalent in each case, but Article 1 of EEC 94/92 makes clear the various components of the system and may provide restrictions as follows:

- the authority or the body or bodies responsible in the third country to issue inspection certificates with a view to importing into the Community;
- the inspection authority or authorities in the third country and/or the private bodies recognized by the third country to carry out supervision.

Furthermore, where relevant, the list may state:

- the preparation units and exporters subject to the system of inspection (this aspect has not been used);
- the products covered by the rules.

The various regulations that announce the recognition by the European Commission of a country system as equivalent specify:

i) Product categories

These are expressed in no more detail than unprocessed or processed crop and livestock products. At times the listing has limited the scope to unprocessed products (Hungary EEC 529/95 continued at 522/96). In several cases the recognition excludes in-conversion products where the production rules are found not to be “equivalent”. Currently this applies to Switzerland in relation to crop and livestock products and to Argentina and New Zealand in relation to livestock products only.²⁴ In relation to livestock products this is merely ensuring compliance with EEC 2092/91, which does not itself accept in-conversion livestock products. When the Czech Republic was added to the third country listing (before accession to the European Union) in December 2001 the recognition was qualified by an exclusion of “products bearing indications referring to conversion” as the assessment revealed that “Czech rules [*on conversion*] ... are not equivalent”. In-conversion products from Switzerland were exempted from the listing in June 1998.²⁵ Livestock products were added after inclusion in the scope of EEC 2092/91 in 1999²⁶; Argentina and Switzerland in July 2000 (for Switzerland products from beekeeping were excluded²⁷); Czech Republic in December 2001²⁸; New Zealand on first being added to the list in June 2002²⁹; Hungary in December 2003³⁰.

ii) Origin of products

The provisional listing of third countries from 1992 limited origin of products to “... products certified as being produced in this country by organic production methods...”.³¹ In March 1995 the listing for Switzerland was amended to permit products “... according to the standards of organic production and under the control procedures provided for in Regulation (EEC) No 2092/

²⁴ EEC 94/92 as amended

²⁵ EEC 1367/98 – June 1998

²⁶ EEC 1804/99 – July 1999

²⁷ EEC 1616/2000 – July 2000

²⁸ EEC 2589/2001 – December 2001

²⁹ EEC 1162/2002 – June 2002

³⁰ EEC 2144/2003 – December 2003

³¹ EEC 3713/92 – December 1992

91, checked and certified by the ‘Institut für Marktökologie’.³² This clause was, however, dropped in the next amendment in March 1996.³³ This latter amendment clarified origin in all cases, indicating that the products and the ingredients of processed products have grown in the third countries. The listing of Costa Rica in March 2003 followed this same trend by limiting it to unprocessed and processed products grown within Costa Rica.³⁴

A later amendment³⁵ expanded the scope of the recognition of Switzerland to include imports from: i) within the European Community; ii) from a third country under Article 11(1); and iii) a product previously approved under Article 11(6). All other country listings at that time remained limited to products grown within the third country itself. In April 2004, imports from “a third country whose production rules and inspection system have been recognized by Switzerland as being equivalent to those established under Swiss legislation” were also included. In July 2000, following a request from the Israeli authorities, the scope of the recognition of the Israeli system was extended to include imported products from within the European Community or from a third country recognised under Article 11(1) but not those products approved under Article 11(6).³⁶ The same extension of scope was made later for Hungary.³⁷

On approval of equivalence of the New Zealand rules and inspection system the Commission included imports into New Zealand from the European Community and products from third countries under Article 11(1).³⁸ In addition, products from a third country whose production rules and inspection system has been recognised by the New Zealand authorities in accordance with their own assessment system are included in the scope of the equivalence recognition as long as such ingredients do not exceed 5 percent of processed products prepared in New Zealand.

iii) Approved inspection bodies

Over the years the list of approved inspection bodies in EEC94/92 has been amended mostly related to changes in the third country situation and decisions by that third country. Examples of such are the additions of SQS in Switzerland in June 1998³⁹; Organic Food Chain in Australia in July 2000⁴⁰; Letis in Argentina in October 2000⁴¹; and Food Safety SA in December 2003⁴². Other amendments took place accommodating the change in Australia from a public inspection system to one in which private inspection bodies were supervised by the public authority AQIS and the reverse change in Israel that inspections would only be performed by the Ministry of Agriculture. Other conformity assessment bodies have been removed from the list as a result of stopping the activity or changing their name.

³² EEC 529/95 – March 1995

³³ EEC 522/96 – March 1996

³⁴ EEC 545/2003 – March 2003

³⁵ EEC 314/97 – February 1997

³⁶ EEC 1616/2000 – July 2000

³⁷ EEC 349/2001 – February 2001

³⁸ EEC 1162/2002 – June 2002

³⁹ EEC 1367/1998 – June 1998

⁴⁰ EEC 1566/2000 – July 2000

⁴¹ EEC 2426/2000 – October 2000

⁴² EEC 2144/2003 – December 2003

One case of interest was the removal of the certification body *Fundación de Alimentos Ecológicos Argentinos* of Argentina in October 1994⁴³. The body was specifically mentioned and its listing cancelled by the European Commission (rather than by the third country authority) based on findings from “examination of the submitted information and from on the spot investigation that the body ... [*which*] does not satisfy all the requirements for inspection bodies to ensure that an inspection system which is equivalent to the one prevailing in the Community...”.

iv) The certificate issuing body

The certificate issuing bodies are generally either solely the government authority, as is currently the case in Costa Rica, Israel and New Zealand, both authority and inspection bodies, as in Australia, or just the inspection bodies, as in Switzerland.

v) The duration of inclusion on the list

The official listing of 1996 specified duration of inclusion on the list in all cases was 28 February 2001.

EEC 314/97 included Hungary and Switzerland on the list up to June 1998. EEC 1367/98 extended Hungary to June 2000 and Switzerland until December 2002. Czech Republic was added to the list in March 2000 with a duration of inclusion to the end of June 2003. At the same time the listings of Argentina, Australia, Hungary and Israel were extended to the end of June 2003.

On extending the scope of Argentina to include livestock products⁴⁴ the Commission required “further assurances” concerning the inspection system and limited the duration of inclusion of such products to six months. In February 2001 the Commission accepted such assurances and extended the duration to coincide with all other products.⁴⁵

In December 2002 the duration of inclusion of Switzerland (expiring end December 2002) and Argentina, Australia, Czech Republic, Hungary and Israel (all expiring at the end of June 2003) were extended to end June 2008, which is their current status.⁴⁶

2.1.3 Documented procedure

EEC 94/92 was established to set out the broad procedures for the process of application and assessment of third country equivalence.

It is the Commission that is required to undertake the appropriate fact finding, but the decision as to whether a third country system is placed on the list is a regulatory act. This means that the Commission tables a proposal that needs to receive a positive opinion of a qualified majority of the Member States, as represented in the regulatory committee concerned, in this case the Standing

⁴³ EEC 2580/1994 – October 1994

⁴⁴ EEC 1616/2000

⁴⁵ EEC 349/2001 – February 2001

⁴⁶ EEC 2382/2002 – December 2002

Committee on Organic Farming (SCOF).⁴⁷ The process of evaluation is required to be initiated by a request from a representative of the third country through diplomatic channels.⁴⁸ Within a period of six months a technical dossier is compiled detailing the information required to verify whether the “guarantees” and “effectiveness” have been met.⁴⁹ The report is specifically required to address:

- The type and, if possible, quantities of products and foodstuffs for export to the European Union.⁵⁰
- The rules of production, including the basic principles as set out in Annex I of EC 2092/91 (conversion period, fertility management, pest and disease management, wild harvest rules, mushroom production and all rules relating to livestock and beekeeping), permitted fertility and pest and disease control inputs, and permitted ingredients of non-agricultural origin and processes used in processed products.⁵¹
- The rules on the inspection system and its implementation, including name(s) of inspection bodies, inspection rules and measures in event of infringements, name(s) of bodies authorized to issue certificates, the name of the authority responsible for monitoring and what information is required of inspection bodies to assist in the monitoring and the list of approved producers, processing units and exporters and area of production.⁵²
- If available, a report of an on-site visit to establish effective implementation of the production rules and inspection system.⁵³ An on-site visit is not obligatory but has been performed in all cases to date, although not necessarily before the third country was added to the list – see discussion of issues below.

The Commission may request further information of the applicant third country and may use reports of on-site visits by experts recognized by the Commission or by those it nominates.⁵⁴

EEC 94/92 also allows for inclusion of a third country on condition that they are subjected to regular on-the-spot examination reports.⁵⁵

The procedures require that listed third countries notify the Commission of any changes in the production rules and the inspection system based on which details of the listing may be made. A country may be removed from the listing if the changes indicate the rules and system are no longer equivalent or if the country has failed to supply necessary information. The Commission may also respond to information that raises doubts about the actual implementation of the third country system by asking for further information, performing on-site visits. Where findings are adverse or the third country is unwilling to provide information or permit an on-site visit, the Commission can suspend inclusion on the listing.⁵⁶

⁴⁷ SCOF is the Committee made up of representatives of Member States established under Article 14 of EC 2092/91

⁴⁸ EC 2092/91 Article 11(2) and EC 94/92 Article 2(1)

⁴⁹ EC 94/92 Article 2(2)

⁵⁰ EC 94/92 Article 2(2^a)

⁵¹ EC 94/92 Article 2(2b)

⁵² EC 94/92 Article 2(2c)

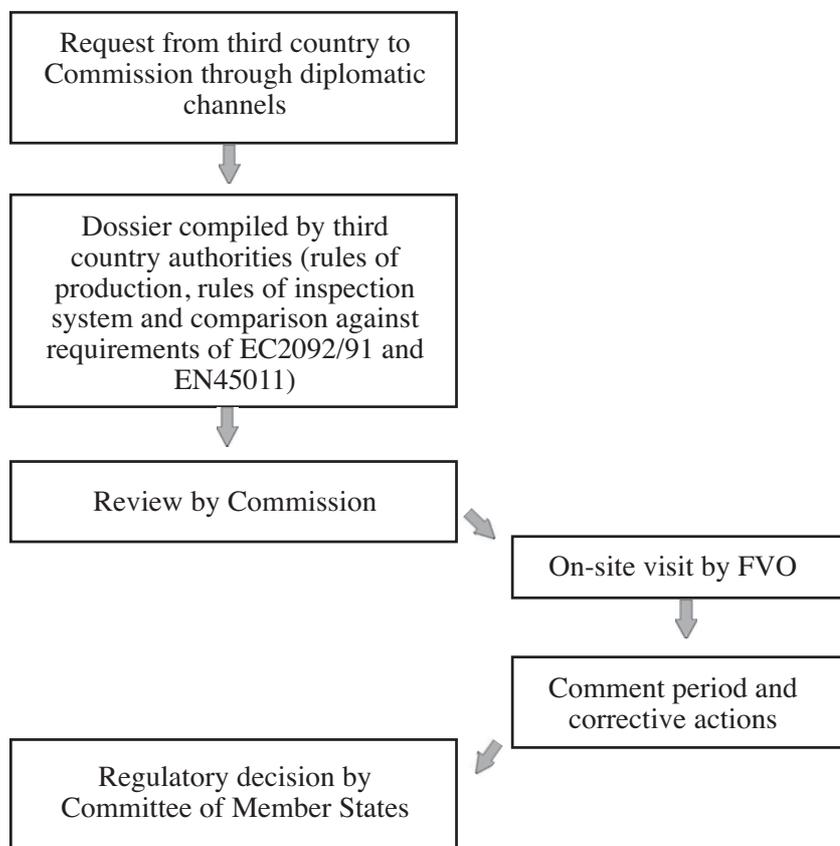
⁵³ EC 94/92 Article 2(2d) and EC2092/91 Article 11(5)

⁵⁴ EC 94/92 Article 2(3 & 4)

⁵⁵ Article 4 of EEC94/92

⁵⁶ EEC 94/92 Articles 5 & 6

Figure 1 Summary procedure for recognition of third country equivalence under EC 94/92



The Food and Veterinary Office, which is part of the Directorate-General for Health and Consumer Protection based in Ireland, is charged with performing the on-site visits. Visit reports since 1999 are publicly available at the FVO web site.⁵⁷

In the procedures there is no guidance provided as to what factors may be taken into account in judging equivalence.

2.1.4 Practical implementation⁵⁸

2.1.4.1 Sequence of events and time frame

Following the publication of EEC 2092/91 in June 1991 and the publication in January 1992 of EEC 94/92, which set down procedures for the assessment of equivalence of Third Countries,

⁵⁷ http://europa.eu.int/comm/food/fvo/ir_search_en.cfm

⁵⁸ The information provided in this section was mainly taken from the public reports of FVO, the amendment regulations made to EEC 2092/91 and an interview with Hermann van Boxem.

the European Commission received applications from Argentina, Austria (at that time not an EU member) Australia, Israel and Switzerland. The original date of implementation of Article 11(1) and the establishment of a list of equivalent countries was 1 January 1993. In the event, in July 1992 the Commission brought in the derogation 11(6)⁵⁹ and published a number of deferrals⁶⁰ that delayed the date of implementation until March 1997. On final adoption of the regulation Argentina, Australia, Hungary, Israel and Switzerland were recognized as operating equivalent systems. During the period up to March 1997 these countries were provisionally listed⁶¹ as recognized as operating equivalent systems even though, as the various deferrals stated that “in certain of the countries concerned the production and inspection rules applied appear largely to satisfy the requirement of equivalence ... however, the information must be examined in greater depth...”.

Based on the introduction of another route for entry of imports other than the country recognition process of Article 11(1) and the various delays to implementation, which were recorded as “due to the absence of information submitted to date by third countries”⁶² it would appear that the procedure as planned was more difficult to implement than first thought. However, this was partly to do with resources and the establishment of a new mechanism.

The long time frame for the process was commented on by several competent authorities. One authority applied to extend the scope of their listing to include livestock in 2000 and have provided a number of clarifications since then, but still await a final decision.

2.1.4.2 Documentation

EEC 94/92 Article 2 provides guidelines on the documentation required by the Commission to perform an assessment. All applicant countries provided the Agriculture Directorate General of the Commission with their national production rules and where relevant their administrative arrangements for approval and oversight of inspection bodies. Several third countries referred to providing a side-by-side analysis of compliance/equivalence with EEC 2092/91 and EN45011. A format checklist was provided by the Commission. As an example of the process, the details of the New Zealand application are provided below.

Leading up to the approval in 2002, the New Zealand authorities provided the Agriculture Directorate General of the Commission with the following documentation, based on the requirements listed in Regulation EC 94/92:

- Technical Rules i.e. the national organic standard;
- Standard OP1: Accreditation, approval and performance measurement criteria for third party agencies and personnel (2001);
- Standard OP2: Third Party Agency⁶³ responsibilities (2001);

⁵⁹ The so-called ‘importer derogation’ that allowed a Member State to authorize an importer who could furnish information on a case-by-case basis to demonstrate that the consignment was produced and inspected under equivalent rules

⁶⁰ EEC 3713/92, 1593/93, 2580/94, 688/94, 529/95 and 522/96

⁶¹ EEC 3713/92 – Dec, 1992

⁶² EEC 2083/92

⁶³ “Third Party Agency” is the term used in New Zealand for Conformity Assessment Body

- Standard OP3: Registration and performance measurement criteria for operators – organic products. (2001);
- a specially prepared overview of the conformity assessment system;
- a side-by-side comparison of the New Zealand OOAP against the Regulation EEC 2092/91 using a template provided by the Commission.

Staff of the New Zealand authorities delivered the documentation to the Commission in person and followed up with a number of face-to-face meetings and communications to provide clarification as needed. New Zealand Embassy officials normally facilitated and attended such meetings.

The Costa Rican application was facilitated by their embassy in Belgium.

2.1.4.3 Visit

EEC 94/92 is not precise in its requirement for on-the-spot visits indicating that they “may” be carried out. As a result possibly, the procedures for determination of equivalence appear to have been implemented with some variations as follows:

- The rules and inspection systems of Argentina and Israel received on-the-spot visits in 1994. Those of Australia and Switzerland, who were also amongst the first group of countries to apply in 1992, were not visited until March 1999 and June 2001 respectively.
- Similarly, the application of production rules and the effectiveness of inspection measures in New Zealand were officially recognised as equivalent to Council Regulation (EEC) No 2092/91 on 1 July 2002⁶⁴ but a visit was only undertaken in November 2003. On the other hand Costa Rica and India have both undergone on-site visits before being added to the list (India has yet to be added).

Although EEC 94/92 allows third country listing on condition of ongoing on-the-spot visits, to date this appears not to have been deemed necessary. The Commission have only performed more than one visit in the case of Argentina and Israel. In the latter case a visit was made following reorganization of the inspection system in response to newspaper articles claiming fraudulent practices in that third country.⁶⁵

All visits are conducted by the Food and Veterinary Office and generally consist of a team of three people, usually two inspectors from the FVO office and a Member State expert or official from the Agriculture Directorate General of the Commission. The visit programme is mutually agreed beforehand and the Commission officials visit the offices of the authority, a sample of private inspection bodies where relevant and a selection of farms and processors across the territory that represent the range of production directed at European markets. A draft report is prepared that contains “recommendations” to the third country on improvement and a recommendation to the Commission on whether or not to list the country or maintain them on

⁶⁴ EEC 1162/2002

⁶⁵ Report on a mission carried out in Israel from 14-18 November, 1999 – DG(SANCO)/1109/99

the list depending on their situation at the time of visit. The third country officials are invited to comment on the report's accuracy and make any comment, and the combined report and comments are published. A period of time (normally one to six months) is then given for the third country to propose amendments.

2.1.4.4 Nature of findings

A summary of the findings on the third country systems is collated in Table 1 (page 17). The most common findings related to inadequate supervision by the competent authority of private inspection bodies, non-use/inappropriate use or insufficient controls over export certificates, lack of operator statistics and insufficient product sampling. Few issues related to production rules.

It is not always clear from the publicly available documents whether all such recommendations are resolved and how, or indeed whether, full resolution is required before a third country is listed or their listing continued. In some cases third country responses clearly indicated their willingness to amend their systems to address the recommendations of the Commission. Others, however, argued quite vigorously that their current system was equivalent⁶⁶ or that what the Commission was recommending was impracticable.

2.1.4.5 Assessment of equivalence

Although the FVO reports are publicly available along with the responses of the third country, neither the final resolutions of recommendations nor the detailed discussions of the Standing Committee on Organic Farming (who make the final decision) are available, so it is not possible to track the process to any final conclusion. All authorities questioned⁶⁷ were asked to provide examples of where they considered differences in production rules or inspection systems were determined as equivalent. The following three specific cases were suggested.

Animal husbandry

One authority provided an example of mutual equivalency. The third country technical regulation does not prescribe the same minimal outdoor area for laying hens as does the EU. However, in the third country regulation, the quality of the outdoor area is regulated (surface covered with grass/herbs, and providing shelters like trees and bushes). In this way the third country and the EU Regulations were considered as equivalent on this point, both providing for an adequate and sufficient outdoor area.

Conversion period

In another third country regulation, virgin land parcels, where it can be proved without any doubt that they were not cultivated and their soil samples for residues give negative results, are

⁶⁶ For example, The New Zealand Food Safety Authority (NZFSA) responded to the Commission that in the cases of the supposed lack of requirements on inspection of subcontractors and the lack of procedures on de-registration, such procedures are present in the Operating Manuals of the CABs. On the issue of conformance to EN45011 (ISO65) the NZFSA argued that it was covered by ISO17020 (which contains equivalent requirements for inspection bodies).

⁶⁷ Authorities from Argentina, Australia, Costa Rica, Israel, New Zealand, Switzerland, European Commission.

accepted for organic farming with no conversion period. This determination is presumably based on EC 2092/91 Annex I A 1.2 () in which “parcels (which) were natural or agricultural areas which were not treated with products not listed in parts A or AB of Annex II. This period can be taken into consideration retroactively only under the condition that satisfactory proof has been furnished to the inspection authority or body allowing it to satisfy itself that the conditions were met for a period of at least three years”. Negative results from sampling were, therefore, considered sufficient proof in this case.

Approval of domestic CABs

In another third country the organic CABs split into those involved with export and those solely operating domestically. The authority notes that the European Commission accepted that the competent authority should authorise the CABs certifying product for the internal market based on less demanding criteria than those involved in exports.

One authority stated that there were many instances of equivalence but did not give examples. Several authorities stated that the process was more one of compliance, not equivalence. The Commission itself is clear that the process is one of equivalence.

Some other issues have been extracted from the Commission amendment to EEC 94/92 and the FVO reports in order to investigate how the Commission have made decisions during the equivalence process.

Parallel production

In one case⁶⁸ the FVO report noted that the third country technical regulation does not prevent the same variety of a crop being grown in the same operator’s organic and non-organic units. In addition, it specifically recorded an observation from the FVO visit of a collective farm where the same variety of vegetable was being grown on the organic and non-organic units under the responsibility of and by the same person. The report stated that “even though a number of measures are in place to keep these products separate ... this practice can be considered not to be equivalent with the requirements of Annex III A point 9⁶⁹ to Council Regulation 2092/91, and may give opportunities for substituting organic products by conventional products.”

The third country authorities responded that their requirements do “prevent the same variety being grown organically and non-organically in the same farm unit, but do not prevent it being grown on the same farm.” They add, however, that their “inspection procedures ... prevent the same variety of an annual crop being grown both organically and non-organically on the same private farm” and that this requirement is “... strictly enforced by their inspectors”. In relation to collective farms, according to the third country response, the Commission agreed, in a letter of February 1995, to treat them as aggregates of separate farms. As additional measures to prevent substitution, the third country response proposed to require the running of farms by different people.

⁶⁸ DG(SANCO) 1109/99 – Report on a mission carried out in Israel . 14-18 November 1999.

⁶⁹ In current regulation Annex III A1 point 3.

Table 1: Summary of findings from FVO on-site visits to third countries⁷⁰

Topic	Finding	Frequency
Production rules		
Plant protection	Targeted application of plant oils as an herbicide should not be permitted. Use of herbicidal detergents questioned and referred to the Commission.	2
Organic seeds	The national standard did not contain any equivalent measures on use of organic seed, which was, at the time of the visit, about to be implemented in the EU from 1 January 2004. ⁷¹	1
Grower groups	Lack of standards for grower groups in one inspection body. Lack of national standards. ⁷²	2
Contamination	Development of more appropriate or stricter measures to avoid accidental spraying or spray drift in intensive systems.	2
Inspection system		
Parallel production	Control over parallel production does not provide sufficient guarantees of compliance with organic production. Insufficient reporting on farms where both organic and conventional are produced.	3
Unannounced visits	Require unannounced visits particularly of intensive operations. Ensure that processors notify inspection bodies of periods for handling organic produce to allow unannounced inspection.	1
Sampling	Requirement that inspection bodies take samples or that more are taken. No sampling procedures are in place. Sampling undertaken is unlikely to highlight problems.	4
GMO surveillance	Insufficient reassurances that measures are in place to guarantee that GMOs are not used in organic farming.	1
Operator record checks	Bookkeeping and sales documents are usually not checked by inspection bodies.	2
Frequency of inspection	Insufficient frequency of inspection in practice.	1
Compliance with EN45011	Requirement that inspection bodies are accredited against ISO17020 along with additional national requirements but not EN45011 (ISO65) as required by Regulation 2092/91. Inspection body lacks full compliance with EN45011.	2

⁷⁰ Summary of eight country visits conducted between 1999 and 2004. Source: FVO visit reports published at http://europa.eu.int/comm/food/fvo/index_en.htm

⁷¹ EEC 1452/2003

⁷² The European Commission published a guideline document for the evaluation of organic producer groups in November 2003 – AGRI/03/64290

Topic	Finding	Frequency
Sub-contractor inspections	National system lacked requirement for inspections of sub-contracted operators as required by Regulation 2092/91.	1
Withdrawal procedure	The national system did not specify provisions for de-registration of non-compliant operators as required in Regulation 2092/91. ⁷³	1
Labelling	Control the use of trademarks with misleading reference to organic.	1
Imports	Fully implement rules on import and re-export to EU.	1
Oversight system		
Standards communication	Changes to standards should be clearly communicated. Standards should be unambiguous.	2
Operator statistics	No national list of operators or lack of statistical data on number and activity of operators or lists appear to contain mistakes. Requirement for annual report from inspection bodies or where available their analysis to ensure effective oversight and to be able to provide the EU authorities with statistical data about the number and activities of operators exporting to the EU. No mention of individual producers in grower groups. Need to consolidate operator data.	5
Irregularities and sanctions	Need to collate information on irregularities and penalties applied by inspection bodies.	1
Certificates and exports	Export certificates should be used. Use of the export certificate model provided for imports in the EU not being completed appropriately, are easy to falsify or their use not monitored sufficiently. Insufficient monitoring of exports in general.	5
Evaluation of inspection bodies	Improve audit of inspection bodies, better follow up or cover specific issues relating to EN45011. The effectiveness of the inspectors at the level of the operators and specific requirements in relation to inspection of grower groups is not implemented fully. Inspection body evaluation not carried out fully, transparently or consistently or the status of the inspection body is not communicated clearly to stakeholders.	6
Staffing	Insufficient staff in competent authority to provide effective supervision.	1
Domestic market	Where the domestic market is not controlled a system is needed to ensure that products from this sector are not able to enter the export market to the EU.	2

⁷³ Article 9.9

The discussion rests upon the definition of a “farm” and a “unit” (are they the same thing or something different?), whether a collective farm is in any way a special case and what an “operator” is⁷⁴ (by requiring different people within a collective farm, which is itself a legal entity, to manage the organic and non-organic units, does this provide for the necessary safeguards?).

Inputs

Denial or acceptance of certain inputs is raised in various contexts. The FVO reports have raised objections to the use of human excrement on vegetation when not intended for human consumption, the use of extracts of *Nicotiana tabacum* and the lack of a maximum copper application of 8 kg/ha/year⁷⁵. In each case the third country authorities reported that they would amend the standard to comply.

In another case the use of potassium salt of fatty acids was being used as an herbicide in the third country and it was argued that given that the product appears in Annex II under “other substances from traditional use in organic farming”, albeit for use as an insecticide, the product is therefore in line with EC 2092/91.

The use of ethylene has recently been extended⁷⁶ to allow its use for ripening of kiwi fruit and kaki, and for flower-induction of pineapple in addition to the previous sole use for ripening of bananas. Some third countries considered the failure to extend ethylene use to the common practice of degreening citrus an anomaly.

A further third country commented that the non-acceptance by the Commission of the use of hypochlorite solution as a post harvest preventive fruit wash against *Xanthomonas axonopodis* was preventing the export of all citrus fruit from that country into the EU. By comparison, under the USDA/NOP the use of chlorine (either as sodium or calcium hypochlorite or chlorine dioxide) is permitted as a post harvest treatment, as long as the residual chlorine levels in the wastewater does not exceed the maximum residual disinfectant level (currently 4mg/l) for chlorine materials.⁷⁷ The third country is, therefore, able to ship organic citrus to the United States but not to the European Union.

2.1.5 The equivalence negotiation between the European Union and the United States

The discussions between the European Commission and USDA have aimed at mutual recognition. A number of face-to-face meetings have taken place over several years between European Commission officials and USDA and the Foreign Agricultural Service of USDA (FAS). Both sides have a similar process of providing documentation on a legal basis, scope, side-by-side comparisons along with justification of differences, the conformity assessment system etc. The detail of the discussions and specific sticking points cannot be released, however, the current

⁷⁴ EEC 2092/91 Article 4.5 defines “operator” as any natural or legal person.

⁷⁵ DG(SANCO) 7329-2004 Final report of a mission carried out in India from 20-27 October 2004.

⁷⁶ EEC 392/2004.

⁷⁷ NOP 205.601 point 2 Chlorine materials.

status is as follows:

- no accommodation has been reached between the two systems to date;
- generally crop production standards do not present many obstacles to equivalency;
- individual inputs, however, do present some problems and from both sides it was preferred that line-by-line analysis of individual inputs be avoided, to be replaced by a broad approach;
- livestock standards remain the main sticking point;
- the lack of a common regulatory objective was felt by both sides to be an obstacle in the process.

2.2 United States recognition of conformity assessment systems of other countries

2.2.1 Legal basis

Under the USDA National Organic Program Sub Part F referring to accreditation of “certifying agents” (CABs), paragraph 205.500 indicates three routes of approval. In addition to the direct accreditation route (which does not concern us here), there are two routes by which a foreign CAB may be accepted as follows:

- Recognition of Conformity Assessment – USDA determines, upon the request of a foreign government, that the standards under which the foreign government authority accredited the foreign certifying agent meet the requirements of *the NOP*.
- Equivalency Determination – The foreign government authority that accredited the foreign certifying agent acted under an equivalency agreement negotiated between the United States and the foreign government.

Under option 2 no equivalency agreements have yet been finalised, although discussions are ongoing with the European Union (see 2.1.5) and Japan. Australia and India have requested equivalence determinations but the process has yet to start.⁷⁸

2.2.2 Scope

The announcements by USDA Agricultural Marketing Service have the following format or similar:

“The Department of Agriculture’s (USDA) Agricultural Marketing Service (AMS) has determined the following foreign government conformity assessment programs sufficient to ensure conformity to the technical standards of USDA’s National Organic Program (NOP). These determinations allow organic certification organizations in good standing, under the programs listed below, to apply the NOP technical standards to certify operations that produce or handle agricultural products that will be sold, labelled or represented as organic in the United States. Production or handling operations certified by an organization that is recognized under these determinations may only use the USDA organic seal on their products when those products have been produced and handled in accordance to the NOP regulations.”

⁷⁸ NOP, personal communication.

The scope is limited to that of the NOP; crops, livestock, wild crops and handling and the validity of the recognition is for an open-ended time frame.

2.2.3 Documented procedure⁷⁹

2.2.3.1 Recognition of conformity assessment system

The USDA Agricultural Marketing Service Transport and Marketing Program National Organic Program Office receive enquiries from foreign authorities requesting recognition of a conformity assessment system. Documented procedures for handling this process are currently being finalised and are expected to be placed on the NOP web site shortly. Applicants are required to provide details of their legal authority and a copy of their documented Quality System Manual and any related documents. The application is reviewed against ISO17011 by the Agricultural Marketing Service Audit Unit and non-compliances may be raised and reported to the applicant authority. No on-site visit is undertaken. Once required corrective actions have been addressed, an exchange of letters takes place. The USDA AMS letter requires that:

- the foreign authority notifies AMS of any legislative or administrative changes to the conformity assessment system;
- any major non-compliances to product are reported immediately, and steps are taken to rectify them; an agreement is arranged to allow an on-site audit at any time subject to informing the foreign authority;
- an annual update is provided giving details of non-compliances with NOP and the steps taken to rectify them, and a listing of product types and volumes are given where possible.

The validity of the recognition is open-ended.

2.2.3.2 Equivalence determination

In the United States, equivalence agreements are the responsibility of the Office of Trade Representation, but the negotiation may be delegated to, in this case, USDA. The authority to make an equivalence determination, however, rests with the NOP office. In equivalence discussions a representative of the Foreign Agricultural Service and a representative of the NOP office take part.

Again, following an initial exchange of letters between authorities, the United States authorities require confirmation of the legal basis of the conformity assessment system of the foreign system, the proposed scope of the determination (crops, livestock, etc.) a side-by-side comparison of the foreign technical regulation against the NOP and, where necessary, a justification of equivalence of any differences. Full documentation on the conformity assessment system is required as in the recognition process described above. Specifically the foreign authority is required to demonstrate ability to:

⁷⁹ The information in this section was provided by USDA AMS TMP NOP in a telephone conversation on 12 July 2005

- identify and evaluate the degree of non-compliance related to technical requirements;
- investigate non-compliances in order to determine what corrective or enforcement actions are necessary;
- issue corrective or enforcement actions in cases of violation;
- monitor implementations/closures or corrective or enforcement actions;
- communicate with its regulated entities in an accurate and timely manner.

2.2.4 Implementation in practice

Under option 1 the conformity assessment systems of five countries/regions have been approved: British Columbia (3 November 2003), Denmark (10 March 2003), Quebec (2 December 2002), New Zealand (2 December 2002) and the United Kingdom (6 December 2002). The announcements of the recognitions are posted on the NOP web site.⁸⁰ The conformity assessment systems in Canada, Israel and Spain are in process.⁸¹

2.2.4.1 Denmark

In May 2002 (five months after publication of the NOP and five months before it came into effect) the Danish Ministry of Food, Agriculture and Fisheries (DMFAF) applied to the USDA for an accreditation audit and assessment of their organic control system (under the equivalence determination). A comparison between the NOP and the Danish rules was completed together with the Danish Plant Directorate and provided to the USDA in August 2002. However, at a meeting in the United States in October 2002 it was decided that it would be more appropriate for Denmark to apply to USDA under the recognition of conformity assessment system option.

New documents were sent to USDA consisting of:

- inspection reports regarding supplementary standards for processing, handling and labelling of organic food destined to the United States in compliance with the NOP;
- procedures for certification and guidelines to the Inspection Report regarding supplementary standard for processing, handling and labelling of organic food destined to the United States in compliance with the NOP;
- Inspection Agreement with the operator regarding supplementary inspection of standards for processing, handling and labelling of organic food products in accordance with the USDA National Organic Program and destined to the United States;
- Code of Guidance on organic production control;
- guidance on follow-up actions on nonconformities.

Several clarifications were sought and a draft letter of exchange between the USDA AMS and the DMFAF was sent to the USDA.

⁸⁰ <http://www.ams.usda.gov/nop/NOP/Trade.html> – accessed July 12, 2005

⁸¹ <http://www.ams.usda.gov/nop/NOP/TradeIssues/importedorganic.html> – accessed 12 July 2005; and NOP, personal communication.

In a letter of February 2003 the USDA informed the DMFAF that the Danish conformity assessment system used to certify organic production and handling operations had been determined by the USDA AMS to be sufficient to ensure conformity with the technical standards of the NOP. The DMFAF returned the letter of exchange in March 2003. The process, therefore, took ten months.

The two government inspection authorities, the Danish Plant Directorate and Danish Veterinary and Food Administration are, therefore, authorised by USDA to conduct inspections of Danish operators wishing to export products to the United States.

2.2.4.2 New Zealand

After initial discussions between the New Zealand authorities and the USDA it was agreed in October 2002 that their request for recognition should also be dealt with under Option 1. New Zealand submitted a dossier similar to that which was provided to the European Commission with a side-by-side comparison of the NZFSA system against the NOP requirements. The dossier was again presented in person. No major issues were raised. Unlike the EU, the USDA did not want the New Zealand authorities to issue certificates for every consignment. A letter of agreement was signed between the two parties and the USDA announced the recognition of the New Zealand government conformity assessment system as sufficient to implement the NOP rule.

2.2.4.2 Quebec

The CAAQ is the control authority designated by Quebec to represent the Quebec Ministry of Agriculture, Fisheries, and Food for organic agrifood products. It, therefore, accredits organizations that carry out organic agrifood product certification in Quebec. The CAAQ is also involved in controlling activities regarding international trade. On the one hand, it manages the Quebec Product Entry Acceptance Programme, within the framework of the application of the law. The programme's goal is to ensure that all products that enter Quebec and that bear an organic designation be certified by a duly accredited agency, one whose requirements are comparable to what is required in Quebec. On the other hand, in order to ensure that Quebec's organic products be accepted on various foreign markets, the CAAQ has also made efforts to obtain recognition for its conformity assessment system.

As only the Canadian Government was eligible for an Equivalency Agreement with the United States, the CAAQ chose to apply to the USDA in order to obtain recognition of the CAAQ conformity assessment system. This meant that the CAAQ had to be managing a conformity assessment system that would allow organizations carrying out organic certification in Quebec to certify products against NOP standards, thus allowing them to be accepted in the United States market.

The following documents were provided to the USDA AMS:

- a written demonstration that the CAAQ conformity assessment system has met the general requirements of the ISO Guide 61 for assessment and accreditation of certification/

- registration bodies;
- documents pertaining to the conformity assessment programme's legal authority (Acts, regulations, governmental decrees);
 - documents pertaining to the conformity assessment programme's documented specifications and procedures (CAAQ Accreditation Programme);
 - documents pertaining to the conformity assessment programme's compliance and enforcement within the following categories:
 - CAAQ's ability to identify and evaluate the degree of non-compliance related to technical requirements
 - CAAQ's ability to investigate non-compliances in order to determine what corrective or enforcement actions are necessary
 - CAAQ's ability to issue corrective or enforcement actions in cases of violation
 - CAAQ's ability to monitor implementations/closures or corrective or enforcement actions
 - CAAQ's ability to communicate with its regulated entities in an accurate and timely manner.

The CAAQ's accreditation criteria were accepted as being equivalent. The organic certification organizations accredited by CAAQ are authorised to apply the NOP technical standards to Quebec organic agricultural products. The USDA organic seal may be affixed to Quebec agricultural products when all applicable NOP regulations have been met.

2.3 Recognition by Japan of conformity assessment systems of other countries

Gathering of information for this paper on the equivalence judgements made by the Japanese authorities was hindered by language problems and the lack of information published in English or on the mechanisms themselves. Yoko Mizuno and Yutaka Maruyama provided most of the following information.⁸² Understanding the situation in Japan was further complicated by the fact that amendments published in June 2005 abolished the country-to-country equivalency process from 1 March 2006 and so now the system relies solely upon direct accreditation of the CAB in whichever country it is based. This places our investigation on a rather academic footing but nevertheless, the limited information available is recorded here.

To date the countries recognized by the Japanese Ministry of Agriculture, Forestry and Fisheries (MAFF) to be equivalent regarding organic agricultural products and processed products are the United States, Australia, Switzerland and the countries in the European Union. Equivalence assessments are in process for Argentina, New Zealand and Costa Rica, but given the amendments these will presumably be shelved.

2.3.1 Legal basis

The issue of foreign country equivalence for imports of organic imports is derived from the original JAS law of 1950.⁸³ The mechanisms for imports into Japan have already been described

⁸² Chair and Vice Chair of Japan Organic Inspectors Association

⁸³ The law concerning standardization and proper labelling of agricultural and forestry products. Law No 175 as amended in 2002.

in a previous ITF paper.⁸⁴ To date, in all cases where the work of a foreign CAB is used, the CAB must be based in a country in which the Japanese authorities have assessed the foreign system as equivalent. As noted above, this equivalency requirement is to be dropped.

2.3.2 Scope

The scope of the equivalence is that of the Japan Agricultural Standard (JAS) law. The granting of equivalence does not extend to the foreign CABs themselves without an individual evaluation from MAFF. The equivalence assessment performed by MAFF is solely based on the technical regulation and does not consider the inspection system and its surveillance by the authorities.⁸⁵ Approved foreign CABs must inspect clients in line with the requirements of JAS, for example in terms of the nomination of separate grading and quality control managers and JAS label use.

2.3.3 Documented procedure

No documented procedure was available in English.

The equivalence assessment procedure begins with the request from the foreign country. The assessment is conducted on certification systems and on the contents of the standards on organic agricultural products, based on the materials submitted by the relevant country.

The Labelling and Standards Division of Food Safety and Consumer Affairs Bureau in MAFF conducts the on site assessments and when the equivalence is recognized it is reported under the name of the Minister of Agriculture, Forestry and Fisheries in the official gazette.

2.3.4 Practical implementation

The equivalence assessment is based on relevant regulations in the JAS Law.

Regarding organic agricultural products, assessments are made on their consistency with the organic standards in JAS Law and Codex Guidelines on organic production, processing, labelling, and sales, on which JAS organic standards were based.

Differences in approved materials were found to be difficult issues in conducting assessments. This is evident from two of the approvals given to Australia and the United States, which were both deemed equivalent bar the exclusion of several inputs, presumably upon which agreement could not be reached.⁸⁶

⁸⁴ UNCTAD-FAO-IFOAM. 2005. *Harmonization and Equivalence in Organic Agriculture, Volume 1. Background papers on the International Task Force on Harmonization and Equivalence in Organic Agriculture*. Michaud, J., Wynen, E. and Bowen, D., Eds. Revision March 2005. Bonn, UNCTAD, FAO, IFOAM. UNCTAD/DITC/TED/2005/4.

⁸⁵ NOP telephone conversation 12 July 2005

⁸⁶ In the case of Australia, wetting agents, ammonium phosphate and ammonium sulphate were excluded and in the case of the United States, alkali extracted humic acid, lignin sulphonate and potassium bicarbonate.

The letter of recognition of the USDA/NOP by the Japanese authorities is available on the web site of USDA.⁸⁷ It requires the USDA to inform the Japanese government of any changes to their programme, to provide any information to the Japanese authorities as requested regarding the correct implementation of the inspection and certification of organic products and to cooperate with any inspections that MAFF may wish to do of any CABs.

3 The experience of IFOAM with its policy for approval of other standards

3.1 Origin and basis for the approval process

IFOAM is an international membership organization with headquarters in Germany. Since 1972 it has developed a network for the promotion of organic agriculture. IFOAM publishes the IFOAM Basic Standard (IBS), which were developed first in the early 1980s. This document is an international standard for standards. It has influenced many national and private standards and is used as the reference document for the IFOAM Accreditation Programme, a voluntary accreditation of CABs. The IBS, along with the criteria for certification bodies or conformity assessment requirements, form a set of documents known as the IFOAM Norms.

In 2000 the IFOAM General Assembly⁸⁸ approved a policy that started the process to allow approved variations based on the IFOAM Norms. It recognized the need for local adaptation of organic standards whilst, at the same time, balancing this with international harmonization, fair competition and consumer understanding. Similarly it recognized the confusion caused by the proliferation of standards as well as the importance of local engagement in standards setting.

What IFOAM established was a system for approval of national or regional standards based on the IFOAM Basic Standards for use by many certification bodies. The procedure is described in IFOAM Policy 42 that includes in Annex 2 “Criteria for Variations”, and which was approved in 2002.⁸⁹ The aim was to create a family of related standards based around the IFOAM Basic Standard, resulting in an overall reduction in the number of standards whilst permitting “local” standard setting and variations that did not present obstacles or unfairness in trade.

The criteria for variations, established by IFOAM, were considered an important part of this process and remain the only attempt to-date to frame some parameters for how variations in standards may be accepted, i.e. how equivalence may be judged. They are, therefore, discussed here in some detail.

⁸⁷ <http://www.ams.usda.gov/nop/NOP/TradeIssues/JapanTranslation.pdf>

⁸⁸ IFOAM Policy 42 – Policy on variations. See http://www.ifoam.org/about_ifoam/standards/ogs_policies_procedures/25%20Policy%20on%20variations%20in%20standards.pdf

⁸⁹ IFOAM Policy 42 – Approval of other standards – See: http://www.ifoam.org/about_ifoam/standards/ogs_policies_procedures/42%20approval%20of%20other%20standards%200205.pdf

The justification for variations can be based on fundamental climate conditions, geographical conditions, technical problems, economic problems, regulatory conditions, cultural factors as well as conditions where organic agriculture is only beginning or has not developed sufficiently. Need for the variation was to be established on at least one of the following under any of the conditions above:

- the relevant IFOAM requirement was ineffective or inappropriate;
- the relevant IFOAM requirement prevented development of organic production or processing;
- the relevant IFOAM requirement prohibits compliance to legitimate sector regulations and product requirements;
- the relevant IFOAM requirement contradicts religious or cultural beliefs of producers.

In addition, the justification for the variation had to meet the following:

- methods in compliance with the IFOAM requirement were not achievable or feasible;
- the methods proposed are suitable alternatives for production and processing under the specific conditions;
- the alternative methods are compliant with the Principle Aims of the IFOAM Basic Standard and do not contradict the general principles in the chapter of the relevant requirement.

The variations may be admissible on the following basis:

- they are consistent with the principal aims of the IFOAM Basic Standards;
- they provide sound and verifiable justification;
- they enforce practices representing distinguishable improvement over conventional requirements.

Variations will not be admissible where they threaten or distort international trade.

Any approved standards would be subject to re-evaluation and any permitted variations may be subject to a phase out period and would also be available to other regions under similar conditions.

3.2 Practical implementation

To-date the procedure has been implemented twice; firstly the American Organic Standard and secondly the Italian Common Standard. The latter was accepted by IFOAM as an approved standard in July 2005 but in fact the sponsors, five Italian CABs, opted to amend the standards to full compliance, so no equivalence judgements were required. For the purpose of this paper the earlier application of the American Organic Standard is of more interest with regard to equivalence.

The first experience with implementation under this system started in May 2003 when the Organic Trade Association (OTA), United States, submitted the first application for approval. The scope of the approval was the American Organic Standard, which had been developed by the OTA.

The process, as outlined in Policy 42, was as follows⁹⁰:

May 2003: IFOAM received the application, including OTA's comparison of the AOS and IFOAM Basic Standard. The comparison did not contain a comparison of lists of inputs and OTA asked that only the criteria for assessment of inputs be compared and not the individual inputs themselves.

August 2003: The application was reviewed by the IOAS, which was conducted in the same format as a screening report in the accreditation process, i.e. an assessment of compliance. IOAS noted 55 points where it thought there were deficiencies and nonconformities with the IFOAM Basic Standard. The AOS also lacked a section on social justice, and there was no assessment of inputs. While the AOS contains a list of substances, it also defers to the NOP list.

September 2003: The Standards Committee (SC) reviewed the IOAS report, and decided which items remained issues and which points identified by IOAS were not issues under the Criteria for Variations. SC also raised questions put to the OTA regarding several points. The SC eliminated about one third of the IOAS queries, and had questions on another one third. The Standards Committee asked the OTA to clarify what is the current AOS list of substances.

November 2003: A document with IOAS comments and SC responses was sent to the OTA, along with a cover letter to explain the process.

January 2004: The IFOAM Norms Management Committee (NMC) decided to commission the preparation of a matrix that would provide a picture of how the AOS and IFOAM Basic Standard compare on the whole, rather than on only the AOS deficiencies in comparison to IBS.

February 2004: OTA submitted a response, including answers to the SC questions and additional argument for why some variations should be accepted. The submission included a cover letter explaining the OTA's overall rationale for determining equivalence of the IBS and AOS. It also said that the NOP list was the current OTA list of substances.

April 2004: OTA's response was sent to the IOAS.

May 2004: IOAS submitted comments on the SC and OTA responses.

June 2004: SC evaluated the OTA and IOAS comments and prepared another evaluation, eliminating 11 or 12 issues and retaining 12 issues as not meeting the Criteria for Variations. SC determined that its role was to provide technical evaluation, and therefore it decided not to make a recommendation about the decision whether to approve or not.

⁹⁰ Sequence based on a letter from Gunnar Rundgren (then IFOAM President) to IFOAM stakeholders, dated September 2004.

August 2004: SC response sent to IOAS and OTA for last comments.

August 2004: IOAS and OTA submitted final comments.

August 2004: Matrix comparison delivered.

August 2004: Documents submitted to the IFOAM World Board for a decision.

On reviewing the whole process the IFOAM World Board felt inclined to approve the AOS with the various amendments made, but realized that the process had developed beyond what had been anticipated in the original policy. The original criteria for variations limited equivalence discussions to standards areas in which variations are already permitted; a mere 21 topics in the IFOAM Basic Standard of 2002. During the analysis, the IFOAM SC did, in fact, make a number of equivalence judgements outside these areas, a fact that the IFOAM Board supported but realised was not in line with their own policy.

3.2.1 Discussion of issues in determining equivalence

From the initial 55 points of variance raised by the IOAS a number of issues were resolved following discussion, other issues were resolved following changes in the AOS, others were accepted as equivalent and several have remained unresolved. Some examples of these issues are instructive as the types of discussions taking place in the pursuit of equivalence.

IFOAM Standard 3.1.1 (of version 2002) requires that:

“There shall be a period of organic management, meeting all the requirements of these standards, before the resulting product may be considered as organic.”

This means that land, which had not received applications of prohibited products (perhaps abandoned or uncultivated), could not be awarded immediate organic status without a monitored conversion period demonstrating organic management. Under the AOS, a managed conversion period is not required, however AOS 5.1.1 requires “a 36 month conversion period only since last use of prohibited inputs or practices”. OTA argued that since this allows the start of the conversion period to be initiated from the last use of an unapproved (prohibited) input, the AOS could be considered to exceed IFOAM Basic Standard.

The AOS argument depends on starting conversion from the last application of prohibited inputs and requires a period of three years, whereas the IFOAM argument depends on a period of full organic management, which in fact is only one year. OTA argued that adherence to all the relevant standards for a full year prior to certification would require verification, in effect imposing the need to undergo certification for a year prior to being permitted to use the organic label and that this would entail a major economic burden on producers. The IFOAM Standards Committee did not accept that the standard created a particular economic burden in North America compared to any other region of the world. Given no other arguments, equivalence has to-date not been agreed.

IFOAM Standard 4.4.7 (of version 2002) specifically prohibits the use of Chilean Nitrate. The AOS on the other hand incorporates the USDA/NOP National List, which permits the use of Chilean Nitrate for up to a maximum of 20 percent of the crop needs. OTA requested that the National List, as a whole, should be accepted as equivalent. The IFOAM Standards Committee did not accept this argument and the issue remains unresolved.

IFOAM Standard 5.5.1 generally prohibits all animal mutilations but permits certain exceptions although not poultry beak trimming. AOS 6.7.6 allows poultry beak trimming provided preventive health measures be implemented, and that beak trimming be done only for protection of the flock. OTA argued that this option would only be used to protect the health of the flock. As for the inputs issue above, they argued also that the IFOAM Basic Standards should be to provide criteria under which regional standards may permit physical alterations. The IFOAM Standards Committee did not accept this argument, suggesting that welfare issues are similar for commercial poultry producers everywhere.

An example of where equivalence was accepted based on regional characteristics is with the source of animal feed. The IFOAM requirement is that the prevailing part (at least more than 50 percent) of feed shall come from the farm unit itself or be produced in cooperation with other organic farms in the region (IFOAM standards 5.6.2). The AOS had no such requirement but the AOS proponents argued that farms and ranches in those regions where feed grain production is ecologically or economically difficult or inadvisable would be at a significant economic disadvantage if such a requirement were established. The IFOAM Standards Committee accepted that the United States farm structure of specialized farms in geographical regions could mean that there is a case for establishing equivalence using the criteria that compliant methods to the expected requirement are not achievable or feasible. This variation was accepted on the basis of need and necessity.

3.2.2 Current status of the AOS as an IFOAM standard variation

Currently the IFOAM policy is being redrafted with the intention of opening up the possibility of equivalence judgments in all areas, rather than being limited to specific points in which variations within the Basic Standards are already permitted. In addition, IFOAM have on their agenda the extraction of much detail from the Basic Standard, which is intended, in time, to make such judgments easier. The approval of the AOS as an IFOAM Regional Standard will then be revisited.

4 Other types of collaboration in oversight of CABs

4.1 IOAS collaborations

The International Organic Accreditation Service (IOAS) is an international accreditor that works in one field, organic agriculture. It was established by IFOAM in 1997. Within this area of activity the IOAS is committed to working towards harmonization of regulation of the organic sector and rationalizing the regulatory burden on organic certification bodies and in turn the organic producers and trade.

One part of this effort is to seek mutually beneficial working relationships with both government regulators and national accreditation bodies where such collaboration might benefit mutual clients. The main aim is to reduce duplication of effort and, therefore, cost but at the same time assisting in enhancing trust between the various parties, to act as a mutual improvement process which will also have ultimate harmonization benefits.

Over the last five years, the IOAS have been in discussion with various government authorities (United States, European Union, Japan, Australia, Quebec) to collaborate on oversight of organic certification bodies, and in 2006 the first work was contracted to IOAS by Conseil des Appellations Agroalimentaires du Quebec. Both are based on the fact that the national authority and IOAS were performing accreditation assessments of the same CABs, an unnecessary duplication.

More advanced however, is the direct collaboration undertaken with national accreditation bodies, the Italian national accreditor SINCERT and the German national accreditor Deutsches Akkreditierungssystem Prüfwesen GmbH (DAP), the latter being the most advanced. Discussions on collaboration have also taken place with the United Kingdom Accreditation Service (UKAS).

4.1.1 Collaboration between accreditation bodies

The collaboration with DAP started in 2001 with parallel audits of mutual clients accredited against IFOAM Norms and ISO65 by the two separate accreditors. Assessors from both organizations would arrange to perform surveillance visits at the same time. What was clear from the start was that although the two accreditors worked somewhat differently and the reference norms were somewhat different, there was a large amount of common work and interest and from early on there was some sharing of work and findings.

The next stage was to move towards more formal sharing of assessors and findings, which required the signing of a memorandum of understanding and specific contracting of “outside” evaluators from the other organization. The first audit in this new phase was the replacement of one assessor in an assessment team by an assessor from the other organization. In the specific case, the IOAS assessor performed the role of DAP assessor as well as doing his own work as an IOAS assessor. Air fare and accommodations costs as well as fees were saved by DAP which could be passed onto the client.

The next phase has been to move to one assessor doing both audits, which first occurred in 2004 and has been fully operational since 2005. Considerable effort is now going into mutual training and the next steps are expected to be working on streamlining audit checklists and report formats to simplify the task of the assessor on site.

In all cases, so far the clients have welcomed (and in some cases requested) the collaboration. Savings for them are not only financial but also one of less time spent dealing with assessors arriving at different times. The benefit to clients is expected to continue to increase as procedures are further streamlined.

Challenges have included addressing the differences between two quite different fee structures, and still to be addressed is the phasing together of the accreditation cycles, which would further simplify work sharing and logistics.

Though there remains work to complete the process and fully realise the benefits, there is already financial benefit to the clients and there is a growing mutual trust and respect between the accreditation bodies. Although the two accreditation bodies make their own decisions based on the assessments the collaboration also encourages discussion of difficult issues.

4.1.2 Expert reports on compliance with the EU Regulation

Another mechanism that has existed for some time in the context of import authorization under EC 2092/91 is the so-called Option 3. This permits a Member State to accept imports based on an expert report of compliance of an organic CAB with the production rules, the inspection regime and EN45011. The IOAS has completed such reports based on its assessment and surveillance under IFOAM Accreditation since 1997. Not all Member States accept this route of approval, however once an organic CAB is approved by one Member State using this method, all other States may do so.

4.2 International Accreditation Forum

The International Accreditation Forum (IAF) is a world association of conformity assessment accreditation bodies and related organizations interested in this topic. Its primary function is to develop a single worldwide programme of conformity assessment, which “reduces risk for business and its customers by assuring them that accredited certificates may be relied upon”. IAF states that they have a two-fold purpose. Firstly, that member accreditation bodies only accredit bodies that are competent to do the work they undertake and are not subject to conflicts of interest. Secondly, to establish mutual recognition arrangements between its members such that a certificate issued by an accredited body in one part of the world can be recognised elsewhere. The IAF states that the goal of this Multilateral Recognition Arrangement (MLA) is to cover all accreditation bodies in the world, thus eliminating the need for suppliers of products or services to be certified in each country where their products are sold.

Members at the General Meeting make decisions and set policy, and are the highest level of authority in the IAF. A Board is responsible for legal actions to be carried out on behalf of its

members, for developing broad policy directions for IAF and for ensuring that day-to-day work of the IAF is carried out. The IAF has several committees to undertake specific work. It is the result of the work of the Multilateral Recognition Agreement Committee that most interests us here, in particular as it relates to the MLA for product certification.⁹¹

IAF accreditation body members are admitted to the MLA after an evaluation of their operation by a peer review team, which ensures that the applicant complies with the relevant international standard (ISO17011) and IAF requirements. Once a member of the MLA, the member is required to recognize the certificates issued by conformity assessment certification bodies accredited by all other members of the MLA.

The IAF has granted Special Recognition to two Regional Accreditation Groups, the European cooperation for Accreditation (EA) and the Pacific Accreditation Cooperation (PAC), on the basis of the acceptance of the mutual recognition arrangements established within these organizations. Membership of the IAF MLA is recognized as being satisfied by membership of either the EA MLA or the PAC MLA, and IAF members who are also signatories of these regional MLAs are automatically accepted into the IAF MLA. In September 2005 the signatories to the IAF Product MLA were the EA and PAC regional groups and 24 individual accreditation bodies in 21 countries.⁹²

A number of these signatories are active in the accreditation of conformity assessment certification bodies working in organic agriculture. In New Zealand, for example, the Joint Accreditation System of Australia and New Zealand (JAS-ANZ) accredit the two conformity assessment certification bodies, BIO-GRO and AgriQuality and this is required by the New Zealand Official Organic Assurance Programme. In Canada the Standards Council of Canada accredits CABs to the voluntary Canadian standard CAN/CGSB-32.310-99 Organic Agriculture and ISO65 and EC 2092/91 and EN45011. Other IAF MLA accreditation bodies active in the organic field are the Czech Accreditation Institute (CAI), Comite Francais D' Accreditation (COFRAC), Deutsches Akkreditierungssystem Pruefwesen GmbH (DAP), Sistema Nazionale per l' Accreditamento degli Organismi di Certificazione (SINCERT) of Italy, Dutch Accreditation Council (Raad Voor Accreditatie) (RvA), Norwegian Accreditation (NA) and the United Kingdom Accreditation Service (UKAS). IAF accreditation members do operate outside their own borders, guided by certain protocols established by the IAF⁹³ and this is occurring in some instances in relation to organic CABs.⁹⁴

In several countries or territories, e.g. Hungary and Quebec, the accreditation body is also active in assessment of organic CABs but is either not an IAF member or not a signatory to the MLA for product certification (e.g. China National Accreditation Board for Certifiers). The IOAS, which accredits organic CABs in 20 countries, is also not an IAF member.

⁹¹ Signatories to the IAF MLA accredit management system certification (ISO/IEC 62), product certification (ISO/IEC 65) and personnel certification (ISO/IEC 66).

⁹² Argentina, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Ireland, Italy, Mexico, Netherlands, Norway, Poland, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom.

⁹³ IAF GD3:2003 Guidance on cross frontier accreditation.

⁹⁴ DAP accredit organic CABs in Argentina, Bolivia, Brazil, Egypt, India, Peru, Mexico and Germany.

In some countries the requirement for accreditation of organic CABs has been encouraged by regulations or by interpretation of that regulation, for example EC 2092/91. France requires organic CABs to be accredited, but Germany and Italy do not although in the latter two countries some CABs have opted to obtain accreditation. In the UK, UKAS is involved in the assessment of compliance of organic CABs but the result is not formal accreditation, although, once more, some CABs have opted to obtain it.

In still other countries⁹⁵, legislation has not required formal accreditation or the involvement of the national accreditation body, even though they may be an IAF member and signatory to the MLA. This includes the European Union where in most countries “supervision” is performed by the Ministry of Agriculture and assigned agencies. Also, with regard to authorization of imports, it is only the European Union that has required compliance or accreditation against EN4501, which can be performed by a government or an accreditation body under a peer review system such as that offered by the IAF MLA. The United States and (from 2006) Japan, perform direct “accreditation” of organic CABs in other countries. This approach goes directly against what the IAF are trying to achieve.

The ultimate objective of the IAF is that each country should have an accreditation body and that each should be a member and signatory to the MLA. In this way a local body will conduct accreditation, and certificates issued by any accredited body will be recognized worldwide. This, of course, covers certification of management, product and personnel in a wide variety of industries of which organic production and processing is a minor part.

Generally organic CABs are accredited against ISO/IEC 65⁹⁶, although in New Zealand the assessment is performed against ISO/IEC 17020.⁹⁷ IFOAM Accredited CABs are assessed against the IFOAM Norms, which are adapted from ISO/IEC65. Currently under the IAF MLA mechanism the acceptance of certificates issued by one organic CAB relies on it being accredited with a scope of the appropriate standard or technical regulation. As noted above, given that it is only the European Union that permits such a system to function, most organic CABs when opting for ISO65/EN45011 accreditation, are accredited with a scope of EC 2092/91 or their own standards that are stated as being equivalent to EC 2092/91.

The IAF system, and the extent to which it can deliver “certified once, accepted everywhere” in the organic sector, hinges upon the common use of Guide ISO65 as a reference requirement. The scope of the accreditation against Guide ISO65 is selected based on the market requirement which to-date has, probably exclusively, been EC 2092/91. The scope could also be extended to the NOP or JAS or any country regulation as necessary. However, at this point in time, this approach does not satisfy the USDA or MAFF Japan given that they rely on either direct accreditation by government authorities or have relied upon an equivalency determination performed by government.

⁹⁵ Argentina, Australia, Japan, United States.

⁹⁶ ISO/IEC Guide 65: 1996 General requirements for bodies operating product certification systems.

⁹⁷ ISO/IEC 17020: 1998 General criteria for the operation of various types of bodies performing inspection.

5 Proposed improvements

A number of authorities made comments on possible improvements to assessments of equivalence and recognition.

Several comments related to the slowness of the process, the lack of clarity of procedures and to the need for improvement of communication to facilitate the process.

In addition, there was a view that there is a lack of clearly defined criteria for the classification of application of different groups of approved substances and materials specified in the technical regulation.

One authority felt that traditional practices and specific conditions existing in different countries should be taken into consideration in organic standards. In addition, it wanted practical factors relating to environmental conditions and laboratories constraints to be taken into account. This was particularly related to livestock standards where the requirements that made sense in the country of import could not realistically apply in the country of export.

Several authorities considered that the equivalence model proposed by the Codex Alimentarius Commission (CAC/GL34) should be followed.

In a document published in June 2004⁹⁸ the European Commission laid out an action plan for organic food and farming that included their thoughts on problems and improvements to accreditation of CABs and import approval mechanisms. One statement in this document encapsulates the thinking of the Commission in this area and at least partially addresses some of the concerns expressed above:

“The future equivalency regime should be built on the experience of the existing assessment systems, should address their disadvantages, facilitate imports from developing countries, take into account the different climate and farming conditions and the stage of development of organic farming in developing countries, avoid duplication of work and integrate better the work of the private sector notably by assigning recognised bodies to carry out technical evaluations.”

Following from this, Action 19 of the Plan proposes to:

“Step up efforts to include third countries in the equivalency list, including on-the-spot assessments.

Amend Council Regulation (EEC) No 2092/91 on organic farming, replacing the current national derogation for imports by a new permanent system making use of technical equivalency evaluations by bodies assigned by the Community for that purpose. This could include, following appropriate consultations, developing a single and permanent Community list of inspection bodies recognised as equivalent for their activities in third countries not already on the equivalency list.

⁹⁸ Commission of the European Communities (2004) European action plan on organic food and farming.

Continue to ensure that the definition of equivalence with third countries takes into account the different climate and farming conditions and the stage of development of organic farming in each country.”

On accreditation of CABs the Commission document concludes by proposing Action 17, which aims to: “Develop a specific accreditation system for inspection bodies under Council Regulation (EEC) No 2092/91.”

This is qualified by the statement: “In order to contribute to further harmonisation of organic principles and schemes at international level, such a specific system does not preclude recognising (or at least building on) existing international accreditation systems.”

During the course of preparing this document the European Commission published a proposal for a Council Regulation on organic production and labelling of organic products to replace EC 2092/91. The document, published by the European Commission in December 2005, states as one of its aims “to make import provisions more efficient”. Although many of the actual criteria and mechanisms for approval of third countries and CABs are left to be defined by a “Management Committee” of Member States, the basic proposal follows the principles set out in the European Action Plan.

The third country assessment of equivalence procedure will be maintained but will be amended to accept third countries, which demonstrate production rules and control systems complying with the Codex Guidelines (Article 27,4).

Another mechanism will be put in place (Article 27,5) whereby the Commission will be able to directly recognise CABs based in countries not on the third country list, the assessment being based on information provided by the CAB but also with the option to use experts to perform an on-the-spot examination of the rules of production and the control activities.

An accompanying amending regulation brings in these new measures from 1 January 2007 but allows for the continuance of the import authorization process (under the current Article 11(6)) up to six months after the issuance of the first list of recognised CABs.

6 Conclusions

This review set out to document experiences of equivalency determination and recognition between parallel regulations and supervision schemes and learn from those experiences. As a result of the sensitivity of the assessments and negotiations and in some cases the lack of documentation, the lessons arising have been somewhat disappointing. So what have we learnt?

Harmonizing efforts in organic agriculture are being implemented in both the public and private sector. They take the following forms in order of decreasing hierarchy of harmonization⁹⁹:

- negotiations and determination of equivalence of parallel technical regulations and conformity assessment systems;
- negotiation and determination of equivalence of parallel technical regulations only;
- recognition of parallel conformity assessment systems;
- cooperation on accreditation.

Despite the common reference to equivalency in texts relating to organic agriculture it is not easy to state categorically that the various processes described were always based on equivalence (because of the lack of case studies) and in some cases full compliance has been the result. This may have been either a result of the demands of the assessor or a decision of the assessed party to resolve the matter in a straightforward manner. The process of assessment and equivalence judgment has certainly proved difficult, not only for government authorities but also for the private sector in the form of IFOAM. Compliance, where both parties agree, is a much simpler route.

Recognition of conformity assessment systems at the level of accreditation has proved less problematic but is essentially an assessment of compliance. There is anyway less justification for variation in requirements of accreditation.

Part of the problem with equivalence assessment appears to relate to the fact that the parties entering the process do not necessarily have the same vision of how it should operate. The following questions emerge:

- Is the process a negotiation (as referred to by many parties) or is it a purely technical assessment by the assessor? A combination of the two is probably the pragmatic answer even if this may dismay purists. One authority considered the primary factor is common sense.
- How transparent is the process to be? The European Commission publishes reports and final decisions. This is much more than the United States or Japan but, nevertheless, there is no transparency on the important points of equivalence. Are these decisions so politically sensitive that the basis for decision-making could not be made available? A more open process would assist in sharing experience and could be expected to contribute to more effective implementation but likely as not a more arduous process.

⁹⁹ See Figure 4 in UNCTAD-FAO-IFOAM. 2006. *Strategy on Solutions for Harmonizing International Regulation of Organic Agriculture, Volume 2. Background papers on the International Task Force on Harmonization and Equivalence in Organic Agriculture*. New York and Geneva, UNCTAD, FAO, IFOAM. UNCTAD/DITC/TED/2005/15.

- What criteria are relevant to the discussion of variances of organic standards or inspection and supervision systems? In only the IFOAM case has there been an attempt to define the “criteria for acceptable variation”. (The December 2005 publication of the European Commission proposal to replace EC2092/91 documents some criteria for granting “less restrictive practices” that include climatic factors and stage of development of organic production). Nevertheless, the assessment of different approach/same ends remains fiendishly difficult, especially given the ever-increasing detail of organic standards. Several contributors complained of the lack of understanding of local conditions and the topic of input lists was raised more than once. This is possibly because, in one sense, the prohibition or permission to use an input is a perfectly black and white situation. Appropriate measures to conserve water resources or maintain soil fertility involve many more shades of grey. Several authorities suggested that, in relation to inputs, the point-by-point assessment and approval of individual substances should be avoided. They noted there has been a long-standing significant controversy over certain specific inputs.
- More basically, what is the procedure and its time frame? None of the regulatory authorities have publicly fully documented the procedure, although the European Commission does much more than the United States and Japan.

It seems that in all cases where equivalence is being discussed, the process takes much longer than anticipated. Several authorities proposed the use of the Codex Alimentarius Commission (CAC) Guidelines for the Development of Equivalence Agreements regarding Food Import and Export Inspection and Certification Systems as a way forward. However, this is yet to be tested in any field, and although it may serve the purpose of establishing clear procedures, it seems that we would still lack the criteria with which equivalence could be judged. Secondly, the CAC CCFICS committee now primarily focuses on safety and phytosanitary applications and not on technical barriers. Lastly the CAC Equivalence process only concerns conformity assessment systems and expects the use of harmonized standards. The CAC Committee on Food Labelling may be the more appropriate vehicle for bilateral and even multilateral equivalence procedures.

The explanation in this document of the collaborations of the IOAS with other accreditation bodies and government authorities and the MRA established by the IAF offer some hope for rationalizing the level of bureaucracy associated with verification of competence of CABs. Both mechanisms rely upon uniform application of requirements for certification and accreditation and, for the full benefits to be realized, acceptance by government authorities of such requirements and the mechanisms offered. In other words, these efforts may prove useful but do not address the issue of equivalence to any extent.

At present the requirements for certification are based around Guide ISO65 and modifications thereof, but this even is not fully accepted by all parties. The requirements for accreditation are generally accepted as Guide ISO17011. None of the big three regulations formally accept IOAS accreditation and only European Member States appear to support the IAF MLA. The recent moves by the Japanese authorities of one route of CAB approval, which although requiring compliance with Guide ISO65, through accreditation by the government Centre for Food Quality, Labelling and Consumer Services is a further step in the opposite direction.

One alternative is, of course, full compliance with the technical regulation of the intended market and this is the situation we find ourselves in now. A situation that the ITF has agreed is “a higher cost and more burdensome regulatory system than is necessary, achieving less than consistent results”. Recognition of foreign conformity assessment systems (without consideration of technical regulations), as used under the USDA/NOP, does allow local approval of CABs and does, therefore, contribute to a more rational system of surveillance.

In conclusion, this paper indicates that both recognition and equivalence are existing tools helping to harmonize the regulation of organic labelling and marketing. The experiences described here, nevertheless, suggest an opportunity for the ITF to work with the various stakeholders to define better mechanisms of assessment and equivalence judgment that meet the characteristics of:

- both sides having a clear idea of the overall objective;
- clear procedures;
- greater transparency and sharing of information;
- defined criteria for variations, which permit allowance for stage of development and local conditions.

The IFOAM experience with the AOS, although to date has not resulted in a determination of equivalence with the IFOAM Basic Standards, does at least provide a starting point for defined criteria for variations. Whether such mechanisms can then be utilized in the model proposed in the CAC Guidelines for the Development of Equivalence Agreements regarding Food Import and Export Inspection and Certification Systems, should be investigated.

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Objectives of Organic Standards Programmes

Exploring approaches to common regulatory objectives

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Executive summary

This paper attempts to describe and classify the objectives of some major regulatory and some private sector voluntary organic standards programmes. The purpose of this exercise is to arrive at an approach to equivalence that could bridge some of the differences between the programmes that would eventually allow producers to certify to equivalent systems.

Part I first identifies current regulatory and private sector objectives and then discusses the extent to which they are broadly shared, or are unique to a single or just a few programmes. The programmes included in this study reflect representative public and private sector ones currently operating in the world market: the government organic regulations of the European Union, the United States, Japan and China, the IFOAM Norms, Codex Alimentarius Guidelines, and the private organic standards belonging to the Soil Association, Organic Trade Association and AFRISCO.

Common Guiding principles are that organic agriculture should maintain and increase long-term fertility and biological activity of the soil, avoid or prohibit synthetic inputs, and promote responsible conservation of water and natural resources. Closely allied with this and explicitly articulated in more recently revised texts is the objective to maintain and encourage agricultural and natural biodiversity. Prohibition of recombinant-DNA technology is common to all in practice. Several, but not all, programmes call for a standard of treatment for animals. There is divergence in the areas of markets, with some aiming to supply domestic markets, others to facilitate commerce, and one specifically advising local sourcing to minimize imports.

The major programmatic elements are virtually the same for each programme. They are:

- producers must file a plan setting forth the manner in which their practices conform to the standards;
- plans are evaluated by certifiers, who are accredited by the standardizing organization;
- inspections are undertaken at regular intervals;
- Processes covered begin with preparations for conversion to organic, proceed through seed or animal purchase, the crop or animal life cycle, the food handling, transport, packaging and processing stage, and end at the retail level;
- pest and disease control, allowed and prohibited inputs and practices are addressed;
- records for an audit trail must be kept and products segregated from non-organic products;
- provision for imports;
- recognition of the need for determinations of equivalence with other programmes;
- payment for certification;

Most of the programmatic differences occur regarding scope (all cover field crops, most cover livestock and bees, some cover aquaculture, one even covers pet food), specific means of conformity assessment, and requirements on the types of records to be kept.

All programmes use lists to indicate inputs that are allowed or prohibited. There is a remarkable degree of agreement on the basic elements of organic production as revealed by the lists and other requirements. They all:

- require first resort to organic inputs with respect to soil treatment;
- require the same basic kinds of practices with respect to pest and disease control;
- prohibit use of most synthetic agricultural chemicals and fertilizers;
- condition the use of raw manure;
- prohibit sewage sludge and some mined substances;
- prohibit ionizing radiation;
- apply a time period for conversion from conventional to organic production;
- require buffer zones or other segregation in split operations;
- specify practices applicable to composted plant and animal materials;
- condition wild-crop harvesting.

With respect to livestock, the programmes generally:

- account for conversion generally and by species;
- require feeding with primarily organic feed;
- prohibit use of pest and disease control by specific methods;
- prohibit use of antibiotics and growth hormones for general use;
- prohibit embryonic transplantation in breeding but allow artificial insemination;
- prohibit or limit use of non-organically-derived vaccines and veterinary drugs;
- specify conditions for physical alteration of animals, and permissible alterations;
- mandate by species-specific suitable environments, including freedom of movement;
- mandate identity preservation of individual animals.

The major differences occur in the areas of conversion periods, inspection during conversion, split operations, use of organic seed, administration of positive and negative lists, use of raw manure and sewage sludge, water quality for irrigation, livestock feeding, use of antibiotics and physical conditions in which animals are kept.

Regarding value chain and consumer-related objectives, there is great variety, but the basic objectives are shared. Each programme:

- requires processors and handlers to segregate organic products from conventional ones at any point where they might become commingled;
- use appropriate packaging and processing methods;
- forgo pest control measures that are inappropriate or that might contaminate the product;
- limit or condition processing aids and inputs used for quality enhancement, preservation or other improvement, e.g., artificial colors;
- allows for different labels depending on degree of organic content or ingredients;
- requires a certificate of equivalence for shipments of imported organic products;
- allows for mutual recognition and equivalence determinations.

Major points of difference between the programmes include specifying biodegradable and recyclable packaging material, the use of processing aids, and substances for flavour and colour enhancement, “transitional” labels, threshold levels for different labels, documentation requirements and technical rules on the use of logos.

Part II describes current approaches to harmonization and equivalence existing in the major regulatory schemes and explores ways to enhance them by virtue of agreement to a common set of regulatory objectives or by other strategic means. Although equivalence is the subject of two multilateral trade agreements (the SPS and TBT Agreements) and numerous bilateral ones, the stated objective of two sets of international organic standards (Codex and IFOAM), and has already consumed the time and energy of legions of trade negotiators and agricultural specialists, little equivalence can be documented in reality. The reasons for this are fourfold:

- equivalence is frequently confused with compliance. “Positive lists” of allowed inputs greatly reduce flexibility;
- many of the local and regional preferences enshrined in organic standards systems are particularly vulnerable to the trade pressures;
- standards based entirely on process considerations guided by consumer preference are, by their very nature, arbitrary and not grounded in verifiable, or even internationally agreed, norms;
- some organic standards programmes are relatively recent and/or are in the process of revision.

A Common Regulatory Objective approach to equivalence is unlikely to work for already established national organic standards programmes, since the fine detail of such programmes have often been worked out by regulators and legislators, and therefore the government regulators are obliged to consider these details in equivalence negotiations. It might, however, be useful for negotiators attempting to find a mid-point in bilateral equivalence negotiations. The Common Regulatory Objective approach is more suitable for guiding the development of new organic regulations and serving as an equivalence mechanism among them.

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Part I

1.1 Introduction

This paper attempts to describe and classify objectives of some major regulatory and some private sector voluntary organic standards programmes in order to arrive at an approach to equivalence that could bridge some of their differences and allow producers to certify to equivalent systems.¹

Part I first identifies current regulatory and private sector objectives and then discusses the extent to which they are broadly shared, or unique to a single or a few programmes.

Part II describes current approaches to harmonization and equivalence existing in the major regulatory schemes and explores ways to enhance them by virtue of agreement to a common set of regulatory objectives or by other strategic means.

1.2 Types of objectives

There are now many organic certification systems existing in the world. For the most part, they share a common understanding of what “organic” means in practice. However, they differ in many respects as well. This section attempts to classify their common and their unique attributes.

There are as many kinds of objectives as there are programmes, and they can be classified in many different ways. For the purpose of this exercise, it seems appropriate to divide them along the lines of the programmes themselves. The discussion that follows, therefore, discusses the objectives of the programmes in terms of the following categories:

- **Guiding Principles**, which are the formally articulated reasons for creating the programme, most often expressed in lofty language relating to social or environmental goals. These expressions are common to legislated programmes in most countries, and are also shared by many of the private sector programmes.
- **Programmatic objectives**, which constitute the basis of programmes designed by national and regional governments and private sector standards organizations to implement mandatory and voluntary requirements for products originating in and coming into the regulated areas. These are as varied as are the circumstances in which governments and other programme originators find themselves relative to the programme to be initiated. They 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. These are articulated or implicitly assumed in the bulk of the rules or guidance that constitute the programme and how it is implemented.

¹ The paper was written in autumn 2005, and reflects facts known to the author at that time. It has not been updated to reflect developments after that date.

These include objectives relating to environmental health and conservation, livestock management, animal and social welfare, handling and processing, food labelling and trade. They can be loosely grouped under the categories of objectives relating to **environment and production** and those relating to **value chain, consumption and trade**.

To the fullest extent possible, each of these objectives will be discussed in the following text.

It is important to note that this discussion does not attempt to analyse the programmes in terms of their philosophical approach to organic production and certification. There is a growing body of work dedicated to this endeavour that may at some point be a useful contribution to harmonization or regulatory convergence², but it is too broad at the moment for the current discussion.

1.3 Programmes

The programmes included in this study reflect the largest public and private sector ones currently operating in the world market. They also include a few of the original certification programmes, and some of the more recently developed programmes. A brief description of each follows.

EU Regulation 2092/91: In the European Unions the Council Regulation (EEC) no. 2092/91 attempts to set forth a framework for organic production across the 25 Member States of the European Union, in effect harmonizing organic production and certification systems within the European Union. This requires that each Member State 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). A recent Commission-issued European Action Plan for Organic Farming discussing the regulation and future development of the sector is available at http://europa.eu.int/comm/agriculture/qual/organic/plan/workdoc_en.pdf.

NOP: The United States National Organic Program (NOP) was implemented by a “final rule” in 2003 pursuant to legislation enacted by the United States 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 <http://www.ams.usda.gov/nop/NOP/standards.html>. The original 1990 legislation is available at <http://www.ams.usda.gov/nop/archive/OFFPA.html>. Several countries have applied for equivalency determinations but none has yet been granted.

JAS: The Japanese Agricultural Standards of Organic Agricultural Products programme was initiated by administrative regulation of the Ministry of Agriculture, Forestry and Fisheries in

² See, for instance, Alrøe, H.F. & Kristensen, E.S. 2004. Why have basic principles for organic agriculture... and what kind of principles should they be? *Ecology and Farming*, 36: 27–30.

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 at <http://www.ams.usda.gov/nop/NOP/TradeIssues/JAS.html>. It has granted equivalency to the US NOP.

OFDC Organic Certification Programme: 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 http://www.ofdc.org.cn/index_en.htm.

IFOAM Norms for organic production and processing, comprising of the IFOAM Basic Standards (IBS) and IFOAM Accreditation Requirements: The International Federation of Organic Agriculture Movements (IFOAM) produces 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, it 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 web site at <http://shop.ifoam.org/bookstore>.

Codex Alimentarius: The Codex Alimentarius Commission 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 http://www.codexalimentarius.net/web/index_en.jsp.

Soil Association organic certification programme: 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. 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 <http://www.soilassociation.org/web/sacert/sacertweb.nsf/B4/index.html>.

The American Organic Standards: The Organic Trade Association (OTA), 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 and serve as a basis for harmonization. The 2003 version is available at <http://www.ota.com/pics/documents/AOS032003.pdf>. This discussion is based on proposed 2005 revisions.

AFRISCO organic certification programme: Afrisco-Ecocert is a private sector organization providing organic certification to standards that it has developed in South Africa. Its standards are based on the second draft (published in October 2001) of the South African National Department of Agriculture's new regulations under the Agricultural product Standards Act of 1990. It is applying for IFOAM and ISO Guide 65 accreditation, and intends to apply as well to

the South African Department of Agriculture when a national organic certification scheme becomes available. Its standards and certification process are available on its web site at <http://www.afrisco.net>.

1.4 Objectives of organic labelling programmes

Certification programmes for organic foods all have many characteristics in common. They must deliver a product – credibility – based on production practices that a consumer cannot see in the food itself. Therefore, as process-based programmes, they must control or guide producer behaviour from the purchase of the seed (or animal) through the supply chain to the retail sector of the market. A global organic system would appear to require some consensus on the kinds of processes involved in producing organic foods and livestock, and an equivalent degree of agreement on the kinds and varieties of labels and representations made about the product in the marketplace.

To a great degree there is agreement on what kinds of production practices are meant to be “organic” and what kinds of representations can and should be made. But, as with many standards based primarily on processes, the devil is in the detail. Local environmental conditions and customs account for a good deal of variation in what are considered to be organic practices. Confounding complexity also arises from the context from which many of the programmes have originated. Some programmes have bridged the gulf between intent and resulting rules with a minimum of prescriptive detail, while others that perhaps had time for too much reflection have papered every aspect of every process with regulatory zeal. Achieving equivalence between such programmes might be considered a hard sell. However, there are a few paths that might be useful to explore through a growing regulatory maze.

1.5 Guiding principles and values

Some might describe the principles or values articulated by organic certification programmes as mostly hortatory efforts to enhance the credibility of the programmes by reciting well-recognized organic agricultural, environmental and social good intentions. However, most programmes also attempt to put into practice the principles announced in their preambles. Rather than considering their rhetorical significance, these principles should be analysed for what they say about the underlying broad objectives of each programme.

Both the principles and the way they are articulated are of course products of the concerns evidenced by legislators and programme creators when they were first articulated. These have changed over time, as organic production has become more complex and the market more important. For example, the earliest iterations of organic values and principles did not use the word “biodiversity” although the clear intent of the earliest standards would most likely have incorporated the concept explicitly had it been in current usage at the time. Standards are often subject to revision, but the substantive provisions are often given priority over the more hortatory ones. Therefore, the following discussion assumes a degree of convergence in intent even though certain values are not sometimes explicitly articulated in exactly the same language.

Of the many principles advanced by these programmes, several find broad resonance amongst almost all of them. Perhaps the most fundamentally agreed principle is the one most basic to the concept of organic agriculture, as expressed by IFOAM Norms, to “maintain and increase long-term fertility and biological activity of the soil”. Implicit to this principle, but sometimes not articulated as a principle but rather set forth in regulatory terms, is to “avoid or prohibit entirely the use of synthetic inputs”.

The rationale for this principle is also universally shared. Articulated in many ways, its core is to “reduce or control erosion and environmental damage and pollution from agricultural chemicals and waste”, or put more affirmatively, “to promote responsible use and conservation of water and natural resources”.

Closely allied with this principle is another that is fully articulated in the more recently revised texts, and expressed implicitly in the regulatory texts of most of the others: this is to “maintain and encourage agricultural and natural biodiversity”. The goal of “ecosystem management” is closely allied with this principle and also almost universally articulated, particularly as in the JAS, with reference to harvesting wild crops.

Also now universally articulated as a condition of organic production is the “prohibition of use of recombinant-DNA technology”. This is articulated as a principle only in a few texts, but in practice is common to all of them. The recently-revised US NOP includes it in a definitional section.

Other principles relating to organic crop production find less support among programmes in terms of the broad objectives that are articulated, but many of them are arguably included in other (programmatically, regulatory or environmental) objectives. Among these are to:

- maintain and conserve genetic diversity”, specifically mentioned by IFOAM Norms and perhaps encompassed by the GMO prohibition but not specifically articulated by any other programme;
- include habitat for wildlife” and “work compatibly with natural cycles and living systems”, both arguably included in ecosystem management;
- “avoid environmental contamination”, a principle no programme would argue with, but few articulate in those words;
- “balance crop production and animal husbandry”, which seems to be unique to the IFOAM Norms as a principle but evident in the operational assumptions of other plans;
- “advance rural environmental protection”, which is articulated by OFDC alone.

“Respect for regional, environmental, climatic and geographic differences”, and “recognition of wider social and ecological impacts” are closely allied principles that several programmes articulate in some variant.

Several, but not all, programmes articulate in broad objectives a standard of treatment for animals. This is expressed in the IFOAM Norms as “allowing animals to live in ways that express the basic aspects of their innate behaviour”, by the Soil Association as “treating livestock ethically,

meeting their physiological and behavioural needs”, and by OTA as providing livestock with “optimal living conditions for health and well-being”.

Of course, since organic certification and labelling is also aimed at consumers, many principles are articulated that relate to these objectives. The goal of “supplying society with natural, nutritional and environmentally safe food” is articulated by many of the programmes and implicit to all of them, although some also go one step further to disclaim the complete safety of any food, including organic foods.

Which markets are supplied is also of concern to some of the programmes, the EU Regulation and OFDC articulate the goal of “supplying the domestic markets”, the OFDC adds supply to “foreign markets”, the NOP aims to “facilitate interstate commerce” and the IFOAM Norms state the objective of “fostering local and regional production and distribution”. The Soil Association explicitly advises “local sourcing to minimize imports”, and import of IFOAM-certified products.

“Assuring consumers of consistent standards” is also articulated by most programmes in some form, sometimes in terms of “providing a system of transparency” or “maximizing information available to consumers”.

There is also a clear intention in some of the regulatory programmes to respond to market needs, with the EU Regulation aiming to “contribute to a better balance between supply and demand for agricultural products” and to “ensure fair competition between producers”. This is implicit to Codex, which has a dual mandate to ensure food safety and “fair practices in the food trade”.

Finally, with respect to social concerns, several programmes explicitly articulate a standard that goes beyond social sustainability. The IFOAM Norms does so, requiring a “quality of life to satisfy basic needs within a safe, secure and healthy working environment”. IFOAM’s is the only programme to articulate “respect for indigenous knowledge and traditional farming systems”, in terms of “recognizing their importance, protecting and learning from them”.

Finally, all of the programmes put organic farming in a wider context, one for instance opting for “social, environmental and economic sustainability”, another for “optimizing the health and productivity of interdependent communities of soil life, plants, animals and people”.

1.6 Programmatic objectives

Programmatic objectives are essential to the way a programme functions – whether it is prescriptive or voluntary in nature, or whether it is results-oriented or design-based. They provide the context within which the more substantive standards operate.

The primary programmatic objectives of the national organic programmes are regulatory in nature. They provide credible and workable national standards within the context of national food safety rules. This means that they must meet some standards themselves – they must adhere

to WTO national treatment and transparency obligations, (including notification of Mutual Recognition Arrangements) and be based on international standards to the extent that those exist.

While the national programmes lay out “standards”, in the formal WTO meaning of the word, they operate more like technical regulations, with which compliance is mandatory. A producer is not required to produce, nor a retailer required to label, food as organic. But if a producer wishes to produce organic food and a retailer to sell it labelled as such, they will both be required to adhere to prescriptive requirements established by a domestic regulatory process with which compliance is mandatory. This is clearly the case when failure to comply bears civil and even criminal penalties.

These programmes must also meet national objectives. These differ from country to country. China’s organic standards provide an important basis, not only for unifying standards of production and advancing rural environmental protection, but also for advancing the market for China’s processed food exports to other countries. The European Union standards provide a framework for community organic production in order to reduce diversity and confusion among divergent Member State practices, policies and programmes for organic production. The United States programme, likewise, provides a credible framework for an expanding market sector challenged by a growing diversity of standards, claims and a lack of consensus on many important issues. Each of these programmes must meet the demands of stakeholders for inclusion and the demands of importers for equivalence or mutual recognition while also striving to maintain credibility in national and global markets. They must also expand to meet demand for coverage of market sectors so far relatively unaddressed, like aquaculture and textiles.

Private sector programmes also have their challenges. Whether for-profit or non-profit, unless their standards are used they will not survive in this competitive market. Some have opted to provide a basis for harmonization with other programmes in the face of the growth of new national programmes, others have opted to grow into new sectors, and yet others have chosen to remain local but to maximize the quality of their standards and certifications.

Whatever the regulatory role, the major programmatic elements are virtually the same for each programme:

- Each programme asks producers to file a plan setting forth the manner in which their practices conform to the standards.
- Plans are then evaluated by certifiers, who are accredited by the standardizing organization. Inspections are undertaken at regular intervals and stages of particular processes.
- Organic production processes covered by all of the programmes begin with preparations for conversion to organic, proceed through seed or animal purchase, the crop or animal life cycle, the food handling, transport, packaging and processing stage, and end at the retail level.
- They address pest and disease control, and allowed and prohibited inputs and practices.
- They all require that records for an audit trail be kept, products are segregated from non-organic products, and they make provision for imports.

- They all recognize the need for determinations of equivalence with other programmes or national requirements and refer in some way to other standards systems.
- In the final analysis, all programmes also require those who wish to obtain certification to pay for it. Costs vary by programme, country and market sector, and in some cases are reduced for smallholders.

Regulatory programmes also have provisions for enforcement and penalties for violations.

Although all of the programmes included in this study share these same basic programmatic objectives, the differences sometimes appear to be greater than the similarities. Most of the differences are not substantive, but many are important in a national context. They appear primarily in the following areas:

- **Coverage.** Since the organic movement historically started with field crops, these are the starting point for every programme. Most programmes now also cover livestock, poultry, bees and wild-collected plants. Many cover inputs, such as fertilizers, plant protection products and animal feed. Several cover textile products in some form (the United States covers production, but not processing). Most do not currently cover aquaculture, but intend to do so. Forestry, apiculture, protected cropping and horticulture, catering, mushrooms, culinary herbs, minor animal species, tea, cosmetics, personal care products and dietary supplements are all areas in which work has been initiated or announced. One covers companion animal food (pet food).
- **Certification.** Although all of the programmes assume or authorize third-party certification, the way it is carried out differs somewhat between the many programmes. Some specify detailed standards to which producers must adhere, while others leave more discretion to the certifying authority to make decisions based on local conditions and practices.
- **Audit trail.** Most programmes generally require records to be kept along the way, through the transport, handling and processing stages, while some programmes are very prescriptive about what kinds of records are to be kept and for what periods of time. Intermediate and final steps in the chain are specifically certified under some schemes, but not in others. For instance, retailers and restaurants are normally part of the process but the extent to which they are explicitly involved varies quite substantially from scheme to scheme. Among the programmes considered here only the Soil Association certifiers catering.

1.7 Environmental/producer objectives

These objectives are very close to the core of organic production systems because they directly engage the producer and govern how the land and livestock are used.

There is universal agreement on the core objectives in this area: “soil must benefit from organic inputs and crop rotations that improve its quality and fertility. Practices must prevent or minimize environmental damage and pollution, pests and disease”, or in their positive iteration, “enhance the quality and health of the crop or livestock, and the soil, air and water.”

Beyond that, specific attention is given by every set of standards to how this can best be accomplished, starting with seeds, which are for the most part “required to be organically sourced” unless unavailable, when untreated varieties are allowed by some programmes. It is likely that as the organic market grows, this requirement will become more stringent.

All programmes use lists to indicate inputs that are allowed or prohibited. Some regulatory programmes use both positive and negative lists, while others use a passive negative list when they disallow any substance not on the permitted one. Different titles are given to the lists, For instance, the US NOP distinguishes them by content (synthetic from non-synthetic), while Codex distinguishes them by function (“Substances for use in Soil Fertilizing and Conditioning”, “Substances for Plant Pest and Disease Control”, “Ingredients of Non-agricultural Origin” and “Processing Aids which may be used for the Preparation of Products of Agricultural Origin”).

But, despite the titles, the degree of detail and the differences in structure of the programmes’ requirements, there is a remarkable degree of agreement on the basic elements of organic production as revealed by the lists and other requirements. They all:

- require first resort to organic inputs with respect to soil treatment;
- require the same basic kinds of practices with respect to pest and disease control;
- prohibit use of most synthetic agricultural chemicals and fertilizers;
- prohibit sewage sludge and some mined substances;
- prohibit ionizing radiation;
- apply a time period for conversion from conventional to organic production;
- require buffer zones or other segregation in split operations;
- specify practices applicable to composted plant and animal materials;
- condition wild-crop harvesting.

With respect to livestock, the programmes generally:

- account for conversion generally and by species;
- require feeding with primarily organic materials;
- prohibit use of pest and disease control by specific methods;
- prohibit use of antibiotics and growth hormones for general use;
- prohibit embryonic transplantation in breeding but allow artificial insemination;
- prohibit or limit use of non-organically-derived vaccines and veterinary drugs;
- specify conditions for physical alteration of animals, and permissible alterations;
- mandate by species-specific suitable environments, including freedom of movement;
- mandate identity preservation of individual animals.

However, although they share the same common objectives, the programmes also differ in many relevant details. Whether these differences can be attributed to local environmental conditions or preferences of production is most likely a matter that can be debated. It is likely that some of the differences are attributable to regulatory concerns unrelated to the major environmental, process-related objectives of the programmes (for instance, whether other legislation prohibits some of the practices specified as prohibited by the programmes).

Other differences arise from the evolution of concerns articulated at the time the programme was conceived. For instance, changing breeding practices have caused many recently-conceived programmes to prohibit embryonic transfer. While these breeding methods may not be specifically prohibited by most of the older programmes, they would perhaps implicitly be prohibited by more general language expressing preferences for natural methods and livestock handling practices. New areas continue to be addressed; for instance, organic household waste is accorded maximum mineral concentrations by one programme (AFRISCO) and sex pheromones for insect control specifically addressed by only some programmes.

The major differences that occur between programmes are listed below.

- *Conversion periods vs. required intervals between conventional and organic management.* While most programmes articulate one or the other concept to some extent, many are quite specific about precise time periods and their purpose.
- *Inspection during conversion.* All programmes mandate this to some extent, but time periods and frequency vary.
- *Split operations.* There is a great range of prescription here, from programmes that merely specify preferences for whole-farm conversion and provide a few guidelines, to those that give great detail on operating practices in split operations.
- *Use of organic seed.* Some programmes specify conditions under which non-organic seed is prohibited, while others leave it to the discretion of the certifier, from whom permission is needed.
- *Administration of positive and negative lists.* Some programmes specify criteria for adding and removing substances while others, perhaps closer to programme administrators, are silent and require specific decisions of legislators or administering agencies.
- *Use of raw manure and sewage sludge.* These categories are perhaps the ones most frequently open to variation among the programmes. Likewise, use of composted materials differs significantly from programme to programme, some being far more prescriptive than others.
- *Other prohibited materials.* While there is virtual agreement on the use of ionizing radiation, arsenate-treated lumber is not specified as prohibited by some of the programmes, although it could be inferred from general guidance that it is not allowed if it is perceived as likely to contaminate soil or crops. Two programmes specify that the use of polypropylene materials is permitted for structural purposes and mulch, provided at the end of its useful life it is removed and not burnt.
- *Water quality for irrigation.* In one programme it is specifically required to comply with standards set forth in another regulation.
- *Livestock feeding.* There is general agreement that mammals should not be fed animal by-products, but otherwise there is great variation on how and in what percentage organic and non-organic feed materials are allowed, and in the degree of detail in which each programme covers this area.
- *Use of antibiotics.* The difference between the United States' position on antibiotic use (never) and the European Union one (allowed under stringent conditions) proved insurmountable in recent negotiations. Other programmes have different limitations and varied degrees of stringency.

- *Non-organically derived veterinary drugs.* Almost all of the programmes allow these in emergencies, but here again, they vary with respect to degree of detail. Withdrawal periods are specified by some programmes. Others require different degrees of supervisory veterinary discretion and different withdrawal periods.
- *Physical conditions in which animals are kept.* These are very closely controlled by some programmes, but others leave them to the discretion of the operator or certifier with a few general guidelines.
- *Identity preservation of livestock.* This is required by all of the programmes, but national regulation is also active in this area, with some countries establishing mandatory tracing programmes with regulations not referenced in this context.

1.8 Value chain/consumer/trade objectives

Process-based programmes like organic certification require strict maintenance of product identity to maintain credibility with consumers. This is achieved through control of the product through all parts of the value chain. While most programmes do not directly certify the retail point at which the product is offered for sale, they do control all aspects of its handling, as well as processing if this involves commingling or the possibility of identity loss up to that point. They also control the terms under which the product is labelled, and some go on to establish conditions for imports.

As with other aspects of organic production, there is great variety in this area but the basic objectives are shared. Each programme:

- requires processors and handlers to segregate organic products from conventional ones at any point where they might become commingled;
- use appropriate packaging and processing methods;
- forgo pest control measures that are inappropriate or that might contaminate the product;
- limit or condition processing aids and inputs used for quality enhancement, preservation or other improvement, e.g., artificial colours;
- applies labels according to “tiers” of organic content;
- allows different labels depending on degree of organic content or ingredients;
- allows “bio” or “eco” to be used as organic designators;
- requires a certificate of equivalence for shipments of imported organic products;
- allows for mutual recognition and equivalence determinations.

Major points of difference among the programmes are the following:

- some specify biodegradable and recyclable packaging material while others do not;
- somewhat different specific practices are allowed for handlers with respect to pests;
- major differences exist with respect to use of processing aids, and substances for flavour and colour enhancement. Some programmes refer to other national regulatory requirements in this context;
- some programmes allow for “transitional” labels while others do not;
- most programmes allow different labels depending on organic content, but these thresholds differ from programme to programme;

- ingredients are treated somewhat differently from programme to programme, some permit organic labels and others do not;
- documentation requirements for transport and storage differ, as do records retention requirements;
- different technical rules govern presentation and use of logos;
- the programmes have differing functions relative to certification and accreditation of certifiers.

Other programmes also certify retailers and caterers, but most do not directly do so except insofar as they may be responsible for compliance and certification purposes or documenting receipt of particular shipments.

Part II

Any methodology for developing a common set of regulatory objectives that could be used to facilitate equivalence between the world's major organic regulatory systems, be they public sector or private sector-driven, must be rooted in the practical context in which this methodology must operate.

Although equivalence is the subject of two multilateral trade agreements³ and numerous bilateral ones, is the stated objective of two sets of international organic standards (Codex and IFOAM Norms), and has already consumed the time and energy of legions of trade negotiators and agricultural specialists, in reality little equivalence can be documented so far.

The reasons for this are fourfold:

- Equivalence is frequently confused with compliance, a situation that is confounded when some of the standards being judged are *de facto* national technical regulations.
- Many of the local and regional preferences enshrined in organic standards systems are particularly vulnerable to the trade pressures that inevitably form a part of the negotiating framework of equivalence negotiations.
- Standards based entirely on process considerations guided by consumer preference are by their nature arbitrary and not grounded in verifiable, or even internationally agreed, norms.
- Some organic standards programmes are relatively recent, and/or are in the process of revision.

The following discussion explores some issues related to these reasons, and then sets forth some considerations relevant to beginning a process to identify common regulatory objectives.

³ The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) and the Agreement on Technical Barriers to Trade (TBT).

2.1 When equivalence means compliance

Although development of common regulatory objectives might facilitate equivalence determinations in countries that have not yet adopted legislated organic programmes with which compliance (if a producer chooses to opt in) is mandatory, common objectives agreed among a number of countries are not likely to change programmes established by existing legislation. Legislation establishing organic programmes has in some instances been very controversial. The administrative process for implementing organic programmes has also in some countries attracted enormous attention and spawned controversy among civil society groups and stakeholders.⁴

Administrative authorities in those countries will, in practice, be unwilling to consider changes not brought about through the same processes. Having recently gone through extensive public comment solicitation, including the notice and opportunity to comment accorded to WTO members required by the SPS and TBT Agreements, they are not likely to want to reopen matters that have been only recently decided.

In many instances, even though an administrative review of certain aspects of the programmes has been announced, administrators cannot make the kinds of decisions on substance required for equivalence determinations. Their hands are tied by authorizing legislation that would take legislative action to alter. This is the case with the US NOP, which is a blend of administrative regulation and legislated requirements established in authorizing legislation (the Organic Foods Production Act of 1990). The legislation authorizes the Secretary of Agriculture to determine that imported products have been “produced and handled under an organic certification program that provides safeguards and guidelines ... that are at least equivalent to the requirements of (this legislation).” (6065 (b)). This is law that most administrators would want to construe narrowly, keeping in mind that granting equivalence to any programme with substantially different requirements could expose them to liability and constitute a violation of the Act.

Therefore, most administrators, especially those operating under fairly detailed legislation, are loathed to grant equivalence that is not in compliance with the major and minor aspects of their programmes. This is perhaps most obvious in relation to guiding principles and programmatic objectives, but also important to environmental and consumer-related aspects of the programmes, which constitute their most detailed and operational substance.

In fact, some of the structural programme designs for those elements of the programmes play into the anti-equivalence mind-set. For instance, maintaining a “positive list” of allowed inputs and procedures, as most if not all of the programmes do, greatly reduces local and regional variation and flexibility and in effect requires constant adjustment of the lists by administrators as new techniques are found to deal with real-world production problems. Negative lists also require administration but allow greater flexibility and the possibility that any input or procedure

⁴ The United States NOP is said to have generated more public comments than any regulation in the United States regulatory history.

not explicitly disallowed could be used, consistent with more general guidance. Common regulatory objectives could be useful reference points for both kinds of lists, but are likely to tempt regulators to abandon them.

In short, common regulatory objectives will not be influential in changing regulatory programmes already adopted and on the books. These programmes, for the most part, do not allow decisions of equivalence to be based on common regulatory objectives (CROs), but rather the regulations themselves, and would require legislated authority in order to do so. For instance, the EU Council Regulation specifies equivalence to “rules” and not to objectives or policies. However, the national regulatory programmes are not uniform in their approach. They could be ranked in terms of their flexibility to recognizing equivalence based on CROs as implemented in applicant programmes, and approaches made to them on that basis. In the United States, an upcoming draft set of administrative operating procedures for making equivalency determinations could provide an opportunity to highlight the use of CROs in that context.⁵

Finally, it should be noted that administrative inflexibility derived from regulatory processes is not unique to the national programmes. Private sector programmes have also initiated highly inclusive member and stakeholder participation, resulting in very intense debate on a number of issues. Administrators of these programmes will also be less than eager to admit as equivalent a procedure denied to their own members after such a process. The challenge for such programmes is to enhance their utility while retaining the unique attributes that create value for their members. This will not sometimes allow the kind of equivalence envisioned in an ideal setting.

2.2 When trade issues are the subtext

One characteristic of organic programmes is that they express local and regional preferences for how food and livestock should be produced organically. As illustrated by the matrices, these differ from place to place, sometimes expressing variation in consumer preference and sometime producer practices. Ironically, some of the very attributes that make organic production systems valuable to local and regional producers and consumers also make them particularly vulnerable to trade pressures.

As the market for organic products has experienced continued growth and price differentials, it has attracted the attention of many countries and producers who want to export to the three major centres of organic consumption, the European Union, Japan and North America (primarily the United States but also including Canada and Mexico). At the same time, local producers in those markets have found enhanced export and intra-regional marketing opportunities for their products. Where there is trade, there is trade pressure.

This is perhaps most evident in the recent failed organic equivalence negotiation between the United States and the European Union which floundered on a number of issues, one of which was the difference between the NOP and EU Regulation standards for antibiotic use in livestock.

⁵ See Recommendation 10 of the recent audit report of the National Organic Program produced by USDA’s Office of the Inspector General, Northeast Region, Report No. 01001-02-HY, July 2005.

Where the NOP allows no use of antibiotics, the EU Regulation allows limited use.⁶ The United States' reluctance to deem the EU rule equivalent was based on its perception (based on comments received during the organic programme implementation) that American consumers would not accept as organic a product associated with antibiotic use, even as limited as that allowed by the EU Regulation. However, to the European Union negotiators, failure to reach agreement in this area means that its dairy producers will be accorded less market access than other organic producers, an unacceptable trade result.

Looking at organic programme rules through the eyes of trade negotiators, one sees differences in regulatory and voluntary standards that are, without doubt, based on local and regional preferences. It is easy to suspect that perhaps some of these preferences also include preferences for local or regional market share. If this is the case, then equivalence determinations will continue to be elusive.

From a trade perspective, there is another obvious issue relating to administrative reluctance to grant equivalence. Importing and exporting countries rarely have the same goods in trade. Country A may desperately want equivalence for its apples, but country B is likely to be ambivalent about apples, instead seeking equivalence for poultry. This can be overcome in situations where broad grants of equivalence are possible, but a complicating factor where they are not.

Agreement on common regulatory objectives will perhaps serve to combat some reluctance to admit to the integrity and environmental differences that account for some of the programme variation and promote greater uniformity in some of the programmes as they continue to evolve. But it is not likely to overcome differences based on consumer preferences.

2.3 Process-based standards and consumer preference

Process-based standards are hardly new to food production or to consumer marketing, but they seem to pose special problems to the trading system. In one of the few recent cases litigated under the TBT Agreement, the original panel in the Sardines case⁷ essentially stated the problem when it said that the European Union cannot define consumer preference and then also determine that only their version of regulatory requirements can be deemed to satisfy it.

The same self-referencing system appears to justify many attributes of organic standards in programmes that attempt to marry consumer preference with organic practice in ways that articulate social, environmental and political preferences that can never be deemed equivalent to others unless they are identical.

As referenced above, this is a particular problem when programme constituencies have been asked for their preferences in order to get the programme up and running with the proper degree of participation by stakeholders.

⁶ The EU Regulation, based on IFOAM Norms, was later largely incorporated into a Codex Standard.

⁷ European Communities – Trade Description of Sardines WT/DS231/ (available from www.wto.org).

The solution to this would be more obvious if there existed a gold standard of organic certification that had some objective elements against which one could measure others. Unfortunately, though, there are now many standards systems in play, none of them with any more claim to an objective basis for organic production, processing, labelling or marketing than the others.

The Sardines Panel, as did the TBT negotiators, resolved their issues with reference to an international standard. The SPS Committee has done so as well. In the 2003 Addendum to its *“Decision on the Implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures”*⁸ it references the *“Codex Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with food Inspection and Certification Systems”* and urges members to take them into account. They particularly note the Codex approach of establishing an objective basis for comparison when making equivalence determinations. They go on to say that *“If the exporting Member demonstrates by way of an objective basis of comparison or similar approach established by a relevant international organization that its measure has the same effect in achieving the objective as the importing Member’s measure, the importing Member should recognize both measures as equivalent.”*⁹

Whether a Codex standard on equivalence could be equally relevant in a TBT context is an issue the relevant Codex Committee has so far declined to take up. In its last meeting, the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) declined to add TBT equivalence to its agenda, most comments suggesting that there is no evidence of either a successful example or need to harmonize technical regulations.

Whether agreed CROs on organic foods and livestock would, in essence, function as an additional international standard on equivalence in the sense of a Codex Alimentarius standard or additional to the two international organic standards that now exist (IFOAM’s and that of the Codex Alimentarius Commission), and at what level it would operate, is an issue that participants would need to resolve at the outset of their process.

To the extent that organic standards can be scientifically justified and made verifiable, some of this reasoning could be articulated in forming CROs. This would help to provide a basis for decisions of equivalence by national authorities whose common language is science and whose common interests include providing enforcers with appropriate tools.

2.4 Programmatic flux

One of the problems of equivalence is that regulatory and standards programmes do not stand still, yet equivalence determinations are very specific to detailed programme requirements. Since an equivalence negotiation is a complex and technical one, it is not one in which administrators are eager to engage substantial resources unless it has a good chance of success. This is not the case when their own programmes are in flux.

⁸ G/SPS/19/Add.r, 15 July 2003

⁹ Idem. at Para. 6

Because of the growth of the organic market, and the substantial increase in the number of stakeholders engaged in organic production practices, this is a problem for those programmes most receptive to constant input and change. Some programmes, like the US NOP, have also been subject to standards-changing litigation. This could slow the pace of equivalence negotiations and ultimately erode the interest other countries may have in achieving equivalence with that programme.

An agreed set of CROs would do little to allay fears that programmes will change beyond approved equivalence, but it could provide a bulwark against which potential programme changes could be measured.

2.5 Facilitating equivalence – some options

2.5.1 The UNECE process and CROs

Any effort to initiate agreement on common regulatory objectives (CROs) needs to look at both the procedure envisioned by the United Nations Economic Commission for Europe (UNECE) documents in light of recent developments, and how an effort to agree on CROs would fit in the current regulatory context.

The procedure for achieving regulatory harmonization envisioned by the UNECE “Recommendation L”¹⁰ is that common regulatory objectives (CROs) would, in effect, be transposed into technical regulations by the countries that have agreed to them. Briefly, the procedure envisions that countries that have identified a need for harmonization would issue a “Call for Participation”, to the UNECE secretariat, to which other countries would respond, work together in a task force, and produce a CRO. This would then be registered with the UNECE, made publicly available and be subject to a national adoption by the countries concerned. The approach is discussed, together with other approaches to harmonization, in recent ITF work on harmonization.¹¹

The model for this work is also described in a telecommunications industry project description issued in 2003¹², and projects using the model are discussed in a 2005 report on regulatory cooperation activities and projects of the working party.¹³ It has apparently resulted in two regional and three sectorial activities, all of which are aimed to generate convergence among technical regulations of countries regulating well-defined industrial sectors (telecom, earth-moving

¹⁰ UNECE “Recommendation L” is “An International model for technical harmonisation based on good regulatory practice for the preparation, adoption and application of technical regulations via the rise of international standards.” UN/E/TRADE/WP.6/2002/7, 14 June 2002.

¹¹ UNCTAD-FAO-IFOAM. 2005. *Harmonization and Equivalence in Organic Agriculture, Volume 1. Background papers on the International Task Force on Harmonization and Equivalence in Organic Agriculture*. Michaud, J., Wynen, E. and Bowen, D., Eds. Revision March 2005. Bonn, UNCTAD, FAO, IFOAM. UNCTAD/DITC/TED/2005/4.

¹² UNECE. 2003. Telecom industry and market surveillance initiatives of the UNECE Working Party on Technical Harmonization and Standardization Policies. UNECE, TRADE/2003/7-Add. 1, 24 February 2003.

¹³ UNECE. 2005. *Regulatory cooperation activities and projects of the working party*. UNECE, TRADE/WP.6/2005/5, 1 September 2005.

machinery, pipelines). The basic concept of the model is the separation of the regulatory “objective” (the province of the national governments) from the technical and performance-based requirements, which would be adopted with reference to existing international standards, largely with input from industry experts.

In essence, the UNECE procedure creates transnational working groups that can draw from the current work and framework of standardizing bodies and national authorities. While this is potentially an effective way to leverage harmonization in highly regulated and very technical industrial sectors where trade facilitation is clearly a shared interest, it may not be the most appropriate way to deal with standards (non-mandatory) of a more general nature, especially those where trade facilitation is not seen as a priority. Nor, when harmonization is not sought for, does the procedure necessarily promote or account for meaningful participation by stakeholders, or provide opportunity to give notice to, or consultation with, affected interests in developing countries. This is due to the vast diversity of voluntary standards programmes and the fact that regulatory diversity – for the most part – arises from legitimate differences in domestic legislation or from technical regulations enacted to serve different, regulated domestic constituencies. This explains why agreement in the current system is often difficult to obtain.

The CRO approach is thus a sort of “top down” approach to a “bottom-up” problem. It is not inconsistent with the approach to standards outlined in the TBT Agreement. That agreement requires WTO members to base their standards on international standards, unless this would be ineffective or inappropriate.¹⁴ Rather, it is a transnational approach that supplements it, since the TBT Agreement does not deal with bilateral or multilateral options.

The UNECE approach invites members to initiate a transnational process between responsible regulatory authorities to conclude agreement on common regulatory objectives and to potentially change their own national technical regulations as a result.

Hence, the CRO approach is in line with Articles 2.4 and 2.6 of the TBT Agreement. It does not automatically cover the option of equivalent technical regulations (Article 2.7) and the related discussion in the SPS and TBT Committees. This discussion, as evidenced by the Third Triennial Review, has concluded that there are different views on the terminology and on the operation and implementation of the relevant provisions in the TBT Agreement. For instance, the Committee noted that while the TBT Agreement does not itself define equivalency, mention of this term is found in ISO/IEC Guide 2 (1991) as interchangeable with the term “harmonized standard.” It also noted that if this definition is applied to technical regulations and mandatory conformity assessment procedures, it would be appropriate to question whether, or how, harmonization on the basis of international standards (as in Articles 2.4 and 5.4) differs from “equivalence”.

The CRO as a *common regulatory objective* has, therefore, not yet achieved the legitimacy it might have deserved. The concept is related to concerted cooperative actions by countries, whereas the SPS and TBT Agreements merely lay down some general policy principles to be observed in

¹⁴ Agreement on Technical Barriers to Trade, Article 2.4.

an individual, national context. According to the UNECE's proposal, the CRO process is instituted by countries "wishing to harmonize their technical regulations...". At last count, this could primarily be the aim of regional trade arrangements/groupings, but at a later stage also between arrangements/groupings, thus providing for an enlarged harmonization.

The UNECE model should therefore – in the organic agricultural area – be used more for what it offers in general terms than what it might in more specific ones. That is, it offers a transparent and open-ended process that could result in international agreements between both governments and private sector groups on the essential objectives of organic production. It follows, therefore, that the technical details of organic certification programmes could potentially be resolved among the many different organic systems that now exist.

The utility of the result would most likely be evident. This would be not in terms of significant short-term changes to regulatory programmes, since they have little flexibility to change detailed rules based on perceived public consensus or to overcome their legislated procedures for findings of equivalence. Instead, it would be in terms of mutual recognition of certification bodies (if they also have the requisite regulatory flexibility to act), or perhaps in terms of regional arrangements where countries do not yet have national programmes.

Whether this would adequately replace the goal of equivalence is an issue that sponsors and participants would have to agree. Unfortunately, it is unlikely that a CRO agreement would ever be seen as a substitute for a national organic standards programme since many of the minute details of such programmes have been worked out by regulators and even legislators in an emotional and public debate. As these programmes provide mandatory rules for organic production in the world's major markets laid down in national legislation, equivalence arrangements that do not reach them would be less than effective.

However, a CRO agreement in parts of the organic sector, such as field crops or livestock, might be useful for negotiators attempting to find a mid-point in a bilateral equivalence negotiation. A broader document could also perhaps provide a basis for a Codex document on TBT equivalence if limited to organics, although this could also be produced in a Codex process.

Generating interest in a CRO process that does not have much short-term potential for equivalence with national programmes might be difficult, but a mediation-based approach might be attractive, particularly for those programmes that have been unable to reach agreement on specific points (like the US NOP and the EU Regulation not agreeing on the use of antibiotics). A conference aimed at those points, with the objective of generating consensus on the CROs involved, would most likely be the most promising approach.

2.5.2 Strategic use of the trade agenda

Because of the time and energy expended in equivalence negotiations, they are normally based on some sense of the value of the outcome to the trade interests of the countries involved. In essence, organic equivalence will be of interest to countries that have or could have a significant

amount of organic trade. The major targets for this would be the large importing regions and countries, the European Union, United States and Japan. China, India and Brazil would also be important players.

The current trade agenda presents several strategic options for promoting organic equivalence, although concerns that the organic sector might be subsumed in or relegated to other agendas (“traded off”) would need to be resolved at the outset. At the most general level, this includes the WTO TBT Committee, the Codex Alimentarius Commission (CAC), and the auspices of other multilateral institutions. On a tariff track, it could also include introduction of organic foods as EPPs in the Doha Development negotiations (although it would be late for this). At a bilateral level, equivalence could be negotiated in, or ancillary to, United States-European Union regulatory cooperation negotiations, the EU-ACP Economic Partnership Agreements (EPAs) and US FTA and North American Free Trade Agreement (NAFTA) initiatives.

The WTO’s TBT Committee has been little discussed, here, perhaps because it is not directly responsible for anything but guidance on equivalence as required by the Agreement. However, its role could be a much more important one with respect to encouraging it, and WTO members could encourage it to produce sector-specific (e.g. organic food and livestock) guidance on equivalence under its own auspices, rather than side-stepping its process in a UNECE CRO exercise.

Alternatively, it could give some encouragement, as did the SPS Committee, to a process in the Codex Alimentarius Commission (CAC). With some support from major countries and observers, the TBT equivalence exercise could be reintroduced in the CCFICS, this time with evidence from those organic sector organizations accredited as observers and a few leading governments willing to articulate the need for it in the context of organics. Alternatively, the Codex Alimentarius organic standard itself (in the CCFL) could be used as the venue for equivalence determinations through a CAC or Committee inspired process.

Using other multilateral agreements and institutions for this purpose might also be possible. For instance, a sub-sector-specific agreement on organic livestock could be negotiated under the auspices of the International Organization for Epizootics (OIE).

Bilaterally, the current United States-European Union regulatory agenda encompasses a Regulatory Cooperation Agenda, to which industry could add organic food if inspired by the prospects of attempting to bridge the final differences encountered in the last round of discussion.

Additionally, the European Union is currently negotiating broad agreements with many developing countries, to which they could perhaps request as part of the agreements equivalence on organic produce. The United States is also actively involved in a series of free trade agreements that could encompass organic equivalence if there was demand for it there. If not a part of the agreement itself, it could be initiated by a process ancillary to it.

2.5.3 Role of the private sector

If the options above are primarily public-sector oriented it is because the public sector has assumed increased importance in the organic area, primarily because national programmes with mandatory provisions have in many places replaced voluntary standards approaches. However, in many respects the certification bodies in the private sector have become more important. Some basic standards originated with them, and in many countries they are seen as more credible within the organic sector than the relevant government body, making them well placed for educating consumers. In addition, private certification bodies can become globalized in ways that governments will never be able to replicate. The private sector is also an important stakeholder and supporter of public sector action, in both a national and multilateral context.

The world's retailers have been the most influential recent standards setters in the food sector, as an initiative known EurepGAP has shown. Agreement on organic standards between that programme and some of the major organic programmes would be influential. Moving further afield, if the private sector were to acknowledge CROs as the basis for equivalence determinations among their own programmes, demands for CRO-based equivalence by the national programmes might be met with some success. Government regulators are seldom innovators, and a short-form equivalence determination might need to be tested in the marketplace before it gains broad credibility.

The role of the private sector could perhaps be most easily leveraged by using public-private partnerships to create a venue for mediation of the most difficult issues in government-to-government equivalence negotiations. Strategic intervention on what might be deemed a "situational" basis could result in creation of a mediated "CRO" on a specific issue that could resolve outstanding differences and allow an agreement to be reached. This might allow government programme administrators to go back to their legislators to request actual changes to programmes that would not otherwise be possible without political support. Such equivalence mediation could perhaps take place under the auspices of the WTO's new standards capacity-building function, or as the ITF.

The private sector also has a unique role when it comes to education. With increased attention both to agricultural reform and to capacity-building, it could mount a series of conferences, forums, consultations or other exercises to demonstrate how common regulatory objectives would work in practice to reduce certification costs and promote consumer confidence and trade in the organic sector.

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Requirements for Certification Bodies – Situation and Scope for Harmonization

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Executive summary

This document analyses the main similarities and differences of regulations with regard to requirements applicable for organic certification as well as for bodies performing inspection. The analysis includes the EU Regulation EEC 2092/91, the National Organic Program of the USA (NOP), Japanese Agricultural Standard requirements (JAS), requirements provided in the Codex Alimentarius Commission and finally the private sector requirements of the IFOAM Accreditation Criteria (IAC). ISO Guide 65, providing for general requirements for bodies operating product certification systems, was taken as the main reference document as it is referred to by almost all of the regulations.

Main similarities and differences

All requirements serve the purpose of “trust building” in order to assure buyers that products meet the organic standards’ requirements. Third party conformity assessment is the commonly accepted tool. General “Good Rules” can be identified that are commonly reflected in all requirements. They require certification bodies (CBs) to ensure impartiality (division of function of evaluation and certification), confidentiality, a non-discriminatory approach, competence, and finally repeatable, objective and traceable decisions. Slightly different approaches with regard to conflict of interest provisions have been identified. Some more rigorously exclude specific circumstances, such as the involvement of a manager of an operation within the certification body certifying the respective operation. Similar differences can be found with regard to competence requiring specific education and period of experience.

All requirements apply a quality management system approach. However, the level of detail in regard to the required documentation differs. It is most detailed in ISO 65 (same applies to the EU Regulation as well as the JAS, because both refer to ISO 65 in its entirety); IAC provides for some flexibility, however, it can still be considered an adaptation of ISO 65, whereas NOP uses different terminology and is lacking some requirements that ISO provides.

The main differences between regulations can be found in relation to the required operator documentation, which also determines the requirements on how evaluation and certification is carried out. These areas are not further specified within ISO 65, whereas all regulatory and private requirements applicable in organic production outline and specify evaluation and certification procedures. Two different approaches in regard to documentation and certification procedures can be categorized as first “operator focused approach” (such as NOP and JAS) and second as “inspector/certifier approach” (such as IAC). These different approaches result in differences in regard to the required operator documentation and certification procedures.

The analysis finally reveals that most requirements address certain circumstances relevant in organic systems, such as chain of custody requirements, conversion inspection, split/parallel production, GMO inspection, approval or certification of inputs, group certification, and certification of wild products or contracted production. These specific requirements are most detailed within the IAC, for example, only IAC addresses group certification.

Conflicting requirements

Although a document review indicates that there might be conflicting areas, most issues are resolved. This is because some ISO 65 requirements are not applicable under regulatory systems and some are covered by the mechanism the regulatory bodies apply directly. The major conflicting areas that seriously affect CBs cannot be identified. However, CBs are facing problems in trying to meet the different requirements.

Assessment of value and weaknesses of ISO 65 requirements

ISO 65 has gained broad acceptance and has, therefore, led to a harmonized approach on how to set up, structure and organize certification bodies. However, it is not adapted to a process related certification approach and, therefore, lacks further guidance on how organic certification should be carried out.

The quality system provisions are considered as too specific and, to some extent, as too detailed. However, the clear guidance as such is appreciated; this was specifically expressed by regulatory representatives as well as by CBs. Documentation requirements are challenging for CBs and are not scale sensitive. The extent of the required documentation is questioned as not being appropriate for organic certification, although there are no major concerns that ISO 65 provides inappropriate requirements. Concerns for a better adaptation are raised, and are related to areas not further specified by ISO 65, such as inspection procedures.

ISO 65 and its relevance to other schemes

The following schemes have been considered in the analysis: EurepGAP, Utz Kapeh and Fairtrade. The adherence to ISO 65 included in Utz Kapeh as well as in EurepGAP is not under consideration.; The Fairtrade movement is on its way to including ISO 65 reference in order to sharpen its system and to gain acceptance in mainstream markets.

Technological tools

The implementation of technological tools provides the potential to increase transparency. However, its effects depend on whether one software solution will gain broad acceptance and will be used by CBs as well as authorities. The implementation of technological tools requires considerable resources, therefore, establishing a barrier for CBs to implement such systems; although from a long term perspective the investment can be expected to be paid back through increased efficiency and improved performance.

Conclusion and recommendation

The analysis reveals that ISO 65 provides guidance on how to set up a Quality System but does not provide the baseline to harmonize technical requirements applicable for organic production. Varying solutions and concepts are included in the different requirements analysed. Requirements that specify general objectives of the technical requirements rather than prescribing them in detailed steps, tools and elements would provide additional clarity and at the same time would allow for some flexibility implementing the requirement. The requirements provided in the IAC may be taken as reference to develop such requirements.

It is recommended to seek agreement on a new ISO 65 guidance document that specifies the implementation of ISO 65 in the organic sector. It should still adhere to ISO 65, but also identify the areas of ISO 65 that are too detailed and which should have more flexibility and be less prescriptive. It should further address the technical requirements relevant for conducting the certification process in a general way.

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1 Tasks and approach

This paper has been prepared as a background document for the International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF).

Its purpose is to analyse the existing private sector and regulatory requirements for organic inspection and certification:

- to better understand the scale of their differences and similarities;
- to analyse the value or otherwise of the various ISO 65 requirements;
- to provide recommendations for requirements that could be the basis for equivalence.

The analysis considers, in particular, ISO/IEC Guide 65 (ISO 65), the EEC Regulation 2092/91 (EU Regulation for organic production), the IFOAM Accreditation Criteria (IAC), the National Organic Program (NOP) of the United States, Japan Agricultural Standard (JAS) and Codex Alimentarius. General information on how China regulates organic agriculture is also included.¹

In order to identify the main similarities and differences between the different certification requirements, ISO 65 serves as reference document. Each regulation has been analysed against ISO 65, findings are reported in Chapter 6; for each of the regulations analysed a short summary is provided.²

In a second step the findings have been evaluated against each other in order to compile and summarize the main differences and similarities. The main similarities and differences of all compared and analysed private sector and regulatory requirements are summarized in chapter 4.

These results have been used to assess to what extent all requirements under ISO 65 are essential and meaningful for conducting and ensuring reliable organic inspection and certification. They have also been used to identify requirements where ISO 65 does not provide requirements consistent enough to ensure reliable organic certification. Findings are provided in Chapter 7. For the assessment, the relevant people within regulatory bodies, as well as those from CBs have been contacted. People contacted were:

- at the regulatory level (EU, EU Member States, the USDA, MAFF Japan, Costa Rica, Argentina and India);
- from certification bodies with a broad geographic spread.

The list of people contacted is provided in Annex 1.

The question specifically analysed and addressed during the interviews (mainly with CB representatives) was whether the different requirements applied include requirements that conflict with each other. The findings are discussed in Chapter 2.

¹ In this paper amendments or changes of the respective regulations have been considered up to August 2005; if relevant expected developments on the horizon are considered and mentioned; occurring changes after August 2005 are not covered.

² Every effort has been made to be accurate, however, the complexity of the task taking into account that the design and structure of the various regulations differ to a great extent may have resulted in some errors.

In addition, the approach of other certification systems with regard to ISO Guide 65 is questioned and summarized in Chapter 4. Chapter 6 includes some recommendations and identifies which areas have to be addressed most urgently in order to facilitate harmonization of requirements for certification.

Finally with a specific focus on harmonization efforts, the potential of technological tools is investigated in Chapter 8.

2 ISO/IEC Guide 65: 1996 (ISO 65)

2.1 Introduction to ISO 65

The International Standard Organization (ISO) is a non-governmental organization. ISO standards are voluntary, although a number of ISO standards – mainly those concerned with health, safety or the environment – have been adopted or are referred to in some legislation. However, such adoptions are sovereign decisions by the regulatory authorities of the countries concerned. Through standardization, ISO standards are considered as a means facilitating trade between countries.

ISO Guide 65 provides for “General Requirements for bodies operating product certification systems”³. It specifies requirements intended to ensure that independent certification schemes are operated by certification bodies in a consistent and reliable manner. It deals with structural matters such as the general organization of the certification body enterprise and general matters such as impartiality and confidentiality. It also addresses various aspects of certification services, including contracting, the investigation and evaluation process and the certification decision.

In general, ISO 65 serves as an outline for the organization and practices of a product certification body, without prescribing in detail how the certification has to be composed or how the certification body has to conduct its certification process.

ISO 65 is structured as follows:

- 1 scope
- 2 references
- 3 definitions
- 4 certification body (general provisions; organization; operations; subcontracting; quality system; conditions and procedures for granting, maintaining, extending, suspending and withdrawing certification; internal audits and management reviews; documentation; records; confidentiality)

³ The first edition of the ISO Guide 65 was published in 1996; prepared by the ISO Committee on Conformity Assessment (CASCO). This first edition replaced ISO/IEC Guide 40, 1983.

- 5 certification body personnel (general, qualification criteria)
- 6 changes in the certification requirements
- 7 appeals, complaints and disputes
- 8 application for certification (information on the procedure, the application)
- 9 preparation for evaluation
- 10 evaluation
- 11 evaluation report
- 12 decision on certification
- 13 surveillance
- 14 use of licences, certificates and marks of conformity
- 15 complaints to suppliers

“The word ‘*product*’ in ‘General Requirements for bodies, operating product certification systems’ is used in its widest sense and includes processes and services”.⁴ This clarification is provided in the scope section of ISO Guide 65 and is the basis for also applying ISO 65 to organic certification schemes that focus on certifying a production process or method.

Even though the scope of ISO 65 does include process certification it is predominantly focused towards product certification in the industrial and manufacturing sector and less to the certification of a process or production method, which determines the character of organic certification. For example, the description under Scope 1.2, provides a list of elements the certification system may include: “a) type testing, b) testing or inspection of samples ..., testing or inspection of every product ...”⁵, whereas no specific provisions are provided for certification of a process related system.

ISO 65 itself indicates that amendments related to a specific sector may be needed. The introduction includes the general understanding that ISO Guide 65 specifies requirements “to be considered as general criteria for organizations operating product certification systems” and that “they may have to be amplified when specific industrial or other sectors make use of them ...”⁶. Thus, it appears that it is inherent to the system that further details to ISO 65 requirements are necessary to adapt the requirements to the sector specific needs applicable in organic agriculture.

2.2 Accreditation according to ISO Guide 65

There are so called “national accreditation bodies”, which conduct accreditation within their territory. Some of these bodies expand their territory to countries where no national accreditation body exists. National accreditation bodies are organized in the International Accreditation Forum (IAF); and acceptance of one accreditation by another accreditation body in order to facilitate trade is dealt with by multilateral agreements among these accreditation bodies.

⁴ See ISO 65, page 1, 1 Scope, 1.1

⁵ See ISO 65, page 1, 1 Scope, 1.2

⁶ See ISO 65, Introduction, third paragraph

However, the fact is that there are only a limited number of countries that have national accreditors (mainly in the developed countries), and even less that have an IAF Mark License Agreement (MLA) national accreditation body. As IAF only organizes national accreditation bodies, it is not fully clarified whether and how those accreditors working internationally are eligible to become IAF members.

A number of international standard-setting, accreditation and labelling organizations, concerned with social and environmental criteria in product and natural resource management certification, formed the International Social and Environmental Accreditation and Labelling Alliance (ISEAL). This initiative is driven by the desire to gain international recognition for their respective programmes; to improve the quality and professionalism of their organizations; and to promote the common interests of private sector international standard-setting and accreditation organizations.

The ISEAL member from the organic sector is the International Federation of Organic Agriculture Movements (IFOAM). ISEAL members use ISO 65 as a basis for their certification requirements; members that approve certification bodies to conduct certification have their requirements adapted from ISO 65 (IFOAM, Forest Stewardship Council [FSC], Rainforest Alliance and Marine Stewardship Council [MSC]).

The regulations analysed in the following chapter differ as to whether and how they base their requirements for certification on ISO Guide 65.

3 Analysis of the different requirements against ISO 65

In this section, some general explanations regarding structure and scope of the regulation is provided as well as a summary to characterize the main differences and similarities between ISO 65 and the respective regulation.

3.1 EU Regulation for organic production (EEC 2092/91)

3.1.1 Design and structure

The 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” was adopted in 1991 (EU Regulation for organic production).

The EU Regulation for organic production provides standards describing the organic production system. Once the operator fulfils the standards, has notified this activity and undergoes inspection according to the defined inspection system, products can be sold referring to the organic production

method. It should be noted that the EU Regulation for organic production does not only regulate use of the term “organic”; other terms suggesting that the product has been produced organically also fall under the scope of the EU Regulation for organic production. Different from other frameworks, the EU Regulation does not use the term “certification”, instead “inspection” is used with the same understanding.

The inspection scheme, its scope, and the relevant bodies and authorities, are introduced in Article 8 and 9. These articles encompass provisions for “approval” (not accreditation) of private inspection bodies (CBs) that are responsible for implementing the law, and define the relationship between competent authorities and the designated inspection body.

Inspection measures are further specified in Annex III, which provides for “minimum inspection requirements and precautionary measures under the inspection scheme referred to in Articles 8 and 9”. As soon as approval provisions are fulfilled, the designated inspection body operates according to its own policies and procedures, yet is required to at least implement Annex III provisions.

According to Article 9, 11, inspection bodies are required to satisfy ISO/IEC Guide 65. Formal accreditation is not required; designated authorities of each country account for the evaluation and approval of CBs based on ISO 65 requirements.

The approval system includes inspection bodies based in the European Union only.

In addition, there are specific provisions regulating acceptance of imported products either through an equivalence agreement between the countries (third country list) or the derogation, which allows Member States to authorize an importer to import products under the condition that the inspection body involved can demonstrate that it implements equivalent standards and inspection procedures. In this context ISO 65 compliance of the inspection body involved is required.

3.1.2 Major issues compared with ISO Guide 65

As the EU Regulation for organic production generally refers to ISO Guide 65 as basic requirements for inspection bodies, the focus here is on highlighting where it provides for amplified provisions that go beyond ISO 65 requirements.

As already mentioned, ISO 65 does not prescribe details on how the certification body is to conduct the certification process; whereas Annex III of the EU Regulation provides for a mixture of certification requirements and things the operator shall do.

The following tables summarize the different requirements, followed by an evaluation of the identified differences.

1) Operator records / documents, administered by the operators	
ISO	EU Regulation for organic production
Not addressed by ISO	Annex III, 6 Stock and financial records must be kept ... The data in the accounts must be documented with appropriate justification documents. The accounts must demonstrate a balance between the input and the output.
It is noticeable that compared with ISO 65 the EU Regulation details operator documentation (descriptions, records etc.), to enable the inspection body to verify standard compliance. The need for comprehensive operator documentation can be considered specific for applying a process related certification systems.	

2) Reception of products from other units (chain of custody)	
ISO	EU Regulation for organic production
Not addressed by ISO	Article 9 (12) (a) focuses on traceability of livestock; Annex III 1. Minimum inspection requirements: “The inspection requirements of this annex shall apply without ... , during the entire production chain, and to ensure that the provisions of this Regulation are satisfied.”; Annex 3, B 5. Reception of products from other units.
Chain of custody considerations is inherent to the process related organic system.	

3) Penalties, sanctions	
ISO	EU Regulation for organic production
4.6 Conditions and procedures for granting, maintaining, extending, suspending and withdrawing certification (and if applicable suspend certification)	Article 9, 5. for the approval of a private inspection body the following shall be taken into account: (a) ... (b) The penalties which the body intends to apply where irregularities or infringements are found (c) ...
ISO 65 provides for withdrawing or suspension only and does not detail other sanctions, e.g. dealing with irregularities and/or infringements, as the EU Regulation does. Article 9, 9 of the EU Regulation distinguishes between: (a) irregularities (relates to labelling requirements or measures referred to in Annex III); (b) a manifest infringement or an infringement with prolonged effects. The first results in removing any indication to organic agriculture from the product or lot	

affected; in case of an infringement the inspection authority and the inspection bodies shall prohibit the operator concerned from marketing.

A broader range of sanction is also inherent when applying a process related certification system; the decision whether or not a process is compliant is not as definite as an industrial product related standard that outlines definite parameters.

4) Confidentiality provisions / disclosure of information

ISO	EU Regulation for organic production
<p>4.10.2 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>Article 9 (7) CB 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.”</p> <p>Derogation: “However upon request duly justified by the necessity to guarantee that the products have been produced in accordance with this Regulation they shall exchange [<i>on their own initiative</i>] with other inspection authorities or approved inspection bodies relevant information on the results of their inspection.”</p>
<p>This provision was included in the EU Regulation February 2004 reacting to cases of fraudulent use of certificates through the chain of custody. It addresses the necessity of allowing CBs communicate with each other in order to safeguard integrity throughout the chain of custody. Although ISO 65 considers the exceptional situation of laws requiring disclosure of information, the further provision that this may happen only as long as the supplier or operator concerned is informed, is not included in the EU Regulation.</p>	

5) Application / application information

ISO	EU Regulation for organic production
<p>8.2 application 8.2.1 Generally requires completion of an official application form, signed by ...</p>	<p>Article 8 requires operators to notify its activity and refers to Annex IV, asking operators to submit a detailed description of the operation, activity and practical measures taken to ensure compliance with the standards.</p>
<p>Compared with ISO 65 the EU Regulation requires complete information of the production system (facilities and measures taken); documentation provided has to be verified by the inspection body in order to identify deficiencies or non-compliances with the provisions of</p>	

the EU Regulation. This goes beyond ISO 65 but is consistent with the previous observation that ISO 65 does not provide for provisions adapted to process related certification systems.

A detailed description of the production system can be referred to as sector specific requirement.

6) Evaluation / Inspection	
ISO	EU Regulation for organic production
<p>“10. Evaluation The certification body shall evaluate the products of the applicant against the standards covered by the scope defined by its application against all certification criteria specified in the rules of the scheme.”</p>	<p>Article 9: 3. The inspection system shall comprise at least the application of the precautionary and inspection measures specified in annex III. 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 precaution measures, which the body undertakes to impose on operators subject to its inspection.</p>
<p>The requirement to follow a standard inspection procedure goes beyond ISO 65 requirements. ISO 65 does not specify evaluation or inspection procedures. Again this is consistent with the observation that ISO 65 does not detail how the certification body has to apply the evaluation or inspection. Furthermore, Annex III details inspection requirements for specific circumstances applicable for different organic production areas, e.g. collection of wild plants, animal husbandry, preparation units, subcontracted activities.</p>	

7) Evaluation report; certification documents	
ISO	EU Regulation for organic production
<p>11 Evaluation report requires reporting mechanism ensuring that 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.</p>	<p>Annex III (5. inspection visit) only refers to inspection reports: “an inspection report must be drawn up after each visit, countersigned by the responsible person of the unit or his representative.” No further provisions regarding certification documents.</p>

<p>12. 3 ...The certification body shall provide each supplier offering certified products, formal certification documents such as a letter or a certificate signed by ...</p>	
<p>Deviant from ISO 65 the EU Regulation contains no reference to include any nonconformity already in the inspection report.</p> <p>Organic certification in practice relies on the findings of the inspection report. However, evaluation is supported by a document review, which is completed after all findings of the inspection have been considered. Deviations are identified not only during the inspection but also after the inspection when the whole picture is considered.</p> <p>The form and way of issuing certification documents is left open in the EU Regulation, however, they are regulated by the different competent authorities.</p>	

8) Inspection frequency / surveillance	
ISO	EU Regulation for organic production
<p>13 surveillance</p> <p>13.4 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.</p>	<p>Annex III, 5. Inspection visits:</p> <p>The inspection body or authority must make a full physical inspection at least once a year..., may take samples for testing of products ...</p> <p>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 production with other products may exist.</p>
<ul style="list-style-type: none"> • ISO 65 refers to periodic evaluation whereas the EU Regulation specifies this to be no less than annual. • ISO 65 does not detail different inspection types like annual inspection, random inspection visits (announced or unannounced), whereas the EU Regulation provides for different types of inspection visits. • In addition, the concept of risk assessment to determine necessity and frequency of inspection visits does not occur according to ISO 65; however, it is foreseen in the EU Regulation. <p>EU requirements go beyond ISO 65 requirements specifying types and frequency of inspection. They are much more specific and reflect the process certification approach relevant in organic systems.</p>	

3.1.3 Summary

The comparison between ISO 65 and the EU Regulation reveals additional requirements especially with regard to inspection procedures. Compared with the requirements of ISO 65 the inspection requirements are specified and detailed in the EU Regulation.

The same applies for the documentation requirements applicable for operators. ISO 65 only regulates the application information and suppliers' duty to inform the CB of any changes, whereas the EU Regulation also contains provisions for records that have to be administered by the operator in order to enable inspection bodies to verify standard compliance. ISO 65 does not consider chain of custody requirements, whereas this is explicitly referenced in the EU Regulation and has to be observed by the inspection bodies.

Issuing of sanctions/penalties other than withdrawal or suspension is not foreseen according to ISO 65, whereas the EU Regulation foresees a range of penalties imposed in case of irregularities and/or infringements.

These additional requirements can be characterized as sector-specific; taking into account that organic certification is the consideration of the production system and not just the product.

Concerning the ISO 65 topics, no real differences were identified. However, the findings related to the requirements for what has to be documented and promptly communicated after the evaluation indicates slightly different approaches. It is always disputable how the requirements are interpreted; however, it appears that ISO 65 does not foresee that nonconformities can still be identified though document review after the inspection has been conducted.

The EU Regulation allows for derogation from the confidentiality provisions, asking CBs to exchange information between each other without informing the respective operation.

Confidentiality and sanctions are the only areas where the EU Regulation affects ISO 65 requirements regarding certification bodies' structure or internal procedures. Beyond this there are no other provisions dealing with certification bodies' structure (e.g. quality system, appeals, complaints, internal review or personnel) detailing or amending ISO 65 requirements.

3.2 ISO 65 vs. NOP

3.2.1 NOP design and structure

USDA's National Organic Program (NOP) is based on the Organic Foods Production Act (OFPA) that was passed by Congress in 1990 and required the US Department of Agriculture (USDA) to develop national standards for organically produced agricultural products.

The objective is to assure consumers that agricultural products marketed as organic meet consistent, uniform standards.

The OFPA and NOP regulations require agricultural products labelled as organic to originate from farms or handling operations that are certified by a state or private entity that has been accredited by USDA. NOP contains production and handling standards, labelling standards, certification standards and accreditation standards.

NOP includes farm operations, wild crop harvesting and processors.

The USDA accreditation is not limited to certification bodies based in the US; foreign certification bodies are also eligible for accreditation. Independent from where a certification body or operation is located each shall comply with the requirements of the National Organic Program. Therefore, no specific import regulation has been adopted; as long as products comply with the NOP and are certified by an NOP accredited CB, products are qualified for the United States' market. Once accredited all accredited certification bodies are required by law to accept decisions made by all other accredited NOP certification bodies.

In addition to direct accreditation of foreign certification bodies, NOP envisages two other options to accept a foreign certifying agent's accreditation. USDA recognizes foreign certifying agents accredited by a foreign government authority when (1) USDA determines that the foreign government's standards meet the requirements of the NOP or (2) when an equivalency agreement has been negotiated between the United States and the foreign government. At present USDA recognizes New Zealand, Quebec, British Columbia, United Kingdom and Denmark under option (1); in addition there are specific export arrangements with Japan. There are currently no equivalency agreements (2); negotiations between the European Union and USDA have stagnated.

NOP contains subpart E: certification including requirements for the operator and the certification process and subpart F on accreditation including requirements for certification bodies and the conditions for NOP accreditation. These requirements are quite elaborate and comprehensive, including operators' obligations regarding certification, obligations of certification bodies (providing detailed requirements for the certification procedure to be implemented and finally provisions regarding accreditation.

NOP establishes a self-contained accreditation programme; it does not directly refer to ISO 65 or rely on ISO 65 requirements for accreditation or approval purposes – quite different from the European Union regulatory approach. However, the preamble of subpart F Accreditation⁷ states that “ISO Guide 65 was used as a benchmark in developing the accreditation program described in this final rule. Certifying agents accredited under the NOP that maintain compliance with the Act and these regulations will meet or exceed the requirements of ISO Guide 65”. Nevertheless, a comparison indicates that some elements of the guide are absent from the NOP rule.

⁷ See <http://www.ams.usda.gov/nop/NOP/standards/AccredPre.html>; Accreditation – Preamble, subpart F Accreditation of Certifying Agents

3.2.2 Major issues compared with ISO 65

3.2.2.1 Requirements exceeding ISO 65

The requirements listed below are where NOP provides more descriptive and stringent requirements compared with ISO 65 (these issues are arranged in order of presentation in ISO Guide 65); the list includes also requirements not addressed in ISO 65:

Conflict of interest (4.2.m)

501.a) 11.ii requires CBs to also consider the interests of family members of certification staff; 501.a) 12.i requires a CB to reconsider a certification decision if a person involved in taking the certification decision had a conflict of interest in that case; according to 501.a) 12.ii CBs are required to refer these cases to another CB (this goes beyond ISO 65).

Granting, maintaining, extending, suspending and withdrawing certification (ISO 4.6)

ISO 4.6 is dealt with in 205.404 granting certification, 205.405 denial of certification, and 205.406 continuation of certification (provisions include how to deal with non-compliances, corrective actions and their evaluation. In addition 205.501 details procedures how operators shall be informed about certification, non conformities or a certification denial. ISO 4.6 generally requires CBs to specify conditions for certification and provide procedures, whereas NOP specifies the conditions and procedures that are binding for CBs; NOP even narrows down CB's authority because only USDA is eligible to withdraw certification not the CB. By doing this USDA takes over certifier's task, which is different from ISO Guide 65 that provides for a clear separation of function between accreditation and certification. Conceptually USDA operates as both.

Public information (ISO 4.8)

The rule requires CBs to make the results of all tests and analysis public (205.504.b.5ii and 670.d.2); this is not included in ISO 65 requirements on public information.

Application (ISO 65, 8, 8.2.2)

NOP § 205.401 contains provisions regarding application for certification, which correspond to ISO 65, 8 Application. NOP details operator documentation by requiring operators to submit a so called “organic production and handling system **plan**” (OSP, as required in § 205.200), whereas ISO 65 8.2.2 requires applicants only to detail corporate entity, name, address and legal status and a definition of the products to be certified.

NOP is much more descriptive and definite concerning operator documentation; requirements are binding for CBs and it does not allow much flexibility.

Preparation of evaluation (ISO 65, 9)

The organic system and handling plan is one element used by the CB to review whether the applicant complies with the standard (this corresponds to ISO 65, 9 Preparation of evaluation). § 205.402 requires certifiers to review the application in order to assess applicant's ability to meet the standards and 402 b.1 requires the CB to inform the applicant of the findings of the application review.

ISO 65 does not require CBs to communicate findings of the application review to operators. According to ISO 65, CBs are required to make sure that all requirements for certification are understood and that any difference in understanding between the CB and the applicant is resolved (see 9.1a) and b).

NOP introduces a procedural requirement to safeguard that requirements are recognized and understood, whereas ISO 65 focuses on the objective without prescribing how this shall be achieved.

Evaluation (ISO 65, 11)

§ 205.402.b.2 requires certifiers to provide inspection reports to applicants, whereas ISO 65, section 11 allows a CB to “adopt reporting procedures that suits its needs”, and specifies in 11.b) that “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 ...”.

The rule is more prescriptive on how to deal with inspection reports, whereas ISO 65 focuses on the objective to inform applicants “promptly” about the outcome of the evaluation and any nonconformity.

Penalties

§205.662.(g) specifies penalties for violations (“(1) any certified operation that knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than \$10000 per violation.”)

ISO 65 14.3 requires CBs to take “suitable actions” in case of violations.

Issues not addressed in ISO Guide 65

Temporary variances

§205.290 deals in detail with temporary variances from standard requirements. It details procedures for authorization of temporary variances (involving the CB and the administrator) and according to (d) requires the CB to notify each operator to which the temporary variance applies. Exceptions and temporary variances are not addressed by ISO 65.

Previous certification

NOP §205.401.c asks applicants to report information on previous certification, which goes beyond ISO 65.

Notification of inspectors of the certification decision

According to 501a.18 it is required that inspectors are informed of the decision regarding certification, including requirements for the correction of minor non-compliances.

Transfer of records in case of loss of accreditation

§205.501 c.3 requires CBs to transfer records to the administrator in cases where accreditation has been lost; such circumstances are not addressed by ISO 65.

Notification of the accreditor

Compliance proceedings

§ 205.661 Investigation of certified operations.

(a) A certifying agent may investigate complaints of non-compliance with the Act or regulations of this part concerning production and handling operations certified as organic by the certifying agent. A certifying agent must notify the Programme Manager of all compliance proceedings and actions taken pursuant to this part.

Test results

§205.670 (d) 1. requires CBs to promptly provide the “results of all analysis and tests performed” to the administrator.

ISO 65 requires CBs to make available all information related to certification processes; this becomes relevant during accreditation and surveillance processes and is not an ongoing issue. ISO 65 does not include any requirement or circumstances that automatically shall be reported to the accreditor. This goes beyond ISO 65.

Accreditation body interfering with CBs responsibility

According to § 205.660 General (b) the Program Manager is authorized to “initiate suspension or revocation proceedings against a certified operation”.

According to the rule (§205.681) appeals have to be directed to the accreditor (USDA NOP) whereas ISO 65 4.2p requires a CB to have “policies and procedures for the resolution of complaints, appeals and disputes”.

By including these requirements into the rule, it grants authority to the accreditor that, according to ISO 65, is within CBs’ scope of authority only.

§ 205.662 Non-compliance procedure for certified operations (d) restricts CBs to the issuing of “proposed suspension or revocations” only, even in case of wilful violation.

Determination of fee

Regular fee

205.604 includes some requirements for certification fees (shall be filed to the administrator), and that they are reasonable, providing the applicant with cost estimations.

Payment for testing

§ 205.670 (b) requires CBs to pay for residue testing.

ISO 65 only provides for a general requirement that CBs have to inform applicants regarding fees, whereas the Rule specifies CBs must cover the costs for residue testing and introduce a reasonable fee.

3.2.2.2 ISO 65 requirements not included in the Rule

Note: It should be stated that, although several requirements of ISO 65 not generally addressed by the NOP rule have been identified, these findings do not indicate any quality assessment of the regulation itself.

It has already been discussed that design and development history of the regulations differ widely, and that different approaches result in quite differing regulations.

However, the gaps may have implications for import requirements and harmonization efforts, since other regulations such as the EU Regulation and JAS require compliance to ISO 65.

Issues are arranged in order of presentation in ISO Guide 65:

4.1 Certification body – General provisions: The second clause of 4.1.3 (“if explanation is required...formulated by relevant and impartial committees or persons possessing the necessary technical competence and published by the CB”)

4.2 Certification body – Organization: Four of the 24 provisions of this ISO 65 section are not addressed by NOP. They are: 4.2. e) “the CB must have a documented structure...this structure shall enable the participation of all parties significantly concerned...”; 4.2. i) “the CB must have the financial stability and resources...”; 4.2. k) “the CB must have a quality system...”; and 4.2. n) “the CB must have formal rules and structures for the appointment and operation of any committees...”.

4.4 Certification body – Subcontracting: NOP does not develop the concept of “subcontracting certification work”. NOP only mentions that the CB can work with contractors, and that these contractors must be subject to the requirements concerning confidentiality and avoidance of conflicts of interest.

4.5 Certification body – Quality system: Many of the provisions regarding the quality system as stated in ISO 65 4.5 (from 4.5.1 to 4.5.3, including the list of 14 elements that shall be part of a documented Quality Manual stated in 4.5.3) are not addressed by NOP. It is only possible to find references in NOP to requirements such as specifying the legal status of the CB; having administrative procedures, and procedures for training and evaluating the staff, and for handling nonconformities; and providing updated data on the names and qualifications of staff. **4.7 Certification body – Internal audits:** NOP mentions that CBs must conduct internal reviews, however, it does not provide the level of detail about responsibilities, documentation, corrective actions of the findings and updating of the internal audit system as provided by ISO 65 4.7.1 & 4.7.2

4.8 Certification body – Documentation: One clause of the ISO 65 Documentation Chapter (4.8.2) is not addressed by NOP. This clause concerns procedures to control all documents and data related to certification, approval of those documents by authorised staff members, lists and distribution of documents.

5 Certification body personnel: The ISO 65 statement, “Clearly documented instructions shall be available to the personnel describing their duties and responsibilities.” (ISO 65 5.1.2) has no equivalent in NOP. All other ISO 65 statements concerning staff are included.

6 Changes in certification requirements: Not addressed by NOP.

7 Appeals, complaints and disputes (7.1 & 7.2): NOP does not address appeals, complaints and disputes in the same way as ISO 65, which asks a CB to have procedures in place for appeals resolution, to keep records of appeals, actions, etc. NOP regulates appeals and complaints following its own system, which includes the intervention of the USDA if required by the operator, and which is different from ISO 65 requirements. A section dedicated to explaining the appeals procedures is in the NOP (205.681) and in Mediation (205.663).

9 Preparation for evaluation: All provisions of this section are addressed by NOP except one, (9.2), which requires the CB to prepare a plan for its evaluation activities.

12 Decision on certification: All provisions concerning decisions on certification as stated in ISO 65 12 (from 12.1 to 12.4) are addressed by NOP, except one (12.2), which states that the CB must not delegate authority for granting, maintaining, suspending, etc. certification...

14 Uses of licenses, certificates and marks of conformity: The provisions stated in 14.1 about the control by the CB on the ownership and use of licenses, marks, etc. is not addressed in the NOP. Use of indications and symbols is regulated by the USDA and stated in NOP directly.

15 Complaints to suppliers (or to “certified operators”, in NOP language): Not addressed by NOP.

3.2.3 Summary

3.2.3.1 Differences

Although it is stated that NOP embedded ISO 65 requirements and that accredited certifiers will meet or exceed ISO 65, some gaps between NOP and ISO 65 requirements are obvious.

There are some issues where the accreditor (USDA) is assigned with responsibilities that are, according to ISO 65, within the certifiers’ scope (dealing with appeals, procedure to revoke certification). This is the major conceptual difference among the two regulations. It can be found in the OFPA that the USDA shall establish an organic certification programme and it then goes on to say that it shall establish and implement a programme to accredit certifying agents. Practically, this means that the USDA operates both functions (accreditation and certification) by declining to give certifying agents full authority to carry out certification tasks.

Gaps, in particular, are related to CBs’ structure and internal organization. NOP does not use ISO Quality system terminology nor does it encompass requirements for operating a quality

system. This is a major issue according to ISO 65 and is even more specifically outlined by listing Quality Manual elements a CB has to consider. The rule neither covers issues like data and document control nor requirements regarding internal audit and the related documentation of its findings. In addition, it does not include the requirement to conduct a management review.

According to ISO 65 appeals, complaints and disputes are considered as important sources of information that may indicate possible non-compliances and, therefore, should be documented together with the subsequent action taken. Comparable provisions cannot be found in the NOP. Appeals, complaints and disputes are handled directly by the USDA. Again this reflects CBs limited authority and substantiates that the USDA acts as the ultimate certifier.

ISO 65 addresses the concept of stakeholder participation, which is taken into consideration regarding the CBs' structure; whereas this is not required according to the Rule. NOP conflict of interest provisions even conflict with ISO 65's stakeholder participation requirement by excluding "any person, including contractors, with conflict of interests from work, discussions, and decisions in all stages of the certification process". This causes a real conflict among the regulations.

At the same time there are areas where the Rule goes beyond ISO 65 providing more rigorous requirements than ISO 65. These areas are related to procedures such as application, certification procedures (granting, denial and continuation of certification, penalties); to required operator documentation (including operators duty to inform about previous certifications); to detailed additional information duties applicable for CBs (notify inspectors of certification decisions, notify administrator of compliance proceedings and any test results, notify operators about application review and provide inspection report, notify all operators concerned of temporary variances); and, finally the additional requirements are related to conflict of interest provisions that extend provisions to immediate family members and exclude any structural participation of stakeholders. All these areas are addressed in ISO 65 but not in detail.

In general, NOP is less descriptive as to the internal organization of a certification body, whereas it is much more descriptive and definite on how the certification has to be composed or how the certification body is expected to conduct the certification process. This is consistent with the identified conceptual difference that the USDA ultimately is the certifier and the CB only is its agent with limited authority.

3.2.3.2 Similarities

Although ISO 65 and NOP are quite different in structure and level of detail there are many similarities and overlaps. Similar to ISO 65, NOP includes basic requirements that cover a non-discriminatory approach, safeguard impartiality and provide for confidentiality provisions.

The concept to clearly separate the decision taking from the evaluation task is expressed similarly, as well as the principle to exclude services that could compromise CBs' impartiality (such as giving operators advice, explaining how to overcome nonconformities, and helping market produce).

As a matter of transparency personnel responsible for certification decisions are required to be identifiable. In addition, rules and procedures for certification must be specified and made publicly available especially to applicants, and the same applies for certification fees.

Information that shall be open for public is regulated similarly, e.g. the requirement that a list of certified operators shall be made available.

There are equal provisions to safeguard that the CB is competent to carry out its tasks, and both ISO 65 and NOP refer to the number and qualification of staff and ongoing training (this also relates to the issue that assigned personnel shall be appropriately qualified to perform a specific task).

How applications must be handled is also dealt with in a similar manner by both systems: both frameworks require the use of a standardised application form, deal with information an operator has submitted and require the application to be reviewed and the CB to communicate about the review with the applicant before proceeding with the evaluation/inspection (ISO 65 specifically requires that any differences in understanding shall be resolved).

Similarly they both require CBs to provide evaluators (inspectors) with sufficient information and appropriate working documents to ensure that a correct evaluation is carried out.

Finally, both sets of requirements refer to certification documents and require the CB to include consistent information that at least allows the identification of the operator certified, products supplied and the applicable certification system.

3.3 JAS

3.3.1 Design and structure

Standards and regulations concerning organic agriculture are integrated into the JAS law (“Law concerning the Standardization and Proper Labelling of Agricultural and Forestry Products), which was established in 1950. Whereas the former JAS law had no specific provisions for producing and labelling organically produced products, in 2000 JAS for “Organic Agricultural Products” and “Organic Agricultural Processed Foods” was adopted. It includes standards that were laid out in compliance with Codex guidelines and introduces a third party conformity assessment system⁸.

In October 2003 a further revision of the JAS system was initiated, which was finally adopted on 22 June 2005, with full implementation in March 2006. One of the revision’s intentions was to reduce government’s involvement in the administration of the JAS programme and to strengthen the role of private certification bodies. Whereas, under the old system CBs performed certification

⁸ http://www.maff.go.jp/soshiki/syokuhin/hinshitu/e_label/index.htm

as MAFF's agents they will in the future perform certification as private organizations; thus having more flexibility with regard to operational rules, setting fees etc.

All CBs have to reapply under the new JAS law. Further details of the application procedure are not yet published.

3.3.2 ISO 65 reference and registration requirements

It is an inherent part of the revised JAS law that certification bodies must meet ISO 65. Under the former system the ISO 65 relevance for the approval certification organization was referred to separately from the law by ministry orders. However, similar to the EU Regulation, no formal ISO 65 accreditation is required. CBs shall apply to MAFF for registration and shall demonstrate compliance with ISO 65. Assessment will be performed by an independent administration agency funded by the government (Centre for Food Quality, Labelling and Consumer Services, CFQLCS). The "country equivalency" that was a prerequisite for the registration of foreign CBs, will be abolished; in the future provided the registration criteria are met a CB may be registered no matter where it is located. Thus, JAS follows the "direct accreditation route" established by USDA and currently also being considered by the European Commission.

As with ISO 65, the revised JAS law requires CBs to meet the provision on who can be a board member. This is to avoid CBs being under the control of the operators they certify:

- "a) If the applicant is a private company, its parent company should not be an eligible operator.
- b) Board members or staff of an eligible operator should not make up a majority of the applicant's board members.
- c) The board member who has the right to represent the company of the applicant should not be a board member or staff of an eligible operator."⁹

Note: in the quote above "applicant" means "certifying body applying for registration".

In future under JAS, CBs will have to take the decision to withdraw or suspend certification, whereas this was MAFF's responsibility under the old law.

Further details of the application procedure are not yet published; a translation of the revised law is not yet available. The same applies for a "guideline how to set up an operational manual for organic certification" which is released by the Japan Agricultural Standard Association.

The current JAS law requirements for organic certification procedures are included in notifications 806 and 830 (9 June 2000).

Notification 806 includes "Registration Criteria to obtain the registration of a registered certification organization (RCO) or a registered foreign certification organization (RFCO)", and

⁹MAFF update Number 584, 9 May 2005

notification 830 provides “Inspection methods concerning production processes of the organic agricultural products, and the organic agricultural product processed foods.”

3.3.3 Detailed requirements on qualification

The specific requirements provided with notification No. 806 include very detailed qualification requirements for people engaged in certification. All personnel must have at least three years professional experience (agricultural production or processing of foods) and a university degree; the professional experience period is extended up to five years for people without a university degree. No. 806 further concerns management of certification affairs. It states that a CB should have at least two people engaged in inspections and one engaged in “the judgement” (certification). The CB shall have policies for conducting the certification and shall ensure that “a department inspecting the conformity” is set up independent from the department judging the conformity. In addition, an internal audit system shall be established.

It is not possible with the available information to determine whether or not the specific requirements regarding the qualification of inspection personnel and the further management requirements are also included under the new JAS law.

3.3.4. Grading system

JAS’s grading requirement is a concept that does not exist in other regulations or in ISO 65. The grading concept is inherent in JAS Agricultural Standards.

JAS Notification no. 830 details inspection methods applicable for organic production and processing facilities. It requires the CB to assess whether the internal structure and managerial competence of an operation ensures that processes are in line with the JAS. There shall be internal procedures in place (implemented in the operation) for deciding whether production meets the relevant standard and ensuring that products are labelled accordingly (grading). There shall be separated designated responsibilities for the production process and for product grading (grading manger) within the operation. Based on the operations “grading” CBs, in fact, evaluate whether the grading manger’s activities are in line with the JAS law. Grading mangers have to meet detailed minimum qualification requirements (at least one year professional experience and a university degree, or up to three years professional experience if the staff member has no university degree). Technical criteria for the managers of each of the organic categories are detailed under the JAS law; criteria can be found in the Notifications nos. 818, 819, 820 and 821.

The role of the grading manager is significant as the inspection system is based on him/her supervising the production process of organic agricultural products, executing internal control and proper labelling.

Although these provisions are applied under the current JAS law, a conceptual change is not expected according to the 2005 revision of the JAS law.

3.3.5 Summary

The recent JAS law revision (adopted 22 June 2005) consolidated the law's reference to ISO 65 as a basic document for the approval of private certification bodies. Similar to the EU Regulation for organic production a formal ISO 65 accreditation is not required. CBs are required to reapply for registration under the revised JAS law; this applies equally for domestic (RCO) and foreign (FRCO) certification bodies. Assessment will be performed by the Japanese Centre for Food Quality, Labelling and Consumer Service (CFQLCS).

JAS revision further reduces the central government's involvement in the administration of the JAS programme and strengthens the role and independency of private certification bodies. For example, in future CBs will take the decision of withdrawal and suspension of certification, which under the old law was MAFF's responsibility. This is in line with ISO 65 requirements that foresee CBs executing the function of withdrawal and suspension of certification.

Compared with ISO 65 the revised JAS law adds specific requirements to safeguard independency of CBs from the operations they certify. These requirements go beyond ISO 65 and directly influence the management structure of a CB.

It is not clear at the moment whether the rigorous qualification requirements applicable for CBs' personnel (and also for grading managers) will still apply under the revised JAS law. However, it is predicted that the revised law adheres to the grading system that is unique to JAS, compared with other organic schemes.

Staff qualification requirements, as well as grading provisions, go beyond ISO 65.

3.4 ISO 65 vs. Codex

3.4.1 Design and structure

“The Codex Committee on Food Labelling developed the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* in view of the growing production and international trade in organically produced foods with a view to facilitating trade and preventing misleading claims. The Guidelines are intended to facilitate the harmonization of requirements for organic products at the international level, and may also provide assistance to governments wishing to establish national regulations in this area.”¹⁰ The Guidelines, which were adopted 1999, include general sections describing the organic production concept, scope, description and definitions; labelling and claims (including products in transition/conversion); and rules of production and preparation, including criteria for the substances allowed in organic production.

¹⁰ Taken from the preface of Codex.

Requirements for inspection and certification systems and import control are included in section 6 and annex 3 of Codex. Codex organic guidelines also refer to other Codex Guidelines:

CAC/ GL 26: “Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems”.

CAC/ GL 20: “Principles for Food Import and Export Inspection and Certification”.

In addition, a footnote also refers to ISO 65 indicating that this international reference should be taken into account for the development of respective systems to verify the correct labelling of organic food.

Codex provides international guidelines on organic food control systems for governments, member governments and international organizations. The provisions are recommendations and have no binding character. This is also reflected in the terminology used; codex requirements use the verb “should” and “may” as opposed to the standards frameworks, which use ‘shall’ or ‘must’.

Codex aims to facilitate recognition of national systems as equivalent for the purposes of imports; “organic” is understood as a labelling term that denotes products that have been produced in accordance with organic production standards and certified by a duly constituted certification body or authority.

Its sector specific approach together with its aim to facilitate the understanding between different countries for facilitating imports and exports is probably the main reason for the additional requirements that Codex has compared with ISO 65.

As Codex was adopted after the EU Regulation for organic production, the influence of the latter on Codex development is quite visible; structure and design of Codex are quite similar to the EU Regulation, some paragraphs even have the same wording.

Similar to the EU Regulation approach, Codex guidelines refer to ISO Guide 65; Codex is less strict as the reference is only made in a footnote. Regarding the development of inspection and certification systems it states “see also other agreed international standards, e.g. ISO 65”.¹¹

As with ISO 65, Codex Guidelines CAC/GL 26 for design, operation, assessment and accreditation of Food Import and Export Inspection and Certification Systems are strongly influenced by the generic nature of the document. The main focus is consumer health protection through food control measures applied – depending on the risk – at any stage of production.

Adapted provisions to a process related certification system are provided in the Codex Guidelines for the Production, Processing, Marketing and Labelling of Organically Produced Foods, equal to the provisions of the EU Regulation for organic production.

¹¹ Codex Section 6 Inspection and certification systems, page 17.

3.4.2 Most significant issues

Scope

Codex, Section 6, Inspection and Certification System (6.5) contains the approval requirements, which are identical to the provisions in Article 8 6.5 of the EU Regulation.

Annex 3 of Codex provides the minimum inspection requirements and precautionary measures under the inspection and certification system. These are identical to EU Regulation as well.

The differences highlighted in section 3.1 of this paper regarding inspection, chain of custody, sanction procedure, application documentation, evaluation report, inspection frequency apply for Codex as well. The same provisions can be found as in EU Regulation Annex III.

More ISO-congruent provisions are included in CAC/ GL 26 “Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems” and in CAC/ GL 20 “Principles for Food Import and Export Inspection and Certification”. These provisions commonly apply for food related certification activities. Section 6 of CAC/ GL 26 contains requirements regarding inspection and certification infrastructure.

In addition, ISO 65 should be taken into consideration for the development of verification systems.

3.4.3 Summary

Codex Guidelines do not include specific requirements for conformity assessment nor specify requirements that apply for inspection bodies. Codex guidelines and the EU Regulation for organic production are similar in structure and design. The influence of the latter on Codex development is quite visible; some paragraphs use the same wording. The differences between Codex and the EU Regulation for organic production result from their different objectives and context.

Codex guidelines provide recommendations for governments to guide adoption of a regulation, whereas the EU Regulation for organic agriculture is a binding regulation. Codex in a less binding way refers to ISO 65 in its entirety similar to the EU Regulation for organic production.

3.5 ISO 65 vs. IAC

3.5.1 Design and structure

The IFOAM set of Accreditation Criteria (IAC) published in the Book of Norms of IFOAM¹² is private and voluntary. Certification bodies applying for accreditation are required to demonstrate compliance to the IAC. In addition, their organic standards against which certification is carried out, are reviewed to ensure they meet at least the IFOAM Basic Standards (IBS).

¹² www.ifoam.org, ©IFOAM , 2005

The requirements “have been based upon the requirements in ISO/IEC Guide 65: 1996(E) ‘General requirements for bodies operating product certification systems’.”¹³ However, this has already been discussed under chapter 2. Origin and scope of ISO Guide 65 is also reflected in the introduction of the IAC, expressing that “organic certification is the certification of a process and not a product, and this has required some adaptations. In addition, these criteria include specific requirements concerning issues confronted by a certification body within the organic sector.” These specific areas cannot be found in ISO Guide 65. There are only a few cases where ISO 65 provides for additional requirements, although the topic itself is addressed in the IAC.

3.5.2 Most significant issues

IAC version 2005 provides an introduction stating that the implementation of the quality system procedures shall be appropriate for type, range and volume of work performed by a CB, while recognizing 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”. A comparable statement cannot be found in ISO 65.

Regarding the ISO 65, 4.4.3 Quality System and quality manual, corresponding requirements can be found in the IAC, although the requirement to include a “quality policy statement” in the documentation cannot be found. The same applies to (n): procedure for conducting internal audits” (although provisions regarding internal audits are provided in the following paragraph 3.4 of the IAC). The main difference is that ISO 65 expects CBs to document its quality system in a quality manual, whereas the IAC requires the quality system to be documented. Also related to quality system provisions is the ISO requirement to assign a Quality Manager, which cannot be found in the IAC.

According to ISO 5.1.2 “clearly documented instructions shall be available to personnel ...”. The corresponding IAC criterion restricts work instructions to “complex or critical certification and inspection functions”.

ISO 65 5.2.1 requires the CB to define “... the minimum relevant criteria for the competence of personnel” and 5.2.2 to “ensure that and document how ... personnel ... satisfy all the requirements for personnel outlined in this standard” (contains also confidentiality provisions and declaration of interest procedures). This is not addressed specifically in the IAC.

Paragraph 6 of ISO 65 requires that the CB shall give due notice of any changes it intends to make in its requirements and should take into account the views expressed by the interested parties. Neither the requirement to give notice regarding *intended* changes nor the requirement to take the views of interested parties into account is addressed in the IAC.

¹³ IFOAM Accreditation Criteria, Introduction

Referring to section 8, Application for certification, ISO Guide 65 includes additional provisions regarding the information that has to be provided to the applicant. It includes:

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.”

8.1.4 “If requested, additional application information shall be provided to the applicant.”

This ISO 65 requirement is not addressed by IAC.

ISO includes more detailed requirements regarding the review of the application documents in order to prepare the inspection (see paragraph 9, preparation for evaluation of ISO 65). It is specifically required to review the application documents to ensure that any differences in understanding between the CB and the applicant are resolved before evaluation and that according to 9.2 the “certification body shall prepare a plan for its evaluation activities to allow for the necessary arrangements to be managed.”

IAC does not require CBs to resolve any misunderstanding. The same applies for the provisions regarding the preparation of an evaluation plan, however IAC 6.2.1 requires that before proceeding with the evaluation, the CB shall conduct a review of the application for certification to ensure that the requirements for certification are clearly understood.

Different from ISO 65 requirements (see provisions under 11 Evaluation report), IAC does not include a reference to bringing the report (promptly) to the applicant’s notice, identifying any nonconformity. IAC provides for an exit interview (part of the required inspection procedure). The IAC requirement regarding monitoring of conditions (non-conformities) does not refer to follow-up inspections; however, it requires that the certification body has mechanisms in place. The IAC also does not refer to time limits.

ISO Guide 65 (15. Complaints to suppliers) requires the operator to keep a record of all complaints, to take appropriate actions, and to document actions taken. IAC does not include such a requirement.

Characteristic for IAC are additional provisions that contribute to the process-related approach of the organic system. This is reflected in several sections of the IAC for which no reference can be found in ISO 65. The main examples are:

- issues related to the certification scope and chain of custody, see paragraph Certification Scope and the Chain of Custody (2.3.2-2.3.5) and Certification scope and contracted production or processing (2.3.6-2.3.11) and, in addition, paragraph 7.4.2 Transaction certificates;
- specific requirements regarding what kind of information shall be kept in the operator files e.g. including relevant data of contracted parties (see IAC 5.4.2), the records shall be sufficiently comprehensive so as to demonstrate that the procedures for certification decision were properly applied (see IAC 5.4.3);
- specific requirement for the CB to keep separate records for major violations and non-conformities and resulting sanction, precedents, exceptions, appeals, and complaints in a way that enables easy retrieval of data (see IAC 5.4.4);

- specific requirements regarding the documentation the operator has to maintain (see IAC 6.1.5, 6.1.6);
- specific requirements regarding inspection visits procedures, defining what at least shall be part of the procedure and documentation of the inspection visit (IAC 6.3).
- additional requirements and inspection regime for particular standards (conversion inspection, split/parallel production, GMO inspection (see IAC 6.7 Additional requirements and inspection regime for particular circumstances));
- requirements for inspection of wild products, approval or certification of inputs, and for group certification (see IAC Section 8);
- provisions to determine the frequency of scheduled inspections; the paragraph provides for two options to determine frequency: (1) annual inspection frequency and (2) risk based approach that allows reducing the frequency under specific circumstances and for low risk operators (see 7.5.1-7.5.4). Furthermore, IAC requires CBs to conduct additional unannounced inspections (see 7.5.5-7.5.8);
- sanctions and related procedures like the monitoring of corrective actions (see section 7.7) (Note: ISO only provides for suspension and withdrawal);
- acceptance of prior certification (see paragraph 9).

3.5.3 Summary

The IFOAM Accreditation Criteria encompass virtually all ISO 65 requirements. It provides for some adaptations to specific ISO 65 requirements, however these cannot be considered as deviations from ISO Guide 65.

Similar to ISO 65, the IAC use quality system terminology and apply similar requirements for how a CB shall apply and document its quality system.

Characteristically, the criteria outlines requirements more specifically than ISO 65, which may address them in general terms only. The more detailed requirements concern items such as the required operator documentation. This is inherent for a process-related certification system. In addition, IAC applies more specific documentation requirements on the CBs (e.g. separate documentation of major violations, precedents, exceptions, appeals and complaints). The accreditation body evaluates this information conducting the performance review of the CB; IAC also includes more specific requirements on how to conduct the inspection visits.

IAC includes requirements concerning issues confronted by a certification body operating within the organic sector. Examples are certification and inspection of operations in conversion, split/parallel production operations, GMO inspections and, in addition, specific requirements for the inspection of wild collection, input certification and group certification.

Group certification requirements of the IAC are unique and cannot be found in any other regulation so far. Nevertheless, the concept of an Internal Control System (ICS) is accepted by the EU authorities and ISO 65 does not outright exclude the application of ICSs. Traditionally the concept of ICSs is restricted to “smallholder groups” located in less favoured countries (developing

countries). The 2005 version of the IAC expands the scope and allows application of the group certification requirements for “simple processing and storage units”. It further includes a risk assessment mechanism to determine the number of inspection samples to be conducted by the external CB.

3.6 General information about the Chinese regulatory system

The Chinese organic sector is regulated by various documents¹⁴. There is a production and processing standard and regulations and rules applicable for certification and accreditation. A specific Norm, (CNAB-AC23:2003) “General Requirements for bodies operating Assessment and certification of organic production and processing” is applicable for accrediting CBs performing organic certification. Well informed Chinese sources confirmed that CNAB-AC23:2003 is quite similar to ISO 65, and in addition includes significant parts of IFOAM Accreditation Criteria. Production standards are structured similar to the IFOAM Basic Standards.

3.6.1 China National Organic Product Standard

China National Organic Product Standard (CNOPS) was officially issued on 19 January 2005 by the General Administration of Quality Supervision, Inspection and Quarantine of China (AQSIQ) and the Standardization Administration of China (SAC). It became effective on 1 April 2005.

CNOPS is applicable for operations producing, processing, handling or labelling organic products. CNOPS includes requirements for organic production, processing, labelling and marketing, and finally includes part 4 “Management System” that specifies general criteria and requirements on management and record-keeping systems. Compared with other organic standards this is a unique aspect that cannot be found in other organic standards in a comparable way.

The CNOPS is a fully self-contained standard; it does not officially refer to the IFOAM Basic Standards. Its structure and some paragraphs, however, are similar to the IFOAM Basic Standards (IBS). Compared with the IBS more specific requirements are included in some areas.

3.6.2 Accreditation and certification requirements

Regulation on certification and accreditation

The regulation was adopted on 20 August 2003, becoming effective on 1 November 2003. It is applicable to any person who engages in certification and accreditation activities within China and requires all certification bodies to register with the Certification and Accreditation Administration of China (CNCA). The regulation provides general provisions, including definitions and principles like independency, objectivity and avoiding conflict of interest situations. Chapter II installs application and approval procedures, and requires certification

¹⁴ Zhou Zejiang, ‘China rules foreign CBs need Chinese partners to operate in China, The Organic Standard, Issue 51/July 2005,. Additional information has been provided by Xingji Xiao, OFDC.

bodies to provide for necessary facilities, capital, personnel and technical capacity. There are specific requirements for foreign CBs, e.g. to establish a local operation in China the foreign CB must have a Chinese partner that has at least 25 percent ownership. One unique point, compared with other regulatory frameworks, is that certification personnel shall not work simultaneously for two or more certification bodies.

Organic Product Certification Management Rule

The Rule came into force on 1 April 2005, and is applicable for any activities concerning organic product certification and organic production, processing and marketing within the territory of the People's Republic of China. The Rule details certification procedures for CBs as well as the operations, e.g. application documentation for certification, details requirements for certification certificates, and refers to the organic product certification seal (two forms: "organic" and "in conversion"), which is also referred to in Part 3 of the National Organic Standard. It outlines provisions that are more specifically adapted to organic certification circumstances (process certification) compared with the more general provisions of the Regulations of the People's Republic of China on Certification and Accreditation. However, both apply to bodies or operations involved with organic products.

Implementation of the Rule for Organic Certification

This rule became effective on 1 June 2005 and was issued by the Certification and Accreditation Administration of People's Republic of China (CNCA). It outlines in detail how organic certification has to be implemented. It is applicable to all certification activities executed in China as long as products are intended to be sold in China.

Accreditation body and accreditation criteria

The China National Accreditation Board (CNAB) is the national accreditation body of China that is legally authorized by the Certification and Accreditation Administration of People's Republic of China (CNCA) to accredit the competence of bodies operating assessment and certification of management systems and products.

CNAB operates in accordance with ISO/IEC Guide 61 "General Requirements for Assessment and Accreditation of Certification/Registration Bodies" and "IAF Guidance on the Application of ISO/IEC Guide 61".

Related to organic products and certification activities CNAB performs accreditation against the following Accreditation Criteria:

- CNAB-AC21:2002 (ISO/IEC Guide 65): General Requirements for Bodies Operating Product Certification Systems.
- CNAB-AC22:2002 (IAF Guidance on the application of ISO/IEC Guide 65): Guidance on the Application of General Requirements for Bodies Operating Product Certification Systems. (Identical with ISO standards.)
- CNAB-AC23:2003 General Requirements for Bodies Operating Assessment and Certification of Organic Production and Processing. (Only available in Chinese.)

4 Summary of the main similarities and differences

4.1 Common foundations

The analysis reveals that there are many more similarities than differences between the different regulations. The main and common foundation of a certification system is “trust building” to assure buyers of a defined quality, which means – translated into the organic sector terminology – the assurance that the production process meets the defined organic production standard. This is reflected in all systems analysed. Commonly, all regulations consider third party conformity assessment as the appropriate means and provide for respective requirements to define how third party conformity assessment shall be applied.

Application of ISO Guide 65 serves the purpose to create trust that a certain product meets a certain standard and provides for requirements for CBs operating a third party certification system; the guide is not sector specific and can be applied independent of products and processes.

The early organic certification systems were developed within the sector and independently from other norms. Private initiatives lead to establishing the IFOAM Accreditation Programme. The first IFOAM Accreditation Criteria were adopted in 1992. Subsequent revisions of the IAC were mainly influenced by ISO 65 requirements; their structure have been adapted to ISO 65 and most of ISO 65 requirements have been included, although the formerly strict adherence to ISO 65 in some areas has been given up in the current IAC version (2005). Nevertheless, the IAC can still be considered as the organic adaptation of ISO Guide 65.

As in the case of the private Organic Guarantee System, existing regulatory systems were developed in order to ensure that products labelled and sold as organic meet a certain standard and that consumers can trust the claims made. The EU Regulation and JAS reference ISO 65 in its entirety, whereas NOP includes requirements without referring to ISO 65 as the applicable norm for CBs’ authorization. Therefore, NOP provides the most discrete set of requirements and reflects a certain approach with regard to regulatory involvement in relation to private sector responsibilities. To a certain extent NOP conflicts with the ISO approach to separating the functions of accreditation and certification. Interestingly, it can be observed that the recent JAS revision strengthened the private sector responsibility compared with the former JAS approach and in contrast to NOP, which clearly limits the responsibility of private CBs.

4.2 Different role of the designated CBs

The different ways regulations define the role of CBs can be considered as one of the major differences between the requirements.

According to ISO 65 CBs are fully empowered to implement the respective organic scheme (same applies for IAC), while the functions of certification and accreditation are clearly separated. CBs operate as private bodies that are authorized to implement the rule.

Some regulations reveal a different approach with regard to the authorization of the CBs or are even differently interpreted by authorities under the same regulation, as with the EU Regulation. According to NOP, CBs work as governmental agents with limited authority; USDA keeps essential certifiers' functions within its own authority while also being the accreditor at the same time. The current JAS review strengthens CBs' independency from authorities' influence and reduces the involvement of the administration.

The respective approach determines the requirements and, therefore, constitutes differences, especially compared with ISO 65, which fully authorizes the CB to implement the standard and requirements. The function of the accreditation body is clearly restricted to accreditation and regular surveillance activities.

4.3 Common “good rules”

Although the requirements are different in their history and structure, their focus on trust building finally leads to a wide set of similarities among the regulations, mainly related to the structure and organization of a CB. These similarities can be summarized as “good rule requirements” that encompass general objectives on how a CB should operate its certification programme. The “good rules” are commonly reflected in all systems and can be listed as follows:

- transparency
- impartiality (division of function of evaluation and certification)
- confidentiality
- non discriminatory
- competence
- repeatable and objective
- traceable

Each of the analysed systems considers these “good rules” and includes respective requirements.

4.4 Differences because of further specifications of the “good rules”

Differences with regard to the “good rules” result from further specifications and do not question the good rule itself. This can be found related to “impartiality” and the relevant conflict of interest provisions. Impartiality and conflict of interest requirements are most generally addressed in ISO 65; they are further specified in the IAC requiring CBs to actively manage notified conflict of interest situations in order to ensure that persons with a conflict of interest are excluded from work and certification decisions related to the possible conflict.

JAS and even more rigorously, NOP, in addition exclude specific circumstances. NOP generally excludes all people who are partners, owners or managers of a certified operation from being involved in the certification programme. NOP conflict of interest requirements to some extent contradict stakeholder participation when it comes to certified operator possibilities to be represented in the CBs.

Related to the “good rule” to safeguard competence, the JAS system sets very restrictive and definite education requirements, whereas the other regulations provide for flexibility as long as the personnel are appropriately trained and qualified to perform their tasks.

Stakeholder participation can also be considered as a tool to ensure “impartiality”. ISO 65 requires stakeholder participation within CBs’ structure. The same provisions can be found within the IAC, whereas stakeholder participation is not addressed within NOP requirements.

4.5 Differences in regard to the quality system approach

ISO 65 includes a detailed description on how a quality system is understood, how it shall be documented and how the effective implementation of the quality system shall be ensured. Although it is stated that operation of the quality system shall be appropriate for the type, range and volume of work performed (see ISO 4.5.2), the flexibility is restricted because ISO 65 determines the relevant elements and details a list of issues, numbered from “a” to “n”, that at least shall be included or addressed in a documented quality manual. NOP does not use ISO quality system terminology nor does it encompass comparable requirements for operating a quality system. The rule neither covers issues like data and document control nor requirements regarding internal audits and the related documentation of their findings. In addition, it does not require a management review. NOP is also less descriptive and definite regarding appeals and complaints, which are an important quality improvement tool according to ISO 65. These differences do not indicate that NOP does not expect CBs to implement a quality system. However, it is obvious that NOP does not follow the same quality system approach. The different approach is also indicated by the fact that according to NOP some functions that belong, according to the ISO system, to CBs’ scope of responsibility are directly executed by USDA, e.g. withdrawal of certification. This may have resulted in a different approach with regard to the quality system.

The EU Regulation and JAS reference ISO 65 in its entirety, therefore, CBs are expected to follow the ISO quality system approach. IAC can be seen as the sector specific adaptation.

In general, the current version of the IAC does not provide gaps compared with ISO 65 elements such as quality system requirements; however, it acknowledges that the extent of documentation applicable to the CB should be seen within the context of the programme a CB operates (number and complexity of operations, number of staff involved, acknowledgement that there are programmes operating in economically less favoured areas) and that this context determines the extent of the quality system.

4.6 Common sector specific requirements that are specified differently

In addition to the common “good rules” and the differences in the quality system, related requirements adapted and detailed requirements specific for the organic sector are included in the regulations. These requirements are mostly related to inspection and certification procedures, which are largely determined by documentary requirements that are imposed on operators and are not detailed in ISO 65.

Operator documentary requirements

Product related certification systems mostly rely on testing or analysis, whereas a process related certification systems needs to focus on the review of the entire production process. The assessment relies mainly on information documented and provided by the operator; information is verified and completed by conducting “on-site visits” in order to verify whether the production standard has been met.

ISO 65’s provision regarding application for certification (ISO 65, 8.2) does not reflect the need for specific and entire operator documentation in order to prepare and facilitate the production process review.

NOP, the EU Regulation, and IAC each require CBs to specify requirements on operator documentation. JAS invokes the requirement more generally by applying the grading system. NOP has very specific requirements for completion of the “organic system and handling plan”, which is a standardized format. IAC requirements are less specific, asking for “sufficient information about the production system to enable appropriate assignment of the inspector and proper preparation of the inspection”. IAC further requires CBs to specify which records (held in a format that enables verification to take place) shall be available. However, form and level of detail is left open and can be decided by the CB adapted to the needs and circumstances it meets. The EU Regulation is similar to IAC; however, it specifies stock and financial records.

Based on these differing requirements on operator documentation, two different evaluation approaches can be identified. These differing approaches are reflected in the required operator documentation and related inspection and certification procedures:

1) Inspector/certifier focused approach, e.g. IAC

It is left open for the CB to apply appropriate operator documentation requirements as far as it can demonstrate that verification can take place. This provides some flexibility, taking into account the complexity and scale of the operations concerned as well as the implementation context (cultural, educational and social). CBs may even allow inspectors to complete information and documentation during the inspection visit.

Based on the information the operator provides, supplemented by additional information that the inspector collects and verifies during inspection visits, the final judgement is made by the certification body. The effectiveness of such a system very much depends on qualified inspection personnel; however, it is better adapted to situations in less developed countries with high illiteracy.

It is also acknowledged that there is a risk of blurring the line between inspectors’ tasks and providing advice. However, such flexibility provides a means to address concerns expressed mainly by CBs from developing countries that requirements applicable to operators are too demanding.

2) Operator focused approach, e.g. NOP

This approach requires the operator to provide a detailed description of its operation, including how it intends to comply with the standards. In this context the operator is already required to

provide information regarding, for example, the inputs it intends to use (organic system and handling plan). Only complete information is reviewed by the CB; and an inspection is only scheduled when the review provides evidence that all requirements are met. During the inspection visit the inspector reviews whether the documentation and plan (that have already been accepted as complying with the standard by the CB) meets the practice. Compared with the CB/inspector focused approach this is more demanding for operators and applies a huge barrier, especially in developing countries. However, it is acknowledged that the exercise of providing a plan facilitates better understanding of the standards and requirements that have to be followed by the applicant. The final definition of a report format applicable to each operator leads to less flexibility and is less adapted to consider different circumstances.

JAS applies an additional approach that also can be categorized as an operator focused approach. Basically, the certification is based on assessing the competence of the designated “grading” manager within the operation being responsible for the operation to comply with all requirements. Resulting from this approach, certain criteria for defining the “manager’s” duties have been developed.

The “operator focused approach” fits better with ISO 65 requirement (9.1 b) that requires CBs to resolve “any difference in understanding between the CB and the applicant” before proceeding with the application.

It cannot be decided whether one or the other approach is more appropriate for organic systems as both systems have limitations.

Certification according to the first approach bears the risk that the CB has to impose sanctions that are the result of misunderstandings or lack of clarity.

The second system facilitates prevention of misunderstandings. However, it may in some regions, depending on the educational level of the operator, create a burden for those wishing to enter the market.

4.7 Requirements addressing certain circumstances relevant in organic

Requirements in addition to ISO 65 address circumstances that are specific to the organic sector such as chain of custody requirements, conversion inspection, split/parallel production, GMO inspection, approval or certification of inputs, group certification, and certification of wild products or contracted production.

These additional requirements are explicitly referenced in the IAC. Many of them result from provisions of IFOAM Basic Standards (IBS) that require specific action and diligence of the operator, and therefore are consistently reflected by requirements for the fulfilment of the operator’s requirements to be checked by the CB. Others result from special topics that are taken up in the IBS (e.g. wild collection) and the IAC (e.g. group certification).

Such specific requirements can also be found in the EU Regulation, annex III that provides for minimum inspection requirements. Annex III specifically addresses the circumstance that products are transported from one to another unit (see 7. Packaging and transport of products to other production/preparation units or premises) or under annex III Specific Provisions for the collection of wild plants (see A1), or Annex III D that addresses provisions for contracted production. In addition, the EU Regulation encompasses requirements applicable for imported products that are sourced from so called “third countries”. These requirements are a result of the specific way the EU Regulation deals with imported products that are sourced in non-EU countries.

Certification of Smallholder Groups (renamed Group Certification in the 2005 version of the IAC)

In comparison with all other frameworks analysed, the IAC provides the most detailed requirements regarding the specific circumstances for group certification. It is the only document that references group certification to provide solutions for groups of small producers in areas with a less developed infrastructure. The single group member would not be able to get certification because of high costs of third party conformity assessment. The implementation of internal control systems (ICS) reduces the barrier by inspecting and certifying structured and internally regulated producer groups as a whole. Group certification requirements of the IAC are unique and can not be found in any other regulation so far; nevertheless, the concept of an Internal Control System (ICS) is accepted by the EU authorities and ISO 65 does not outright exclude application of ICS.

The 2005 version of the IAC expands the possibility to the use of the group certification model in the North, acknowledging that certification is not only burdensome for small producers in developing countries.

Acceptance of Prior Certification

In addition, the IAC encompasses chapter 9, which regulates the acceptance of prior certification. This chapter includes requirements on how a certification body can accept products or raw material certified by another CB for the use as an ingredient in so called multi-ingredient products.

The IFOAM Accreditation Programme, which includes the IFOAM Basic Standards only as a baseline, allows a CB that certifies to additional standards to apply them as requirements in cases where its client wants to purchase ingredients certified by another CB.

Inspectors' qualifications

Because of the complexity of processes applied in organic agriculture, the use of experienced and qualified inspectors and other certification personnel is of central importance to ensure that integrity of organic production and certification is maintained.

Qualification and training requirements, as well as performance review, is addressed in all requirements analysed. The qualification is regulated most specifically and strictly under the JAS law, which requires, depending on the educational degree, a specific period of professional experience in related professional areas (from one year to three years). This is ambitious, even

within the Japanese context. Other requirements are less specific and therefore better adapted for being applied under different circumstances. However, CBs should focus on the qualification of certification personnel by conducting internal training measures and proper internal education. It is a general observation that all systems focus heavily on documentation requirements compared with other measures ensuring good qualified personnel, although it is acknowledged that the application of requirements in this context may result in an additional burden. Voluntary measures, like training courses offered by superior organizations independent from the CBs, are interesting initiatives that should be supported. The Independent Organic Inspectors Association (IOIA), mainly active in the American context, is one unique example. There are no comparable initiatives in Europe, South and Central America or Africa. In Asia, the Japan Organic Inspectors Association (JOIA) provides organic inspector training and development. In other regions, the general case is that individual CBs train their own inspectors.

5 Real conflicts – problem areas among requirements

The following situation constitutes a “real” conflict situation:

A CB, accredited or approved according to one regulation, applies for approval or accreditation by another. In order to resolve a non-compliance it turns out that any effort to come in line with the additional regulation will result in a conflict with requirements applicable under the regulation the CB already meets.

Several CBs holding multiple accreditations have been asked about such “real” conflicts among their accreditation requirements. The answers provided did not reveal “real” conflicts, however they did demonstrate that the CBs are facing various problems in coping with the different requirements. Conflicts can be detected through document review. However, these cases do not automatically constitute a real conflict situation for CBs. What determines this is the question of how the different supervising bodies interpret and implement the requirements.

The following problem areas are listed, each explained by providing examples and referring to the requirements concerned¹⁵.

5.1 Conflicting requirements

Stakeholder participation: Although not addressed by CBs, the NOP in fact includes a requirement that conflicts with one ISO 65 requirement. The conflict is related to the organizational structure applicable to CBs. ISO 65 requires “structural participation” of all significantly concerned parties, whereas the NOP excludes structural stakeholder participation because of a supposed conflict of interest situation.

¹⁵ The authors do not claim that the list is complete.

ISO Guide 65 section 4.2.e states that a certifier's 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." This requirement is specified and further explained in the IAF Guidance in the application of ISO 65 as follows:

"G.4.13 Clause 4.2.e) of ISO/IEC Guide 65, requires that the documented structure of the certification body has built into it provision for the participation of all the significantly concerned parties. This should normally be through some kind of committee. The structure established should be prescribed in the certification body's written constitution and should not be subject to change without notification to the accreditation body". (A similar requirement can be found in the IAC.)

This contradicts the NOP conflict of interest provision 205.501 (a) (11) (i), which prevents certification of operators who are responsibly connected to the certification agent.

5.2 Requirements resulting in major structural changes

Conflict of interest provisions

The following example demonstrates that CBs are forced to implement major structural changes in order to fulfil one regulation although they are already accredited according to another. The requirements dealing with conflict of interest issues differ to a broad extent.

As already summarized above, NOP 205.501 (a) (11) (i) prohibits a CB to certify the farm of a board member or of a certification committee member. This would constitute a commercial interest.

This requirement conflicts specifically with the structure of membership based CBs that install governing boards with board members recruited from the members they serve.

ISO Guide 65 (4.2.m) and IAC 1.3.19 do not include such a definite exclusion. ISO and IAC similarly require that anyone with a conflict of interest is excluded from work related to certification, but this is limited to the specific case. To exclude individuals from dealing with a specific case in order to prevent a conflict of interest situation is acceptable according to ISO 65 and IAC, whereas this is not the case according to NOP requirement 205.501 (a) (11) (i).

This forces membership-based CBs to review and revise their form of organization in order to come in line with NOP.

Inspectors

Another example where a major structural change is required is in the recently revised JAS regulation. JAS does not allow inspectors to work for more than one certification body. This requirement is unique to JAS compared with all other systems. For example, in the US it is common that CBs do not employ inspectors but hire with them on a contractual basis. Most inspectors in the US, therefore, work independently and may be contracted by more than just one CB. Similar situations are common in the EU system.

5.3 Apparent conflicts

Changes in the certification requirements

ISO Guide 6 requires CBs to “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 the precise form and effective date of the changes.” CBs implementing regulatory programmes do not have the possibility of implementing this respective requirement. They are bound to the legal framework. In most cases it is out of the CBs’ control as changes most often are a result of changes in the regulatory system. This applies to standard changes as well as other requirements regarding inspection procedures.

Neither NOP nor the EU Regulation details a comparable provision, and IAC does not address this topic.

As there are many CBs approved by a regulatory programme and at the same time accredited by an ISO 65 accreditor, the argument that a CB does not have the authority to make changes in the certification requirements seems to be acceptable for ISO 65 accreditation bodies. In most cases the regulatory programme itself provides for notification and consultation. Therefore, it seems that in practice there is no problem with CBs being unable to comply with the respective ISO 65 requirement.

Mutual acceptance

All regulatory schemes assume that CBs, approved or accredited according to the respective system requirements, mutually accept each other’s work. It is even a definite requirement according to NOP 501.a.13 and 501.a.1. On the other hand, ISO 4.4. requires CBs to take full responsibility for work performed by others, either subcontracted or in cases where CBs’ work is reliant on the work of another body (see ISO 4.4 note 3). An example is the case where a CB certifies a processor using ingredients from different sources certified by different certification bodies.

According to ISO 4.4, acceptance shall be based on appropriate arrangements and evaluation of work performed by another body. In practice such measures are not foreseen within the regulatory programmes, they are even excluded according to NOP 501.a.13 and 501.a.1. Within regulatory systems CBs rely on other CBs’ accreditation or approval. Consistent performance, according to the same procedures, therefore is assumed.

IAC addresses the issue under Chapter 9 Acceptance of prior certification. IAC in any case requires evaluation and an agreement between CBs, but simplifies the measures in cases where IFOAM accredited CBs rely on each other’s work. IAC, however, provides for even more elaborated and detailed requirements than ISO Guide 65.

5.4 Mixing functions of certification and accreditation

Appeals

ISO 4.2.p requires CBs to “have policies and procedures for the resolution of complaints, appeals and disputes received from suppliers or other parties about the handling of certification or other related matters”, whereas NOP 205.405. (d) (3), 205.680 (c), 205.681 (a) requires appeals to be directed to the accreditation body (USDA) or to the State program responsible.

Withdrawal or suspension

ISO 14.3 requires CBs to deal with “incorrect references to the certification system or misleading use of licences, certificates or marks ...” by suitable action.

ISO 4.6.1 asks CBs to specify conditions for “granting, maintaining, extending, suspending and withdrawing certification”.

NOP considerably limits CBs room for manoeuvre, even in cases of “wilful violation”. 205.662 provides a detailed non-compliance procedure for certified operations: (d) wilful violations allow CBs to send a “notification of proposed suspension or revocation” but do not allow CBs to take direct action.

Providing such detailed and definite requirements at least raises the question of where to draw the line between standard setting and implementing the standards, and between accreditation and certification tasks.

Although NOP involves private CBs with the implementation of the programme, in fact it does not give CBs full authority. It keeps key elements, such as withdrawal of certification and handling of appeals, within the scope of the competent authority. By doing this the authority partly operates certification tasks while at the same time also performs accreditation, thereby assessing the competence of a CB. In comparison, ISO systems (ISO 65 and ISO 61) differentiate between certification and accreditation functions.

Comparable examples exist with other regulatory programmes as well and are not restricted to just the NOP.

The EU Regulation also limits CBs’ authority; see Article 9, 9b, which requires CBs to consult with the competent authority on imposed withdrawal periods:

“The inspection authority and inspection bodies referred to in Article 9 (1) must:

...

(b) where a manifest infringement, or an infringement with prolonged effects, is found, withdraw from the operator concerned the right to use the indication shown in Annex V for a period to be agreed with the competent authority of the Member State.”

5.5 Different regulations or norms apply a different level of detail

This conflict occurs when one regulation has a very carefully developed and detailed definition of an issue, while another regulation is general and leaves the procedure open for interpretation and implementation by the CB. This problem area is directly related to the discussion above and the distinction of certification and accreditation functions.

NOP for example requires CBs to work with the “organic production and handling system plan” regulating the elements to be included in detail, whereas ISO 65 does not specify any requirements for operator documentation. Regarding documentation, IAC 6.1.5 states “The certification body shall specify, in application documentation or elsewhere, the documentation to be maintained by the operator to enable verification of compliance. This shall specify which records shall be available and require that they be held in a form that enables verification to take place.” Compared to NOP the IAC provides for more flexibility and allows CBs to adapt documentation requirements to specific circumstances.

CBs in line with NOP requirements fulfil the IAC; CBs in line with IAC provision 6.1.5 are not automatically in line with NOP and would be required to specifically amend their documentation requirements in order to meet NOP requirements.

A similar situation occurs with regard to JAS qualification requirements, which are very specific but unique compared with other requirements provided in the NOP, EU Regulation or IAC.

5.6 Requirement to exclusively implement a norm

CBs reported that the respective authorities insist on exclusive implementation and documentation of the respective regulation. It is not possible to combine the different requirements, e.g. in combined inspection checklists or in combined procedural instructions. This forces CBs to operate different quality handbooks for different accreditations and approval purposes or to maintain different inspection checklists although they are mostly addressing the same issues in slightly different ways. This leads to increased bureaucracy in order to demonstrate that distinct systems are being operated.

5.7 Concern regarding fair and consistent implementation

The problem of consistent and fair implementation occurs under, for example, the EU system, which involves different competent authorities in each country or even in the federal states of a Member State. Although the same requirements form the basis for the approval of certification bodies, CBs are not convinced that the requirements are implemented in a consistent manner by the different authorities. It is quite obvious to them (as for the most part, they are accredited and registered in different EU Member States), that varying interpretations occur.

As EU certification bodies are not forced to have formal accreditation, the fact that a formal EN 45011 (ISO 65) accreditation is required for acceptance of third country CBs has been raised as a point of concern of unfair competition that disadvantages foreign CBs.

At the same time EU-based CBs that are accredited according to EN 45011 (ISO 65) have to undergo just the regular approval procedures by each of the designated competent authorities in the EU. Approval issued by one EU competent authority is limited to the country or region for which the competent authority is responsible. Therefore, in the situation where a CB wants to expand its activities to another country or region within the EU, the CB is required to demonstrate to the competent authority of the new region that it is qualified to implement the EU Regulation – even if it already holds EN 45011 accreditation.

Concerns are also raised relating to the NOP system. Although the Rule specifies that foreign CBs are subject to the same accreditation, evaluation and surveillance procedures, it was questioned whether foreign CBs are in fact evaluated with the same strictness that the USDA applies to CBs based in the US.

5.8 General concerns expressed by most CBs

CBs strongly expressed their wish that there should be one set of requirements that forms the basis for approval or accreditation of certification bodies. Concern was expressed that efforts to meet the differing requirements in the different regulations do not contribute to improving the integrity and reliability of the organic system; it even distracts CBs from concentrating on issues they identify as far more critical for ensuring organic integrity. The raising of inspectors' qualifications was specified as such an area.

5.9 Summary

There are several problem areas CBs face in trying to meet different requirements. Although a document review indicates that there might be conflicting areas, most issues are resolved because some ISO 65 requirements are not applicable under regulatory systems or are covered by a mechanism that the regulatory body applies directly.

There are differences in drawing the line between accreditation and certification tasks. This generally raises the question on how far involvement of governments should go and what might better be left to self regulation by the industry and actors involved. Thereby different social concepts and expectations regarding appropriate regulatory interference may collide.

6. Assessment of the value of ISO 65 requirements

6.1 General

First of all it must be acknowledged that to a huge extent the ISO Guide 65 has gained acceptance all over the world. It is referenced (or incorporated) in all relevant systems and thus provides a worldwide, commonly accepted guidance on how to set up, structure and organize certification bodies that carry out organic certification.

Representatives of CBs, as well as representatives from the regulatory level, recognize the ISO 65 “guidance effect”, and underline that this already has led to harmonization with regard to CBs’ structure and organization. This is considered to be of value, although it is criticized that still no mutual acceptance between the different regulatory systems with regard to the assessment and authorization of CBs’ competence has been achieved. This is a major concern, expressed by almost all CBs. However, it is a result of the different application and interpretation of the Guide, and of the different ways that accreditation and approval is organized.

Many CBs value the fact that ISO 65 provides a good baseline and, therefore, clarity for CBs and parties involved. It has also led to greater trust in each other’s performance. However, the overall impression is that ISO 65 applies too much bureaucracy.

It can even be stated that because ISO Guide 65 has already gained such broad acceptance and has such a strong position within the sector, most people who were asked about its value do not question its role. It is considered to be an important means of demonstrating competence and most CBs acknowledge its value.

CBs that do not restrict their scope of activity to just organic certification, value the fact that ISO Guide 65 is generally accepted throughout the food industry. Independent from the organic context, ISO Guide 65 is applicable in other private and regulatory contexts that are relevant for CBs as well as for their clients. EurepGAP and Utz Kapeh are two examples of other systems that require ISO 65 and that are of relevance to many organic operators. Therefore, ISO 65 also provides a potential for harmonization with regard to other certification systems. CBs that include different certification systems within their scope are interested in demonstrating their competence based on a well accepted norm that is applicable to more than just the organic sector.

6.2 Language

CBs, especially those from developing countries, expressed their concern that the language of the ISO Guide is too abstract and thus holds the potential for misunderstandings. The guide is too general and is not translated to the specific circumstances with which CBs performing organic certification are confronted. This is particularly a problem for CBs starting their business. Because of being too abstract, ISO Guide 65 does not provide the assistance and clear guidance new CBs are seeking; additional support and further explanation is necessary in order to understand the required elements and to translate them for organic certification circumstances. This is considered to be a serious barrier because it is difficult to access consultancy on how to set up a CB.

There are several cases, especially in Africa but also in Asia, where specific development programmes target the establishment of local inspection bodies by providing external funding and support to set up the relevant structures and to gain competence. Respective CBs are guided over a certain time period in order to make them eligible for accreditation or acceptance. Hopefully this will then result in structures and organizations that can persist without future external funding and support. This outcome is mainly a question of whether these structures eventually achieve international acceptance. However, it also depends on the adjacent development of organic production and markets within the respective regions and countries.

6.3 Value of structure and elements of ISO 65

Quality system

Regarding the value of structure and specific elements of ISO 65, CB representatives expressed their concern that the quality system provisions, and especially the required documentation, are too detailed and descriptive. The specific focus on the quality system, together with all the elements that are outlined as part of the required quality system manual, bind together a lot of resources. Some CBs questioned whether this specific quality system focus is an adequate tool for ensuring the integrity of organic certification.

It is not that CBs in general question quality system requirements, but they would appreciate having the overall documentation requirements reduced. In this context the distinction between management review and internal audit was questioned and also, to some extent, the requirements related to document control procedures. At the same time regulatory bodies also express the need to specifically define the elements that have to be considered with regard to the quality system.

Change of certification requirements

Requirements that are applicable in cases where certification requirements are changed (ISO 65 refers to intended changes) are considered as unnecessary. This is because, in most cases, it is out of CBs' sovereignty.

Complaints/appeals

The ISO 65 requirement that operators shall document all complaints is not considered as a valuable tool, because it is too demanding especially for farmers. Complaints addressed to processing operations are usually related to the general product quality and not to the organic quality; whereas the requirements applicable for CB to handle and document complaints and appeals are generally appreciated and considered as important.

Stakeholder participation

Some CBs have questioned the ISO 65 requirement to allow the participation of all parties concerned in the development of policies and principles regarding the content and functioning of the CBs. However, the relevance and value is considered different for private and for regulatory systems because within the latter some CBs consider state supervision as sufficient. It was mentioned in this context that stakeholders are already involved and participate in setting the superior rules (standards, criteria) of the organic certification system; however, the majority consider stakeholder participation as an important tool for guiding the functioning of a CB.

Confidentiality/conflict of interest provisions

Confidentiality provisions, as well as conflict of interest provisions, are greatly appreciated. However, for some they are not specific enough to efficiently prevent conflict of interest situations arising in organic certification. Concern has been expressed by some CBs that financial stability and undue economic pressure may compromise impartiality.

Resolving any difference before proceeding with the evaluation (ISO 9.1)

This is seen as a theoretical requirement that is not practical for implemented by CBs. It is considered important that the certification system, its scope and standards are well understood, and that application documents clearly outline and explain the procedures applied. However, the requirements applied on operators and for the production process are challenging, and it is almost impossible to clarify all differences in understanding based on document review only. The inspection visit supports this process and this shall be acceptable for organic certification.

Future role of ISO 65 and IAC

There was some agreement that ISO Guide 65 is not specific enough to provide efficient guidance for certification bodies conducting organic certification. The IFOAM accreditation criteria was mentioned as an alternative document, and is considered to be a well adapted translation of the ISO 65 requirements in the organic context. However, at the same time concern has been expressed that the IAC is too detailed for application within a worldwide context.

One proposal was that the IAC should be developed in the direction of a guidance document that clarifies how ISO 65 is understood in the organic context and how the requirements should be implemented by certification bodies performing certification of organic products. However, such a guidance document should incorporate some flexibility based on the implementation context. It should specifically address the circumstance where most CBs implement regulatory and not private programmes.

6.4 Weaknesses of ISO 65*General*

It was mentioned that ISO 65 mainly outlines a quality system; however it is not a tool, as such, to safeguard organic integrity. Documentation, inspection, as well as supervision, should network closely in order to prevent fraudulent situations. Some regulatory representatives underlined that it is necessary to install local or country specific supervision bodies that provide the relevant interpretations of the requirements applicable in the specific context of a country, and to ensure the efficient surveillance and control of CBs performance. It was questioned whether an overall supervision body that applies the requirements independently from the local or country specific context would function as well as country specific supervision bodies that authorise and approve CBs' activities within the country context.

Acceptance among the different supervision bodies (either private or regulatory) remains an unresolved question and hampers international trade. CBs raised this issue as a major burden. Recognition agreements, bilateral or even mutual equivalency agreements between governments are rare; this approach does not provide solutions in countries where no regulations exist and especially disadvantages the respective operations and CBs that are located in these countries.

Inspection procedures

ISO 65's general approach is seen as its most relevant weakness; it is not adapted to the specific circumstances CBs are confronted with in the organic sector. ISO 65 does not provide proper

guidance on how to implement inspection and certification procedures; these procedures are, however, considered to be very important tools for safeguarding the organic integrity. On-site inspections have a major role in identifying non-compliances; therefore, the applicable procedures on how to conduct inspections should be clear and definite.

Inspectors' qualification

The importance of assigning well qualified, trained and experienced inspectors is considered essential. It is a challenge for inspectors to make an informed judgement on whether all requirements are met. Good understanding and knowledge of the processes applied in the operation, as well as the applicable standard provisions, therefore, is considered essential; this is commonly agreed. However, concern is expressed on how qualifications can be safeguarded by applying uniform requirements. It was proposed to consider other tools that shall improve inspector qualification. The development of a minimum curriculum for inspectors has been proposed as appropriate tool.

Chain of custody – what kind of security is appropriate

ISO 65 does not provide requirements that ensure organic integrity throughout the chain of custody. Most serious cases of fraud have resulted from manipulated certificates. However, the current organic system does not provide for unified tools that would enable CBs to monitor the quantities throughout the chain of custody; the system is especially limited in case of operations that supply their ingredients from various sources involving different CBs. System requirements also do not address the fact that organic products today are traded globally. One CB proposed introducing a requirement to issue product specific certificates, however this would result in serious additional documentation requirements for operators as well as for CBs, who would also have to monitor the quantities and certificates issued.

This matter has to be discussed in a more general context, addressing the question of what kind of security certification in the organic sector can provide, at the same time considering the question of how much has to be paid for this security. This is not only related to money and costs but is also related to all the requirements an operator has to implement. The investment necessary has to be assessed against the improved value and security that can be achieved. Costs and efforts applicable for the operators already create barriers to entering the organic market.

Specific circumstances – risk based inspection approach

Organic systems involve several specific circumstances that are not addressed by ISO 65 requirements. There are several different production areas (livestock and crop production, wild collection, processing, trading, etc.), and operational conditions, such as split/parallel production and subcontracted production, that also require specific evaluation procedures. These individual circumstances are not addressed in ISO 65, although they bear the risk that organic integrity might be at stake.

CBs as well as regulatory representatives indicate interest in reconsidering the annual inspection frequency in order to introduce and allow a more risk based inspection approach and/or Internal Control Systems. However, CBs are in a highly competitive environment, and concern about

how risk based inspections can be consistently applied have been expressed. Such developments should not lead to inconsistency with regard to the general evaluation frequency.

7 ISO 65 and its relevance in other certification schemes

7.1 EurepGAP

7.1.1 Introduction

EurepGAP¹⁶ started in 1997 as an initiative of retailers belonging to the Euro-Retailer Produce Working Group (EUREP). The EurepGAP standards lay out requirements for Good Agricultural Practices (GAP) on farms producing fruit and vegetables, flowers and ornamentals, and for Integrated Farm Assurance, Integrated Aquaculture Assurance and (Green) Coffee. The leading European retailer groups – global players in the retail industry obtaining food products from around the world – agreed on these requirements as minimum standards. EurepGAP was driven by the desire to ensure good agricultural practice in order to reduce risks in agricultural production. The system considers food safety requirements, the environment, workers well-being and animal welfare. In addition to farm practices the certification scheme includes food packing and processing requirements assuring the whole chain through to the final consumer.

7.1.2 EurepGAP certification scheme

The EurepGAP system provides general regulations, explaining the structure of certification to the different EurepGAP standards, the procedures to be followed in order to obtain certification and clarifies the relationship between farmers, certifiers and the EurepGAP Secretariat, managing the scheme. It includes approval requirements, as well as certification granting procedures applicable to the CBs. EurepGAP details control points (standards) and compliance criteria and provides detailed checklists.

7.1.3 Reference to ISO 65

EurepGAP clearly commits CBs to applying and achieving ISO 65/EN 45011 accreditation with EurepGAP scope. Responsible accreditation bodies have to be part of either the European Accreditation (EA) multilateral agreement (MLA) on Product Certification or to be members of the International Accreditation Forum (IAF).

According to EurepGAP the original intention was to only involve ISO 65 accredited CBs. ISO Guide 65 is considered to be the only accepted worldwide norm and, therefore, it was appropriate to reference it.

¹⁶ <http://www.eurep.org/Languages/English/about.html>

The Norm, in principle, serves its purpose by ensuring CBs' qualifications. However, in order to safeguard the specific needs of EurepGAP, its secretariat is seeking close cooperation and adjustment with the involved accreditation bodies, aiming for harmonized accreditation processes. Currently, it is not envisaged to change the approach; the reference to ISO 65 is not under consideration.

7.2 Utz Kapeh certification of coffee¹⁷

7.2.1 Introduction

Utz Kapeh defines itself as an integrated certification programme for responsible coffee production, open to all coffee producers. The programme, based on the EurepGAP standards, was initiated in 1997 by the Ahold Coffee Company from the Netherlands and Finca El Volcan in Guatemala. Utz Kapeh was established as an independent foundation in 2002. Utz Kapeh Code of Conduct is benchmarked to EurepGAP and includes additional social criteria based on International Labour Organization (ILO) conventions, Universal Declaration of Human Rights and the SA8000 code for social production standards.

7.2.2 Utz Kapeh certification scheme

The Utz Kapeh certification protocol determines the certification system. It clarifies rights and duties of Utz Kapeh registered producers, traders and roasters, and introduces third party certification. It also details approval procedures for certification bodies, outlines audit procedures, regulates qualification and training of inspectors and also covers inspection procedures. Producers may seek certification of compliance with the Utz Kapeh Code of Conduct. Processors, mills, exporters, importers, warehouses, traders, roasters, packers and brands may seek certification as being compliant with the Utz Kapeh Chain of Custody Requirements.

7.2.3 Reference to ISO 65

In order to become eligible to certify according to the UTZ Kapeh Code of Conduct, the Utz Kapeh approval procedures for CBs (included in the Utz Kapeh certification protocol) require CBs to be ISO 65 accredited for the EurepGAP green coffee scope. Alternatively, they can be approved if they are able to show a contractual agreement with an ISO 65 accredited CB.

For CBs inspecting Utz Kapeh's Chain of Custody & Logo Use requirements, ISO 65 accreditation is a premise. This can be for EurepGAP scope or for organic certification scope.

Utz Kapeh is still a new programme that has to be publicised. It intends to be recognized as a mainstream initiative. According to Utz Kapeh, ISO 65 is referenced in order to support credibility and acceptance of Utz Kapeh. Referring to a worldwide accepted and implemented norm serves the acknowledgement of the system itself. Furthermore, referring to ISO Guide 65 follows the

¹⁷ <http://www.utzkapeh.org>

EurepGAP approach to which Utz Kapeh is benchmarked. However, additional measures are necessary to safeguard inspector qualification with respect to fields of expertise, for example, social auditing, a field Utz Kapeh provides training for. Although there is some concern that accreditation according to ISO 65 is costly (especially for CBs in developing countries) the commitment to ISO Guide 65 is at the moment not under discussion. Considerations in the future are not excluded.

7.3 Fairtrade Labelling Organizations (FLO)¹⁸

7.3.1 Introduction

Fairtrade Labelling was created in the Netherlands in the late 1980s. Max Havelaar launched the first Fairtrade consumer guarantee label in 1986 on coffee sourced from Mexico.

Today, there are 19 organizations (so called “National Initiatives”) that run the international standard setting and monitoring body, Fairtrade Labelling Organisations (FLO).

Fairtrade seeks to improve the position of poor and disadvantaged producers in the developing world, by setting fairtrade standards and by creating a framework that enables trade to take place in conditions respecting their interest. Producers registered with FLO receive a minimum price that covers the cost of production and an extra premium that is invested in the local community. Products carry a fairtrade label, as the independent consumer guarantee that the producers in the developing world is getting a better deal. The certification scheme is administered by FLO-Cert Ltd.

7.3.2 Fairtrade Labelling scheme

Fairtrade certification ensures producers comply with the product-specific fairtrade standards, which include requirements to ensure that fairtrade benefits are used for social and economic development. Traders are audited as well. This is to make sure that the fairtrade price reaches the producers and that the fairtrade label is only used on products coming from fairtrade-certified producers. FLO-Cert implements the scheme and organizes the inspection and trade auditing activities. It employs its own inspectors, but also contracts other certification bodies to carry out inspection according to the fair-trade standards.

7.3.3 Reference to ISO 65

One of the reasons to outsource FLO certification from FLO to FLO-Cert was to enhance transparency and autonomy of fairtrade certification and trade auditing. ISO 65 was taken as the reference document to set up FLO-Cert’s structure and for developing and defining the certification processes. The governing board of FLO-Cert just recently took the decision to apply for ISO 65 accreditation. FLO-Cert expects other certification bodies working for FLO-Cert to be ISO 65 accredited; it is conditional for CBs that carry out inspections or trade auditing on behalf of

¹⁹ <http://www.fairtrade.net/>

FLO-Cert. Fairtrade cooperates mostly with “organic” certifiers, which in any case will have to consider ISO 65 accreditation. The requirement, therefore, is not considered to be an undue barrier to CBs.

According to FLO-Cert the commitment to ISO 65 substantially enhanced its professional approach. It provided clear undisputable guidance to set up the certification system. The fact that ISO Guide 65 is an external common norm and not fairtrade based is considered advantageous to preventing fairtrade from being arbitrary. ISO 65 forces the system to be transparent and impartial, and decisions to be repeatable. It requires definite descriptions of the related measures. Internally implementing ISO 65 encourages the fairtrade movement to look into its definition in order to harmonize understanding and scope of the fairtrade system.

Commitment to ISO 65 also results from the fact that fairtrade is beginning to expand beyond a niche market. Supermarket chains are now involved in trading fairtrade labelled products. They expect fairtrade to recognize and to fulfil well-accepted norms. Important market players are asking for evidence that the fairtrade system is reliable and robust. ISO 65 accreditation provides evidence and is well known and accepted, especially by retailers.

7.4 Summary

EurepGAP and Utz Kapeh are industry-based schemes. From the beginning, both included ISO 65 accreditation of the involved certification bodies, and neither scheme is currently reconsidering that approach. This stance is in line with the common approach of the industry with regard to general food safety and quality assurance. Both systems apply additional requirements to safeguard the specific needs of the respective systems, and provide clear and definite instruction for how the CBs implement the system. Both acknowledge that ISO 65 is well accepted and thereby supports harmonization of requirements applicable for CBs. EurepGAP is seeking adjustments with accreditation bodies to ensure harmonized accreditation procedures. Utz Kapeh has expressed some concern that ISO 65 accreditation is too costly. The fairtrade movement is on its way to including ISO 65 reference in order to sharpen its system and to gain acceptance within mainstream markets.

8 Potential of technological tools

8.1 Introduction

The following chapter outlines the potential of technological tools with respect to requirements and harmonization efforts. It evaluates what benefits can be realized through database solutions regarding the issue of different certification requirements applicable for CBs. In addition, it looks at whether tools improve access for CBs from developing countries.

The term “technological tools”, mainly refers to database applications that assist certification bodies operating an organic certification programme.

Most CBs already use databases to administer operator addresses or files; some even operate more complex systems that map specific certification processes. But others still rely on paperwork to a huge extent. Several CBs using database solutions created their system on their own initiative. These systems have been improved and amended over years and provide very specific solutions adapted to the needs, means and recourses of the respective certification body. These systems are neither intended nor appropriate for commercialization and are, therefore, hardly suitable for other CBs looking for software solutions. Currently, neither regulatory bodies nor private accreditors have touched the issue of electronic data processing, nor has any ever included specific requirements in their respective organic scheme or even offered any solutions.

Discussions about database solutions can currently be observed. CBs are raising the issue, exchanging their experiences with software solutions or even cooperating with each in order to develop solutions. The fact that over the last three years the issue of software solutions was on the agenda of the annual meeting of the IFOAM Accredited Certification Bodies is one indication that the topic is of relevance to CBs.

Although the topic is on the agenda at the moment there is no software solution available that is already widely accepted by CBs.

The following list includes some commercialized software solutions¹⁹:

- *e-Cert*: offered by e-Cert IT GmbH, a shareholder company founded by three international working CBs based in Europe and an IT company. e-Cert has been developed with a specific focus on the needs of certification bodies implementing organic inspection and certification. It is already in use by the involved CBs²⁰.
- *Der Agrar Certification Manager* is a tool for inspecting and auditing complex food quality networks, targeted for certification bodies, umbrella associations and food company headquarters. It is offered by Fab4minds Informationstechnologie, a company based in Austria²¹.

¹⁹ List provides examples only and the authors do not claim it to be complete; other software offers not listed may exist. Because of the limited time it was not possible to evaluate the products or to conduct a complete market survey.

²⁰ www.e-cert.net

²¹ <http://www.fab4minds.at/home.jsp?lg=1&na=22&nb=8>

- *Enterprise Quality Manager™*, 'Certification and Inspection Management Module': offered by GSC Mobile Solutions, is advertised to be appropriate and of value for Organic Certifiers and compliant with ISO 65 requirements. GSC Mobile Solutions was founded 1981, is based in the US, and provides various software solutions in different areas. Implementation with one organic certifier in the US is ongoing²².
- *Quickfire*: offered by Muddy Boots Software Limited based in UK, supplies a software solution for audit and inspection management. It serves processors and retailers in terms of food safety auditing procedures and is suitable for certification bodies. There is no reference to organic certification bodies²³.
- '*QuaTIS Food*': distributed by Software Factory based in Germany, is a food quality and food safety system that is designed to be used by certifiers and producers as well as authorities²⁴. It was developed with TÜV Vitacert GmbH, a company that has now been integrated in the TÜV SÜD Group.

8.2 Potential for harmonization efforts

Development of and interest in software solutions is mainly driven by the need to improve efficiency, quality and the economic situation of certification bodies. CBs expect to realize cost and time savings and in addition expect to increase quality through shortened information channels and consistent electronic data management.

Harmonization is not the motivation to use software tools; however it can be realized as a side-effect. There is a potential for harmonization because, depending on what functionalities the database applications provide, systems could vitally increase transparency, which is one of the most important factors with regard to harmonization efforts. Tools further improve networking, cooperation and information exchange between actors involved (operators, inspectors, certification personnel, CB and accreditation or approval body) and along the various processes implemented. This results in shortened and more efficient communication channels. Improved oversight and transparency supports consistent and comparable implementation of standards and criteria and would finally lead to more adjusted systems.

In order to achieve these benefits database solutions should:

- network information and actors involved (operations, certification bodies, accreditation or approval bodies);
- provide for the possibility to process data of operations (products, crops, animals, inputs, etc.);
- integrate different standards and checklists (compliance criteria, corrective actions, sanctions);
- include the potential to map all inspection and certification procedures implemented by the CB (inspectors' assignment, management of conflict of interests, generation of

²² http://www.gscmobilesolutions.com/pdf/EQM_agriculture.pdf

²³ <http://www.muddyboots.com/home.asp?strUserType=Processor>

²⁴ http://www.sf.com/dm/quatis_engl.html

applicable checklists, processing of reports, decision taking, management of deadlines, certificates, appeals);

- include all processes relevant for approval and accreditation purposes.

Harmonization potential is conceivable between the following structures.

8.2.1 For CBs using the same software solution

Generally

Software solutions intended for commercialization have to offer flexible solutions in order to suit the needs of different certification bodies. Nevertheless, using the same software solution will automatically lead to more harmonized processes. Although tools have to be customized, their possibilities reflect direction and conceptual ideas of operating a certification programme. CBs working with the same software solution would automatically amend and restructure their specific processes to a certain extent in order to make best use of the possibilities offered by the technological tool, and the other way round. In the long run it is likely that different certification programmes working with the same software would converge more and more.

Cooperation and recognition

Software solutions would also facilitate cooperative efforts, negotiation of acceptance contracts or recognition agreements between certification bodies because tools offer immediate data exchange and interfaces.

Standard evaluation checklists

Checklists developed for the oversight of a specific standard form an integral part of a database application. Still, it cannot be assumed that standardized ready-made checklists are provided together with a software application. Checklists have to be updated and reviewed regularly depending on new or revised standards interpretations or the inclusion of standards changes. The question, therefore, is who is responsible for this task and who finances it. At the moment CBs update checklists according to the needs and revisions that occur. Although there are some platforms where CBs cooperate with regard to standard interpretations, shared use of checklists commonly developed is more an exception than the rule. Whether the use of the same software would finally lead to shared inspection checklists between the users cannot be determined by the software but is a decision that has to be made by the users involved.

Consistent standard implementation

CBs tend to employ several inspectors, the actual number depending on the number and variety of operators. Although inspectors are trained and educated, different standard interpretations might occur between the inspectors. Is it assured that the use of software will ensure the same or similar circumstances are assessed in a repeatable and reproducible way? Database applications are a tool for improved oversight and can enable consistent standards interpretation although different personnel are involved.

8.2.2 Adjustments between supervising bodies and the CBs

Examples are:

Accreditation (approval), surveillance mechanism

Tools offer huge potential to shorten communication channels and to standardize reporting mechanism adapted to the needs of the authorities and the possibilities of the CBs. This is relevant especially in case of major non-compliances that require immediate action, but it also applies to the implementation of regular reporting requirements applicable for CBs in relation to supervision bodies (required statistics, annual reports, etc.). Systems that provide accreditors with access rights even provide the potential to reduce and simplify accreditation and surveillance mechanism substantially.

Standard interpretation

Improved oversight and shortened communication channels facilitate consistent standards implementation. In relation to accreditation bodies, the effects depend on how close a supervision body is networked with the CB and how many CBs are using similar tools that provide accreditors with the same level and quality of information. Connecting CBs with each other also offers huge potential to improve consistency in standard implementation

Use and form of documents

There are requirements specifying what kind of information at least shall be included in a respective document, e.g. certificates. A software application could integrate respective elements in templates that automatically include the elements e.g. when a certificate is generated.

Mapping of processes specified

An example of a mapping application is the “organic production and handling system plan” that is required under the NOP. The consistent implementation and use of the plan can be facilitated by mapping it in a database. This is relevant for operators and the information they have to submit. But it is also relevant to the further processing and evaluation of the plan, as CBs can ensure that only in cases of completeness and consistency of information is the inspector assigned. Other examples are specific requirements regarding sanctions and/or sanction procedures.

8.2.3 Operators and CBs

If database solutions also integrate operators, for example by providing them access rights to feed in their production plans, yield estimation etc., then shortened communication channels between operator and CB could also be realized.

8.2.4 Accreditors

If accreditors agree on the same approval and reporting requirements facilitated and implemented by, for example, a selected database application, then improved trust in the activities and performance of the respective other body is safeguarded and information standardized.

8.2.5 Additional remark

There is also a potential to facilitate the implementation of other systems relevant to organic producers, such as EurepGAP, IFS, BRC and Utz Kapeh. Depending on the market and on the product in question, organic operators may wish to be certified to one or several of these schemes in addition to their organic certification. Sometimes the certifications can be carried out by the same certification body, but very often operators have to contract an additional certification body for the specific purpose, thereby incurring individual certification fees. Highly developed software tools have the potential to benchmark the systems in order to avoid operators being inspected for each different certification when much of the same information may have to be provided and submitted for each certification. Software applications provide the potential of merging and combining the different requirements into “composite checklists”.

8.3 Recourses necessary

Developing such multifunctional tools is highly complex and requires enormous capacity from the programming side. It also depends on considerable knowledge and understanding of processes applied in organic certification. The complexity is due to the fact that complex information about standards, production and certification has to be processed, as well as the necessity to have the actors involved fully networked. Development requires a considerable investment of money, time and knowledge. The latest statistics count approximately 400 certification bodies operating “organic” certification all over the world. It is, therefore, unlikely that many suppliers will enter the software market offering cheap and appropriate solutions for organic certification bodies. The achievements of existing initiatives must be considered and evaluated carefully. At the moment, however, it seems that the software products currently on the market are only available to CBs with investment money at their disposal. Due to their high costs, external funding would be necessary for small and new certification bodies and for most CBs from developing countries to consider using any software solution. The costs are high because in addition to buying or licensing a software tool, the costs of customizing it to the certifier’s specific needs, system maintenance, as well as an investment in hardware equipment need to be calculated into the final cost.

8.4 Summary

The development and implementation of technological tools (software solutions) could indirectly contribute to harmonization, mainly because of the potential to increase transparency. Developments and offers are rare and often at an early stage, but some have already been implemented and are currently in use. A positive effect on harmonization depends on whether one software solution becomes widely accepted by certification bodies (and also accreditation bodies). The financial cost means there is a considerable barrier for CBs to go in this direction at the moment. This applies particularly to new and small CBs who do not have the funds. It must be stated, however, that there is also some potential to save expenditures due to improved performances.

9 Conclusions and recommendations

The analysis reveals that to a broad extent the influence of ISO 65 has led to harmonization of requirements. It can be stated that ISO 65 influenced the design and structure of all frameworks analysed and, therefore, has led to a similar set up, structure and organization of CBs. Nevertheless, the value of the requirements included in ISO 65 is assessed differently. Although ISO 65 is not sector specific and intended to include requirements that shall apply to all CBs independent from their scope of activity, the analysis of the different requirements as well as the interviews indicate that some ISO 65 requirements are considered as too restrictive and/or not valuable for organic certification. One of the problems identified is that the requirements are not scale sensitive and, therefore, do not provide the flexibility needed for the implementation under different cultural, traditional and social conditions; at the same time implementation in less favoured countries would require more flexibility.

The 2005 finalized IAC revision process has addressed these issues and, in particular, questioned ISO 65 requirements, with the aim of reducing the burden that results from the norm. Although revised, the new criteria adopted in 2005 still include the majority of ISO 65 requirements as a baseline and common framework. It still follows the ISO 65 quality system approach, with only some of the elements of the quality system that a certification body shall include (e.g. organizational quality statement, and documentation in a quality manual) having been deleted. In addition, the need for various solutions is expressed in the revised introduction that lists examples that justify these variations.

On the other hand, authorities as well as CBs, expressed their wish that requirements should be clear and definite. Clear guidance on how to set up the quality system is considered necessary as it ensures transparency and clarity from both the competent authorities and the CBs. It also should be considered that reference to ISO 65 has supported the organic industry's acceptance in the food industry at large, including its quality systems. ISO 65 reference facilitates harmonization with regard to other certification schemes that are applied in the food sector. This should not be underestimated; its importance may even increase in future because of increasing food security requirements.

The analysis also reveals that ISO 65 does not provide the baseline to harmonize technical requirements applicable for organic systems. A general agreement about the technical requirements on how certification should be executed is lacking. Various solutions and concepts are included in the different requirements analysed. They are additional to ISO 65 and reflect the process-based approach of organic certification, thereby providing technical guidance on how certification has to be carried out, including the required operator documentation. Requirements that specify the general objectives of the technical requirements – rather than prescribing them in detailed steps, tools and elements – would provide additional guidance while also providing the flexibility required. The requirements provided in the IAC may be taken as reference to develop such requirements.

There might also be a possibility to convene an ISO Technical Committee for developing an organic ISO 65. ISO has developed guidelines, e.g. for implementation of ISO 9000 in certain sectors. Theoretically, this is also conceivable for ISO 65. However, further considerations are necessary before a decision can be made to initiate further developments under the umbrella or aside of ISO.

Based on these findings and observations it is recommended to seek agreement on a new ISO 65 guidance document that specifies the implementation of ISO 65 in and for the organic sector. This would also offer the possibility of adapting the language to suit the organic sector better. It should still adhere to ISO 65, but it should also identify the areas of ISO 65 that are not appropriate for organic systems and provide an alternative considered appropriate. Furthermore, it should specify the technical requirements relevant for conducting the certification process. This would only make sense as long as there is an agreement that the development of such a document is appropriate and acceptable for (all) actors involved. In this context it is crucial that harmonization achievements are not jeopardized. Therefore, it is essential that the guiding influence of ISO 65 is still visible.

In addition, it is recommended that other “assisting” tools that would improve and facilitate the implementation of organic certification requirements and protect organic integrity should be considered. An example of such is an additional instruction document on how to develop and organize the necessary Quality Management System documentation. Such an instruction document with the related documentation would facilitate the implementation of the requirements and would also facilitate a better understanding for CBs entering the market.

The inspectors play an essential and, commonly agreed, central role within organic certification schemes. Additional considerations on how to improve inspectors’ qualifications and how to support CBs in the training of their inspectors are recommended as well.

Annex 1: List of people contacted

First Name	Last Name	Organization	Country
Juan Carlos	Ramirez	Servicio Nacional De Sanidad y Calidad Agroalimentaria (SENASA)	Argentina
Laura	Montenegro	Argencert SRL	Argentina
Grover	Bustillos	Bolicert	Bolivia
Theresa	Blanco	IMO LA	Bolivia
Paul	Espanion	IBD	Brazil
Xinji	Xiaoxj	Organic Food Development Center (OFDC)	China
Elizabeth	Ramirez	Head of the Organic Agriculture, Accreditation and Registry office in the Ministry of Agriculture	Costa Rica
Peter	Grosch	BCS	Germany
Herman	Van Boxem	European Commission	European Commission
	Keller	Federal Agency for Agriculture and Nutrition (Bundesamt für Landwirtschaft und Ernährung [BLE])	Germany
S.	Dave	Agricultural & Processed Food Export Development Authority (APEDA)	India
	Sajindranath	Indocert	India
	Hagai	Agrior	Israel
Kenji	Masumoto	JONA	Japan
Masahisa	Nakano	Ministry of Agriculture, Forestry and Fisheries	Japan
Christian	Eis	ABG	Österreich
Frank	Regula Bickel	Bio Inspecta	Schweiz
Göte	Frid	Competent authority	Sweden
Nartrudee	Nakornvacha	Organic Agriculture Certification Thailand	Thailand
Jo	Smillie	Quality Assurance International (QAI)	USA
Keith	Jones	Agricultural Marketing Service (AMS)	USA
Verena	Fischers-Worring	Bio Latina	

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COMMISSION REGULATION (EC) No 2491/2001 of 19 December 2001 amending Council Regulation (EEC)No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (provides for Annex II of the regulation and includes “Minimum Inspection Requirements and Precautionary Measures under the Inspection Scheme referred to in Articles 8 and 9”	http://europa.eu.int/eur-lex/pri/en/oj/dat/2001/l_337/l_33720011220en00090017.pdf
NOP Regulatory Text Subpart E – Certification Subpart F - Accreditation of Certifying Agents	http://www.ams.usda.gov/nop/NOP/standards/AccredReg.html
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Codex documents	http://www.who.int/foodsafety/publications/fs_management/en/
Principles for Food Import and Export Inspection and Certification. CAC/GL 20-1995 1	ftp://ftp.fao.org/codex/standard/en/CXG_020e.pdf
Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems. CAC/GL 26-1997 1	ftp://ftp.fao.org/codex/standard/en/CXG_026e.pdf
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Cooperation Between Conformity Assessment Bodies in Organic Certification

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Executive summary

Organic certification was initially a service performed by producer or public interest associations for their own members. Organic certification in its early beginnings was strongly related to private labelling schemes set by pioneer organic conformity assessment bodies (CABs) for market differentiation. One could say that certification at the time was a kind of category “branding”.

With the onset of government regulation, organic certification also become a “professional service” for regulatory compliance. In addition to the private organic label CABs, there are now professional service provider CABs and governmental bodies providing organic certification.

Organic certification covers the full product chain, i.e. from primary agriculture production to the final finished processed product, packed and ready for sale. The product supply chain and trade chain of custody can include several operation stages performed in several different countries.

Organic production takes place in regulated and unregulated markets. Certification at every stage of the chain has to comply with applicable standards at that stage. This can include the local regulatory requirements where production is located, regulatory requirements of the target export market and buyer’s choice of private label/standard requirements. Certification of international product chains is likely to have been conducted by different bodies at different stages to different regulations, standards and norms. In addition, the certification of each stage has to cover the preceding stage with the certification of the final stage assuming responsibility of all prior certifications. Due to the lack of recognition between governments and within the private sector, certification of the international organic product chain has become a very complicated and cost burdensome service to operators and consumers.

The organic sector is far from the ideal, which is one where suppliers of goods and services in a

global market would be able to sell all over the world based on satisfying a single integrated approval process whose result(s) is accepted everywhere. Compounding the lack of recognition agreement between governments, organic regulations today do not empower CABs approved or accredited within their system to recognise products certified by another CAB approved or accredited under another regulatory system. The situation is further exacerbated by normative restrictions placed on CABs against delegation of authority even within the framework of a recognition agreement based on an identical accreditation. These exclusive framework conditions amount to demanding every CAB in the organic sector to do everything by itself, i.e. acquire every authorization required and make every certification decision by itself.

The demanding nature of the requirements makes it extremely difficult for local certification initiatives in developing markets to service export certification. The exclusive nature of the requirements hampers development of international one stop shop certification service networks based on CAB to CAB collaboration. Yet, such service networks are needed to reduce, if not the multiple certifications, the necessity of separate inspections by different CABs of the same operation, as experienced by organic operators worldwide today.

There are examples of collaboration in the organic sector. But none is as extensive as the IQNet example for ISO 9000 and ISO 14000 type certification, or as inclusive as the ASHA-CASLPA recognition agreement in professional certification in audiology, which provides for individuals certified by ASHA or CASLPA to obtain certification by the other based on equivalence without further tests.

Notwithstanding competition and social-cultural reasons, development in CAB to CAB collaboration in the organic sector today is largely constrained by the exclusive nature of private labels, regulations and certification norms. CABs compete on standards, authorization, as well as service. Lucrative export certification receives greater attention than certification for local developing markets. The situation will worsen as more countries set similar “exclusive” regulations. As the bureaucracy increases, so will frustrations and tensions within the sector. It is questionable whether consumers will feel “protected” or alienated by this development, which is more likely to hinder than drive the mainstreaming of the organic sector.

De-regulation of organic certification

Certification of quality systems does not have to be government regulated to work, e.g. ISO 9000 or ISO 14000 certification. Certification of organic management is in many ways a quality system certification. The majority of countries have no organic regulations. Although difficulties with regulations were unintended, given the problems they have created, policy-makers should consider withdrawing regulations and letting organic certification be self regulated by the industry. However, it is by no means guaranteed that private sector collaboration today would be able to counter competition forces to prevent regression to internal market segmentation. Consequently, a more inclusive transition regulatory framework that enhances public-private sector collaboration, as well as encouraging CAB to CAB collaboration, represents a more feasible option for the medium term.

Revision of current exclusive to inclusive standards and regulatory framework

The exclusive nature of current regulations and standards is overkill. Food products produced to different organic schemes are safe and pose no health threat in principle. Where regulated, policy-makers should consider acceptance as the rule and not the exception, which would ease the certification burden on operators and authorization burden on CABs. Regulations in general should:

- reference private sector consensus standards developed within the country where available;
- recognise other foreign regulations or private standards set in a participatory and consensus based process;
- accept all products produced to the applicable national regulation or private standards.

The above would encourage the private sector to develop consensus and remove discrepancy between private standards and regulations. The gap between local development and international market requirements would be addressed. Organic operators would have to satisfy only one applicable local regulation/standard to market their product as organic worldwide.

Mitigating measures

In the event policy-makers are not able to adopt the above, however, they can take the following mitigating measures.

- establish an international equivalency determination process for regulations based on international norms to facilitate government to government recognition;
- authorise CABs approved or accredited within their system to determine acceptance of products certified by another CAB approved or accredited under another regulatory or private system;
- adopt a common sector specific international criteria for organic certification;
- give CABs authority to confer certification based on an equivalent prior certification within a mutual recognition agreement;
- entitle CABs to delegate certification authority in the context of a recognition agreement based on the same accreditation.

The above would support CABs to exercise more efficient and higher functional levels of collaboration.

Notwithstanding better conditions for collaboration, whilst the overarching objective for collaboration is to facilitate trade, the reasons to or not to establish collaboration between CABs include considerations – such as cost savings, enhancing competitive position and expanding service markets – that offer advantages to the CABs as well as to trade. Collaboration is also biased by national and international competition.

Collaboration in a competitive environment amounts to developing strategic relationships to enhance competitive advantage against each other or different groups. There are basically two

models to service the international organic product and market chains. They are the:

- global company model
- international alliance/network model

Over 400 organizations claim to do organic certification worldwide. Whilst not all may be active, they do represent a considerable resource pool for sector development. The organic sector can either be serviced by a number of competing international service networks, as with airline alliances in the air travel service sector, or by a few global companies dominating, as in the auditing service sector. Whilst most local CABs based in developing markets cannot realistically grow to compete as independent global companies, they can offer enough local advantage to maintain independence as members of an international alliance. Development of service networks where big and small CABs can collaborate productively augurs well for development and mainstreaming of organic sector worldwide.

Finally, there is no “blue print” for success in business collaboration. It takes time to build trust, to harmonize working documents and procedures, not to mention social cultural and work ethic differences. Policy-makers can set the example by adopting more inclusive framework conditions that support collaboration accruing benefits for participating CABs that also trickles down to users (operators) and consumers.

Whilst amended in June 2006, reference information mentioned and sector developments covered in this report does not extend beyond 15 October 2005.

15 June 2006

[document amended based on version dated 15 October 2005]

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ADDITIONAL TERMS

In addition to the definitions given in Annex 2 (page 221), the following terms are used in this report:

Approval: Procedure by which a body (other than an accreditation body) gives a formal recognition that a body or person is competent to carry out specific tasks.

Certification body (CB): Organization offering certification services. Can be a limited company, association, government agency, etc. Sometimes called conformity assessment body (CAB).

EU Regulation: Council Regulation (EEC) no. 2092/91, with amendments and additional regulations.

IFOAM norms: The IFOAM Basic Standards for Production and the Accreditation Criteria for Certification, which form the basis for IFOAM Accreditation.

IFOAM accreditation: Accreditation by the IOAS of a certification body to the IFOAM Norms. The status of which is often referred to as “IFOAM Accredited”.

Inspection: Visit on-site to verify that the performance of an operation is in accordance with the production or processing standards. In other sectors of conformity assessment, this is often referred to as auditing or assessment, e.g. environmental auditing.

Inspection body: Normally a body performing inspection services. Also means “certification body” as is used in the EU Regulation on organic farming.

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”.

NOP accreditation: Accreditation of a certification body to the NOP requirements for certification bodies, by the USDA.

Third country list: The list of the EU of countries that have been recognized as having an equivalent organic regulation as the EU, according to article 11.6 of the EU Regulation.

1. Introduction

This report was commissioned by the International Federation of Organic Agriculture Movements (IFOAM) on behalf of the International Task Force (ITF) on Harmonization and Equivalence in Organic Agriculture. The author's brief was to document and analyse equivalence and other forms of cooperation and potential cooperation between organic conformity assessment bodies (CABs) in conducting inspection and certification with the emphasis on cooperation between CABs in industrialised countries and CABs in developing countries. The author was also requested to outline a "blueprint" for CAB to CAB cooperation.

A survey questionnaire on CAB collaboration was circulated in June 2005 to all listed CABs (around 380 organizations) in *The Organic Standard* (TOS) Certification Directory 2004. Twenty-one responses were received. Most were not interested in offering a case study. Some were interested but their situation was not relevant to the objective of the report. Some were only prepared to share their information anonymously. Consequently, it was not possible to do an analysis of success and failure based on case study examples, as was intended for the report.

The first draft (August 2005) covered

- the development of the organic sector and organic certification;
- the operating conditions for organic certification as set by organic regulations; private sector standards and label schemes; international norms and accreditation;
- an overview of CABs in the organic sector, their numbers, types, location and approval status with respect to key regulatory and accreditation systems;
- different forms of collaboration between CABs in organic certification as well as mutual recognition schemes of other certifications;
- a review of the state of play, the challenges and opportunities faced by local organic CABs in developing countries.

It concluded with some development strategies for local organic CABs in developing countries including constraints to CAB to CAB collaboration.

Based on feedback received, the second draft was extensively revised from an advisory to CABs perspective to a higher framework level, including proposals to the ITF on revision of framework conditions affecting CAB collaboration in the organic sector. This final version is amended to incorporate comments during discussion of this paper at the ITF meeting, 5–7 December 2005, in Hammamet, Tunisia.

After dwelling long on the subject, the author's conclusion is that there is no "blue print" for CAB to CAB collaboration. Policy-makers, however, can encourage preferable actionable options by setting framework conditions that support rather than constrain collaboration.

The author would like to thank all the organizations and people who have contributed information as well as assisted in the preparation of this report, in particular, Gunnar Rundgren and Nuria

Alonso. Content of the report, including any error or omission, however, remains the author's responsibility. Besides input contributions received, content of the report was also drawn from the author's work and experience in the field of organic certification, as a member of the IOAS Board, IFOAM Norms management committee, IFOAM Organic Guarantee System Review Task Force, ACT Control Management Committee; and the OAM Board, as well as experience as the Commissioning Editor of *The Organic Standard*.

2 Development of organic certification

2.1 Grassroots private label initiatives

Most pioneer organic conformity assessment bodies (CABs) or certification bodies (CBs), as they are commonly known in the organic sector, have their roots as producers' or public interest organizations promoting organic farming. Labelling and certification of organic products was private and a new phenomenon then. One could say the organic sector "invented" agriculture process and product certification. There were no national regulations or accreditation regarding organic certification until the early 1990s.

2.2 Middle aged as well as infant development

As market demand in the European Union and the United States picked up in the late 1980s and early 1990s, European and American food companies started to source for products overseas. The extension of the organic supply chain brought the phenomenon of organic standards, inspection, certification, labelling and regulation to supplier countries, many of which were developing countries. Whilst domestic markets for organic products have emerged in some, most developing countries, including those who export organic products, do not have significant domestic organic markets. Whilst organic standard setting and certification has up to a 40-year history in some developed markets, it is still new for many developing countries.

2.3 Types of organic certification bodies

Beginning as a service performed by producer or public interest associations for their own members, most pioneer organic CABs operate private standards and labelling schemes for market differentiation. Organic certification in its early beginnings was strongly related to such private labelling schemes. One could say that certification at the time was a kind of category "branding".

As a result of government regulation, organic certification has also become a "professional service" for regulatory compliance. Besides the private organic label CABs, there are now also professional service provider CABs and governmental bodies that provide organic certification.

CABs operating in the organic sector today can be classified into three types:

- private label CABs, i.e. CABs operating private label schemes;
- service provider CABs, i.e. CABs who do not operate private label schemes. They mainly offer organic certification to regulatory requirements but may also do inspections for private label schemes;
- government bodies.

3 State of play

3.1 From local to global

The organic sector has grown from separate local production and market events to an international production and market phenomenon. Its grassroots history in standard setting based on local conditions, region or country based private label schemes, augmented with national regulations today, pose considerable challenges and constraints to international trade in organic products that is growing in line with consumer, producer and policy-makers' interest in the sector worldwide.

3.2 State of development

The organic sector is in a state where norms and roles (private and public sector) are still developing. Operators exporting organic products worldwide today, are challenged to keep abreast of development and change in organic regulations and private standards, and must adjust their operation accordingly. Likewise, operators importing organic products or ingredients from overseas suppliers need to keep abreast of developments and changes in organic regulations and private standards affecting their supply chain. They all rely on CABs to inform them of their conformity requirements and responsibilities.

3.3 Many and different organic systems

CABs in the organic sector, in turn, are doubly challenged to keep abreast of developments and changes in organic regulations, private standards as well as conform their certification system to applicable registration, approval or accreditation requirements where they work. This may result in the CABs establishing separate organic certification programmes in line with the different requirements. It is not uncommon today for CABs to operate four to five different organic certification programmes e.g. EU Regulation compliant, National Organic Program (NOP), Japan Agriculture Standard (JAS) Organic and one or even two private organic label schemes.

3.4 Restrictions to service delivery

Until recently, CABs based in importing countries were, more or less, free to make on and off inspection visits or to set up office to certify organic operators in exporting countries. With the

adoption of organic regulations in exporting countries, CABs working internationally have to increasingly also comply with exporting countries' regulatory requirements as well as the importing ones. Some national regulations, such as the recently established Chinese regulation, do not allow foreign CABs to certify domestically except in some form of joint venture with local partners.

3.5 Responsibility for preceding certification

Organic certification covers the full product chain, i.e. from primary agriculture production to the final finished processed product, packed and ready for sale. The product supply and trade chain of custody can include several operation stages performed in several different countries. For example, cashews could be grown in Uganda, processed in India, exported as raw nuts to Europe for roasting and then sold in Europe as well as exported to the United States and Japan. At each stage, the product, as a raw material or final product, has to comply with applicable domestic regulation and market requirements as well as those of the intended export market(s). Each stage is usually managed by an independent operator. Certification of different stages in an international product chain is likely to be performed by more than one CAB. The certification of each stage has to cover the preceding stage with the certification of the final stage assuming responsibility of all prior certifications.

3.6 Complicated and cost burdensome business

Countries and regions set different standards and requirements due to different climatic, geographic, economic, social, cultural, political and state of sector development conditions. The lack of recognition between countries and lack of an international multi lateral agreement system for international trade in organic products makes certification of the international organic product chains a complicated service, and cost burdensome to operators. The author knows of a vegetable producer and exporter in Thailand, who needs up to seven different organic certifications for his business. The certifications are all for the same operation. Fortunately for him, they can be facilitated through three instead of seven separate inspection visits.

3.7 Product flow and integrity depends on collaboration

Certification of today's global organic product chains is performed by different CABs at different stages under different regulatory and market requirements. Notwithstanding recognition agreements between countries, product flow is not possible without some form of collaboration between the CABs involved even within a common regulatory framework. Integrity of the organic guarantee, in fact, hinges upon collaboration, e.g. information sharing between CABs.

“The driving factor for the European Organic Certifiers Council (EOCC) initiative was the supply chain condition, where in many cases two or more CABs are involved. The framework for communication between CABs established by the EU Regulation was experienced as not effective enough. The need for a more organized collaboration between CABs was highlighted by the numerous fraud scandals that occurred in Europe at the end of the 1990s, including

some very serious cases of fraud or negligence related to false claims of contaminated cereals. The problem was exacerbated by not having a clear established procedure in the EU to communicate cases of fraud or residues between interested parties. The EOCC lobbied for the possibility to exchange certification related information between CABs. This was earlier not legally permitted, re: confidentiality reasons, but is now regulated in a revision of Regulation (EEC) No 2092/91, article 9.7.b.”¹

4 Development challenges in organic certification

4.1 One-stop shop service

In line with today’s global marketplace and international product chains, ideally, suppliers of goods and services should be able to sell all over the world based on satisfying a single integrated approval process whose result(s) is accepted everywhere. The challenge for CABs in organic certification, as in other certification, is to be able to offer operators the one universal certificate recognized worldwide. Failing that, a “one-stop shop”, where all if not as many as possible of the different certificates required can be arranged through one inspection visit or one office.

To operate a one-stop organic certification shop CABs will have to develop the following features:

- accreditation, registration and approval access into all relevant markets;
- ability to offer inspection if not certification services to national regulations and private standards where the products are sold;
- be party to multi-lateral agreements (MLAs) or bilateral agreements to facilitate re-certification or acceptance of prior certification for products in order to have access to national and/or private labels that buyers may prefer;
- provide related additional certification/inspection services, e.g. EurepGAP, HACCP, fair trade, etc.

4.2 International service capacity

To reach operators worldwide as well as to service operators producing, processing and marketing in different markets (multinationals), CABs also have to consider setting up offices outside their home base and internationalize their service delivery capacity.

4.3 Framework conditions (policy and normative constraints)

It is a logistic, financial and management challenge for organizations to establish an international operation that covers all key markets and production locations so that they can provide a worldwide

¹ See Annex 2: EOCC case study.

one stop certification service. The challenge is made even more daunting by the lack of recognition agreements between governments and within the private sector. In addition, limited authorization, as well as delegation of authority restrictions in certification norms inhibits the scope of mutual recognition collaboration between CABs in organic certification.

5 Collaboration examples in organic certification

Collaboration in organic certification takes place under a number of arrangements, such as outsourcing work, business partnership and recognition agreements.

5.1 Outsourcing and selling inspection services

It is common – and often the starting point for collaboration between CABs in organic certification – to outsource and/or “sell” inspection services. CABs can assign staff or contract qualified individuals to carry out inspections. Contracts can be on a job-by-job basis or an on-going arrangement. As well as individual inspectors, CABs can also outsource inspections to inspection/certification bodies. Outsourcing inspections to individuals is more common than outsourcing inspections to other CABs, mostly because it is relatively simpler to contract an individual.

A CAB to CAB arrangement, however, offers greater advantage and stability to all parties if there is no conflict of interest between the CABs’ business plans. Hence outsourcing inspections between CABs in the organic sector is normally only established between CABs who do not offer similar certification services. CABs operating private label schemes are in a better position to benefit from such an arrangement than service provider CABs.

The German-based CAB, Naturland, who focuses only on operating their private label scheme, outsource all inspections to other inspection/certification bodies. They do no inspections of their own. Operating solely as a private label CAB, they can even outsource inspections to other CABs in Germany.

Whilst it is generally not feasible for service provider CABs to outsource inspections to another CAB within a similar market, they can do so with CABs in different (foreign) markets.

5.2 Sales representative – branch office – group partnerships

The outsourcing of inspection arrangement can also extend to the individual inspector or CAB acting as a sales representative for the commissioning CAB. This a common arrangement for CABs to expand service centres overseas at relatively low cost. The arrangement generally empowers the individual or agent CAB to solicit, process applications and conduct the necessary inspections within a set geographical area on behalf of the principal CAB. Depending on the situation, other responsibilities, e.g. fee collection, may be included.

The sales representative arrangement basically amounts to a business partnership rather than an outsourced service contract. As the situation changes, e.g. as the size of the business grows, the scope and nature of the partnership could develop into branch office or group partner status. The group scenario normally operates under a common identity or group name linked to the principal CAB. The principal CAB is normally a significant if not majority shareholder. A number of international CABs, e.g. Ecocert, BCS, Institute for Marketecology (IMO) have expanded their international operations through such business partnerships.

“The Institute for Marketecology (IMO) is an international certification and inspection body founded in Switzerland in 1990. Its owner is Bio-Foundation, a non-profit Swiss foundation whose aims are to support the development of organic agriculture and consumer education. Over the years, IMO opened many offices through joint ventures with local individuals or organizations in the countries where it operated. It also supported the establishment and accreditation of several local certification bodies. The IMO Group evolved as an organized structure for collaboration and exchange among IMO offices, inspectors and representatives all over the world. It is coordinated by the IMO head office in Switzerland.

Group members

There are three different categories of members.

- independently accredited bodies: these offer full certification based on their accreditation, independently from IMO head office;
- inspection offices: these act as service centres and organize inspections for operators in their respective countries.
- Representatives: individual professionals working part-time and as freelance for IMO. They do inspections and provide other services as well.”²

5.3 Alliances or joint certifications

Besides the “subsidiary” arrangement within a group identity, CABs can partner up to form alliances to complement each other’s authorised certification to enhance the range of certification services and market access to operators. Operators can apply for more than one certification through one application process. Inspection is arranged by one of the partner CABs for the certificates of other partner CABs. Partner CABs in this arrangement maintain their respective distinct identities.

“The Quavera.org Alliance is a cooperation of independent accredited certification bodies offering different certification systems in food production and processing. It is formed to provide clients with market access to over 30 countries including the European Union and North America through harmonized protocols, i.e. standardized inspection and certification procedures, and a common fee structure. Operators can work with any of the Alliance members:

- Salzburger Landwirtschaftliche Kontrolle GesmbH (SLK) Austria

² See Annex 3: IMO case study

- Gesellschaft für Ressourcenschutz mbH (GfRS), Germany
- Canadian Organic Certification Cooperative Ltd (COCC), Canada

Together Alliance members provide organic certification and inspection to:

- the EU Regulation (EEC) No. 2092/91;
- the US National Organic Program;
- the Quebec organic regulations;
- private organic labels (ERNTE, Naturland, Bio Suisse, Delinat, ECOVIN, Bioland, Demeter, GÄA, Biopark, [and] Soil Association standards).

Besides organic certification, Alliance members also offer certification to:

- labelling of beef and beef products according to Regulation (EC) No.1760/2000
- Austrian Codex for Food Chapter A 8;
- classification of meat according to Austrian legislation;
- requirements of the Agrarmarkt Austria Marketing GmbH (AMA);
- production of fruits and vegetables according to EurepGAP standards;
- ARGE GMO-free;
- requirements of the Qualität und Sicherheit's GmbH (QS-Charta system)."³

5.4 Mergers

To achieve the necessary economy of scale as a viable service provider, CABs have also merged into one common operation as in the Bio Latina case.

“Four local independent Latin American CABs, Bio Muisca (Colombia), Biopacha (Bolivia), Cenipae (Nicaragua) and Inka Cert (Peru), all established between 1988 and 1996, soon realized their local markets could not sustain their certification business and some kind of recognition or authorization was required to gain acceptance into foreign markets, mainly the EU. When confronted with ISO requirements for accreditation and cost, they realized it might be wise to shoulder the burden together.

Amidst concerns and fears of loss of identity, the four CABs, who first established cooperation in 1995 decided to form an association ‘Bio Latina’ in December 1996 and subsequently incorporated as a company in 1998, parallel to the process of seeking ISO 65 accreditation from DAP, a German based accreditation body. This happened in 2001. In April 2002 Bio Latina was accredited by the USDA for NOP. It has agreements with ICS Japan and QAI for the Japanese market. Many import authorizations into the EU based on Bio Latina certification has been issued. Bio Latina is interested in IFOAM Accreditation but cannot afford it at this time.

Besides organic certification for the EU, USA and Japan market, Bio Latina provides bird-friendly coffee inspection (as subcontractor of the Smithsonian Migratory Bird Centre), and inspection for Naturland certification.

³See Annex 4: Quavera.org Alliance case study

Bio Latina's main office is located in Lima, Peru. Besides the four original countries of operation, Bolivia, Colombia, Nicaragua, Peru, it now has offices in Ecuador and Venezuela and certifies in El Salvador, Guatemala, Honduras and Panama. It currently has 13 employees, 40 inspectors (part time). The General Manager sits in Lima, the Deputy Manager in Quito, the Quality Manager in Caracas and his deputy in Managua.

Most of the administrative work and certification decisions are centralised in the main office. Each office functions more or less autonomously but with common rules and procedures. Inspections are carried out by local inspectors. Inspection and certification fees are based on the economic reality of each country. The development of Bio Latina was supported by GTZ, Germany. Financial support ended in 2001 and it is no longer dependent on development funds.”⁴

5.6 Recognition of prior certification agreements

CABs can establish recognition agreements between each other, on a bilateral or multilateral basis, to facilitate acceptance of products and transfer of operators without entering into a binding alliance or group structure commitment. Recognition of prior certification is contingent on regulatory as well as private label requirements. A recognition agreement is normally only needed between CABs operating different certification schemes.

5.7 Acceptance of products

Acceptance of products within the scope of a regulatory system is normally implicit in the regulation itself, e.g. it is not necessary for EU-approved CABs to establish formal recognition agreements between each other to accept products certified within the scope of the EU Regulation, i.e. within the European Union. Similarly, for the USA NOP system and the Japanese Organic JAS system. The United States system, unlike the European Union one, covers the whole world.

No organic regulation today formally empowers CABs approved or accredited within their system to recognise products certified by another CAB approved or accredited under another regulatory system, either on the basis of compliance or equivalence. The Japanese system does allow “re-certification” of a product on the basis of a prior inspection report done by another CAB for a different organic certification, provided the CAB is a credible CAB. According to the author's knowledge, based on enquiries with Japanese CAB contacts, this provision is not widely used by Japanese CABs for certification of foreign imports. Reasons given included fear of making mistakes, language and translation problems.

Recognition agreement between CABs in the organic sector is currently only actionable at the private level between private label schemes. It can be facilitated by a common accreditation. The only multilateral recognition agreement in the organic sector today, is the one established between the IFOAM Accredited Certification Bodies (ACBs) in 1999.

⁴See Annex 5: Bio Latina case study

5.8 Acceptance of applicant operators

Based on a recognition agreement, CABs can also arrange transfer or acceptance of an operator certified by another CAB. This is mainly to facilitate operator access to the use of different certification marks or private labels. This arrangement is also only actionable on the private sector level in the organic sector. Operators under a common regulatory framework need not register with more than one approved CAB. Due to the lack of recognition agreement between governments, operators needing approval to more than one regulatory system have to register for separate certifications. This may be facilitated through one or more CAB, depending on their range of authorizations.

“The ACBs’ MLA works at two levels:

- **functional equivalence:** it establishes functional equivalence between ACBs at the level of IFOAM Criteria and for organic standards at the level of the IFOAM Basic Standards.
- **acceptance of certification:** it supports bilateral agreements between signatories regarding acceptance of each other’s certificate. Parties may specify compliance to additional standards requirements where their private standard exceeds IFOAM Basic Standards.

The MLA recognition agreement does not offer blanket acceptance of certified products between ACBs. It only covers products that are directly certified by an ACB, i.e. re-certified products originally certified by non-ACBs are not covered. It also does not confer additional certification by other ACBs to the operator.

Transfer or acceptance of an operator certified by another ACB must be separately arranged. Whilst use of prior documentation and inspection reports are permitted for the initial transfer, ACBs must make separate certification decisions on a case-by-case basis. Subsequent inspections must take account of all applicable standards of the ACBs involved.

At their meeting in Guiglia, Italy, June 2004, the ACBs agreed on incorporating a legal entity as a group to affect influence on political and economic policy in the organic industry. Debbie Miller of Organic Crop Improvement Association International (OCIA), elected President of group said, ‘Organizing private organic certifiers into a single political voice and advocate for change, means putting aside our differences to become more effective leaders. It’s valuable to take stock of the changes and trends that are taking place, or are on the horizon, in order that we can determine our role and future in the industry.’

Another important decision made during the meeting was the principle agreement between the ACBs that there would be no additional requirements above the legal level accepted in the Multi-Lateral Agreement (MLA) between ACB members. Currently, signatories on the MLA are allowed to list additional restrictions. It was, however, recognized that additional requirements may still be needed in some regions for a limited time.”

5.9 Common private standards

CABs operating private labels can also cooperate and compete at the same time under the arrangement where they agree to a common set of standards, e.g. the common Italian standards initiative, and continue to compete in services. Separate identities are maintained through the continued use of different certification marks.

“Five organic CABs in Italy, Bioagricoop, CCPB, ICEA, IMC and BIOS, have agreed to a common set of private standards based on the EU Regulation and the IFOAM Basic Standard (IBS). The necessity of creating a common set of standards according to ICEA, a key promoter of the initiative, arose from the general confusion developing with operators and in the market with different regulatory and certification schemes. *[The] majority [of] operators and market players are often not able to understand the real difference between the different systems. Furthermore, additional certification costs increase production and product costs. Maintaining differences in the same country [and] agronomic realities, only add to the growing confusion and frustration.*

By adhering to a common standard, the flow of products from one certification to another one will be smooth. It will also facilitate easier acceptance of product procedures for Italian exports between private labels. Other private labels now need to only refer to one and not five sets of Italian private standards.

The common standards currently apply only for crop production. The common Italian standards have been submitted and received approval as an IFOAM approved standard. All participating five CABs can maintain their IFOAM Accreditation based on the approved common standards without further review.”

In addition to the Italian example, initiatives are also taking place with international organic shrimp and textiles standards.

6 Models for CAB development and collaboration

6.1 Two basic models

The author found basically two leading development models for CAB development and collaboration outside the organic sector. With CABs offering an international “one-stop” certification shop chain, trade in today’s global marketplace is facilitated in an effective manner and provides a convenient interface with the operators.

The Global company model, e.g. SGS

“Societe Generale de Surveillance or SGS as it is better known, is a leading inspection, verification, testing and certification company. With 42 000 employees, SGS operates a network

of about 1,000 offices and laboratories around the world. The core services offered by SGS include:

- **Inspection services.** SGS inspects and verifies the quantity, weight and quality of traded goods. Inspection typically takes place at the manufacturer's/supplier's premises or at time of loading or at destination during discharge/off-loading.
- **Testing services.** SGS tests product quality and performance against various health, safety and regulatory standards at laboratories on or close to customers' premises.
- **Certification services.** SGS certifies that products, systems or services meet the requirements of standards set by governments (e.g. GOST R), standardization bodies (e.g. ISO 9000) or by SGS customers. SGS also develops and certifies to its own standards.

For more information visit: www.sgs.com”

A relative latecomer to the organic sector, SGS does offer organic inspection and certification services but not in a big way.

The smaller but better known global, company-type, organic CABs in the sector are IMO, Ecocert, BCS, SKAL and ICEA.

The International Alliance/Network model, e.g. IQnet

“IQNet was set up in 1990 as the European Network for Quality System Assessment and Certification and transformed itself into a global forum in April 1994. IQNet members are independent CABs active in all industrial and service sectors where ISO 9000 quality management standards are applicable. Member organizations must meet EN 45012 requirements (General criteria for certification bodies operating quality system certification) and follow ISO 10011 (Guidelines for auditing quality systems) when assessing client companies. Equivalence of certification is assured by periodic assessments of each member (peer review). According to its web site, IQNet is composed of 35 CABs and counts more than 200 subsidiaries worldwide. IQNet partners have reportedly certified more than 200 000 companies in 150 countries. They can appoint more than 10 000 auditors and 5 000 experts, auditing in more than 30 different languages.

For more information visit: www.iqnet-certification.com”

The Quavera.org Alliance is an emerging example of such a model within the organic sector. The ACBs, as a group, represent a potential alliance group but currently are not.

Over 400 organizations claim to do organic certification worldwide. Whilst not all of them may be active, they represent a considerable resource pool for sector development. The possibility for the development of inclusive frameworks to facilitate development of collaborative networks where many big and small CABs can work productively would be preferable to a competitive scenario where consolidation into a few dominant global organizations takes place.

7 Challenges and opportunities for CABs in organic certification in developing markets

7.1 New and unregulated sector

Sixty countries are reported to have organic regulations in various stages of implementation. Only ten countries outside the European Union, United States and Japan have fully implemented regulations. The organic sector is not regulated in the majority of developing countries and around the world. This also reflects the non-existent or infant stage of sector development and market in those countries.

Local certification initiatives establishing in new and unregulated developing country markets face the following conditions:

- The infant stage of sector development necessitates paying greater attention to production and market development than to quality assurance procedures.
- The infant stage of sector development necessitates confidence building for market acceptance.
- A small and weak local market may not attract private sector investment to support the development cost of an independent local CAB.
- A small and weak local market cannot sustain high administrative overhead costs associated with ISO-type, third party structure and procedures.
- The absence of regulation mean less bureaucracy to deal with.
- The absence of regulation necessitates the setting of private local standards and label scheme for market differentiation.
- There is little or no competition for domestic market certification.

7.2 Domestic sector leadership and influence

Like the early pioneers, local certification initiatives in unregulated developing markets will play a major role in the development of the organic sector in the country. Their private standards will influence the country's regulations. Well functioning local pioneer CABs are likely to maintain a leadership position in the local sector and a dominant market position as the domestic market develops. Incidentally, the top earning bracket CABs identified in the TOS certification directory (August 2005) are pioneer domestic market dominant private labels such as KRAV (Sweden), Soil Association (UK) and Bio Suisse (Switzerland).

7.3 Certification for export

CABs in general face a complex reality when it comes to international certification. The challenge is the more daunting for low resourced CABs based in developing markets. Moreover, many international CABs offer certification services in developing markets.

7.4 Strength and weaknesses

It is hard for local certification initiatives in developing markets to compete with international CABs in certification for exports. Local CABs, however, present many advantages as a service partner. These include a local presence, inspectors familiar with local production methods and growing conditions, staff fluent in the local language, and political support for a local business rather than a foreign one. Local CABs offer international CABs the possibility of extending their service at competitive rates in the region where they work.

Emerging CABs need a clear strategy and a certain level of preparation to make and take full advantage of collaboration opportunities. They need to be coached so they ask questions on what strategy to pursue, what to prepare, how to conduct negotiations with potential partner CABs, etc. Having a good consultant, however, is no replacement for a competent manager. Finding a competent manager in a pioneer situation is a challenging task itself for emerging CABs in developing countries.

7.5 Collaboration advantage?

Whilst the overarching objective for collaboration in certification is to facilitate trade, not withstanding regulatory constraints, the reasons to or not to establish collaboration between CABs include considerations, such as cost savings, enhancing competitive position and expanding service markets, that offer advantages to the CABs.

The range and choice of partner also depends on who is interested.

“According to a report from a series of meetings held during BioFach 2004, between a group of four emerging CABs (from Malaysia, Uganda, Tanzania, Bosnia) and six established CABs (two from the USA and four based in Europe) to explore options of collaboration, responses from established CABs can be placed into three categories:

- keen and interested
- interested but cautious
- not interested

Reception to collaboration was clearly related to the business model of the established CABs. CABs with an international expansionist strategy were amongst those who were keen and interested. The reasons for adopting such a strategy included limited market in the home country, operators' need for raw material supplies from overseas, and availability of funding support from governmental or other development agencies. Supporting the development of emerging CABs in developing countries was also mentioned due to the CAB's own experience in a former 'certification colonised' country. The terms and conditions offered by CABs under this category were the most generous. With exception to full financial support the components offered within a total development package included training and shared control over registered operators by the local partner CAB.

The interested but cautious CABs in general, prefer a greater control over registered operators, including inspector assignment, and other protocols. One established CAB said that their policy requires them to be the main shareholder of partner CABs.”⁵

7.6 Collaboration can overcome disadvantage

Partly as a result of an original thrust in servicing exports, but also because of the non-existent or infant stage of sector development in developing markets, foreign linked CABs mainly focus on offering certification for exports and not for the local market. Whilst it is hard to compete with established international CABs, success is possible if the local CAB can develop strong grassroots and domestic market support. Collaboration within the region, as in the Bio Latina case, is also an advantage.

8 Sector development projections, recommendations and CAB collaboration scenarios for the organic sector

Collaboration in certification takes place within a regulatory frame, sector norms and market context. Regulations are the driving factor. They impact on the conduct of certification and trade of organic products through the following:

- requirements for production and processing of organic products
- application, regarding the type of operator and their geographical scope
- requirements for certification and registration/approval of CABs
- import requirements and recognition of other regulations/standards

The lack of recognition between countries, as well as between private labels is the key factor making certification of international organic product chains a complicated service and cost burdensome to operators.

8.1 De-regulation of organic certification

Certification of quality systems, such as ISO 9000 and ISO 14000, is not government regulated. Certification of organic management is in many ways a quality system certification. The majority of countries in the world have no organic regulations. Although the difficulties created by regulations were unintended, given the problems so far, governments may want to consider deregulation and letting organic certification be self regulated by the industry.

It is not that regulations are a problem *per se*. The EU Regulation was, in fact, requested by the sector as a solution to non-cooperation between CABs resulting in market barriers and segmentation within the European Union. The situation has turned around since then. Whilst

⁵ *The Organic Standard*, April 2004

CABs have since learnt of the need and advantage in cooperating, governments are stuck with no clear solution on how to manage in-country compliance to their respective regulations. They are also unclear how to handle import market access based on equivalence. Whilst regulations may be a solution to “harmonising” internal markets, the proliferation of government regulations is undoubtedly creating more barriers than solutions for international product and market chains today. With the lessons learnt, higher recognition and working examples of multi lateral collaboration; the private sector may now be in position to facilitate equivalence determination in a more expedient manner than governments.

8.2 Revision of current “exclusive” to “inclusive” standards and regulatory framework

Whilst deregulation is mentioned as an option for consideration, it is by no means guaranteed that today's private sector collaboration is able to counter competition forces and prevent regression to internal market segmentation. For the moment, a more inclusive regulatory framework that enhances public-private sector collaboration, as well as encouraging CAB to CAB collaboration, represents the more feasible option.

The current standards and regulatory framework may be characterised as follows:

- There is more than one private sector standard in some countries and none in others.
- Government regulations do not reference nor recognize private sector standards developed within the country.
- Governments do not recognise other foreign regulations or private standards.
- Products produced to the applicable local/national/private standards are not acceptable to all.

In this scenario, the gap between local development and international market requirements is not addressed. CABs compete on standards as well as service in developed markets. Lucrative export certification receives more attention than local certification in developing markets. Constraints on trade can be expected to worsen as more countries set “exclusive” type regulations. CABs may collaborate to develop international one-stop certification shop chains to service operators. Whilst one-stop shops may make multiple certifications more convenient, the cost burden of compliance to different standards and certifications for operators will, nevertheless, increase. As the bureaucracy increases, the balance between ideological forces within the sector will be further threatened. Will consumers feel better “protected” or alienated in this exclusive scenario. It is more likely to hinder than drive the mainstreaming of the organic sector.

An ideal inclusive framework may be characterise as follows:

- Government regulations reference private sector consensus standards developed within the country where available.
- Governments recognize other foreign regulations or private standards set in a participatory and consensus based process.
- Products produced to an applicable consensus regulation or private standards are acceptable to all.

In the above scenario, there is no discrepancy between private standards and regulations. The gap between local development and international market requirements is addressed. Organic operators have to only satisfy one applicable regulation or private standard to market their product as organic worldwide. They will presumably be able to do this through a locally available competent CAB.

8.3 Harmonization of internal markets

The organic market is based on voluntary and preferential value based differentiation. Private sector labelling is key to market distinction, value addition, and development. Private labels also serve as “incubation” schemes for standards development until they are ready for wide application. Whilst having more than one “incubation” scheme adds to innovation, proliferation of private standards leading to market segmentation constrains market development and mainstreaming. A reduction of competing private standards, as well as harmonization between regulations and private sector standards within an internal market, could be facilitated by an offer from governments to reference private standards in regulations where consensus is reached.

8.4 International equivalence

Conditions for organic agriculture differ worldwide. Products are traded globally. It is obvious that recognition agreements should be based on equivalency and international norms to facilitate international trade in organic products. IFOAM’s initiative in this regard, specifically the approval of standards towards an IFOAM family of standards, can serve as a starting point.

The author recommends the ITF to support:

- *Encouragement of private sector harmonization through government offer to reference private sector standards where consensus is reached within the country.*
- *Establishment of an international equivalency determination process for regulations based on international norms to facilitate government to government recognition.*

8.5 Enhancement of CABs’ role in determining acceptance

One reason for the standoff in recognition agreements between governments at the regulatory level is the lack of a recognized protocol for determining equivalence. Countries concerned also have to establish regulations in the first place. The majority of countries do not have organic regulations. Notwithstanding the two earlier recommendations, governments can bypass the bureaucracy and deadlock by increasing the role CABs play in determining acceptance of organic products certified under different systems.

No organic regulation today empowers CABs, approved or accredited within their system, to recognize products certified by another CAB, approved or accredited under another regulatory or private system. The EU “solves” its limited recognition problem through an import permit derogation issued by Member States to importers. The heavily criticised system will be replaced by another system in 2007. Instead of regulatory authorities, governments could authorize CABs

to determine acceptance on a case by case basis. The Japanese system allows “re-certification” of a product on the basis of a prior inspection report done by a credible CAB. Such an authorization would allow recognition agreements between CABs to be actionable both for regulatory as well as private label schemes.

The author recommends the ITF to support:

- *Encouragement of governments to authorise CABs approved or accredited within their system to determine acceptance of products certified by another CAB approved or accredited under another regulatory or private system.*

8.6 Adoption of common international certification criteria

Whilst there are numerous regulations and private standards, there are only two reference norms for certification related to organic agriculture. One is ISO 65, the generic norm for product certification, and the other is the IFOAM Criteria, the sector specific norm for organic certification. The two are not contradictory.

Establishing functional equivalence is a cornerstone for collaboration and recognition. Recognition between CABs can be based on peer review, a common or similar accreditation. Adoption of a common sector specific international norm for organic certification will facilitate recognition agreements based on a common norm or similar accreditation by the same or different accreditation bodies, e.g. the multilateral recognition agreement established between the ACBs based on IFOAM Accreditation.

The author recommends the ITF to support:

- *Adoption of a common sector specific international criteria for organic certification.*

8.7 Conferring certification based on an equivalent prior certification

Not discounting the efforts made to establish the only multilateral recognition agreement within the sector, the scope of recognition in the ACBs’ MLA is limited in comparison to the Mutual Recognition Agreement of Certification Programmes in Audiology, which was made in December, 2004. This agreement is between the Council For Clinical Certification in Audiology and Speech-Language Pathology (CFCC) of the American Speech-Language-Hearing Association (ASHA) and the Canadian Association of Speech Language Pathologists and Audiologists (CASLPA).

The ACB’s recognition agreement does not confer certification of other ACBs to the operator or any user rights to certification marks of other member ACBs. Furthermore, transfer or acceptance of an operator certified by another ACB must be separately arranged. Whilst use of prior documentation and inspection reports are permitted for the initial transfer, ACBs must make separate certification decisions on a case-by-case basis. Subsequent inspections must take account of all applicable standards of the ACBs involved.

The ASHA-CASLPA Mutual Recognition Agreement (see annex 7) allows individuals certified by either ASHA or CASLPA obtain certification by the other, based on equivalence without further tests. Once membership and certification of the other is obtained, their status will not change even if the agreement expires or if the individual permits their membership or certification status with the former to expire.

The ASHA-CASLPA agreement is not referred to here to propose organic operators be allowed to transfer to another certification and keep it without on-going inspections whilst letting the other former certification lapse, but to demonstrate precedence of conferring certification based on equivalence without additional testing.

Recognising the role private standards play in innovation, internal markets whilst harmonized where consensus is reach, will also have some private mark segmentation. Hence, even under the proposed inclusive framework operators will need access to private marks. Should conferring certification based on equivalence without additional testing be adopted for organic certification, it would facilitate operators under the certification of a member CAB within such a multilateral recognition agreement to have access to all participating private certification marks as long as the operator remains certified by a member. This is currently not covered by the ACB recognition agreement.

The author recommends the ITF to support:

- *CABs' authority to confer certification based on an equivalent prior certification within a mutual recognition agreement.*

8.8 Delegation of authority constraint

The newly revised IFOAM Criteria (July 2005) unfortunately does not permit conferring certification based on equivalence as it would require delegation of authority, which is similarly not permitted in ISO 65. Why delegation of authority in the context of a recognition agreement based on the same accreditation is not permitted is not clear to the author. To-date, a response to a request for clarification, sent to the Chair of CASCO, the responsible committee for ISO guide 65, has not been received.

“In chapter 8 on Cross border recognition in the ISO Development Manual on Conformity assessment (second edition 1998), under the section Mutual recognition, paragraph 6, J. Donaldson (ANSI) and H. Gundlach (Chair, IAF), wrote about the possibility to develop arrangements in which each party to the agreement empowers the other parties to issue an approval (certification) or accreditation on its behalf. As such, a CAB can claim simultaneous accreditation by all parties to the agreement with no requirement for separate parallel decisions by each accreditor ... or if the agreement is among CABs, the product can be approved at once on behalf of all of them, meaning the product can bear the marks of any participating certifiers.

They then relate that there is a problem with such an agreement that requires delegation of authority, i.e. allowing others to authorize the use of one's own mark. That this is prohibited to accreditors as well as certifiers in applicable ISO/IEC guides 65 and 17011.”

The author recommends the ITF to support:

- *CABs' entitlement to delegate certification authority in the context of a recognition agreement based on the same accreditation.*

8.9 Use of common mark(s) based on certification of member CABs

Although delegation of authority is not currently permitted, it is possible for CABs to address the constraint through a joint certification committee, where separate certification decisions for cases that need multiple certifications are made jointly by the participation of partner certification staff in “committee” at the same time.

It can also be addressed through the involvement of an outside party willing to provide a common mark or marks for use based on the certification and agreement of the group, e.g. the European CCA mark under the European CENELEC Certification Agreement (annex 6). It allows European electrical products to receive different national certification marks on the basis of a notification of test results issued by a certification body in any of the member country. There is currently no similar example in the organic sector.

“Discussion about an international mark based on IFOAM norms was discussed within IFOAM at the time of launching the IFOAM Accreditation Programme. IFOAM finally decided on an accreditation mark known as the IFOAM Seal to be used in association with the ACB’s mark instead of a common product mark, namely because the ACBs representing private labels at the time were not in favour of the idea of an international organic mark.”

As an expression of worldwide solidarity, IFOAM or another body could issue an international organic mark based on the certification to all organic regulations and private sector standards to bring them all under one “tent”. The question, however, is whether there is a market value for such an all encompassing mark?

9 CAB to CAB collaboration is voluntary

The author prefers the scenario where the organic sector is serviced by a number of competing international service networks, e.g. the airline alliances in the air travel service sector, as opposed to a few global companies dominating, as in the auditing service sector.

Discussing why development of the Alliance option has lagged behind development of global companies such as IMO and Ecocert with local branches/offices/agents in up to 60 countries, in the organic sector, long time consultant Lynn Coody, based in the United States, observes that a key contributing factor is the reliance on voluntary cooperation in the Alliance model versus central management of the Global company model.

“The Alliance model requires voluntary cooperation with the understanding that contribution of resources to the larger effort will benefit the individual member. As this benefit is hard to measure and often takes a long time in manifesting, the Alliance requires a lot more sacrifice and faith for members to buy into. Participation cannot be required of all certifiers in a class (e.g. NOP or IFOAM-accredited). The burden of managing the larger group are often not shared equitably and usually results in burnout of people as well as a strain on the resources of the leading organization(s) or individual(s) who step forward to provide leadership. These factors result in alliances that struggle to prosper, work with inadequate financial resources, suffer from unfocused and frequently changing leadership, and grappling with fluctuating levels of commitment and participation of their members. At least that’s what I’ve seen over the 30 years that I’ve been observing and participating in organic certification systems!”

Regarding CAB to CAB collaboration in the United States, Lynn reported there is some, but not much. There is an effort to create an organization for all NOP-accredited CABs but this organization is struggling. A few CABs have collegial relationships with each other, but on the whole, they still view each other as competitors even though NOP requires them to accept the work of all other NOP-accredited CABs.

9.1 Blue print for collaboration

Whilst there may be a preferred collaboration model, there is no “blue print” for success in business collaboration. Collaboration and partnership development in any business is a time consuming and expensive process. Familiarity with each other is a key requisite. It takes time to build trust between CABs to an extent where they are prepared to share confidential and commercially sensitive information, and to align working documents and procedures. Social, cultural and work ethic differences will also be factors in any relationship between CABs. Collaboration is also biased by national and international competition.

Notwithstanding competition and social-cultural reasons, development in CAB to CAB collaboration in the organic sector today are largely constrained by the exclusive nature of current framework policies and certification norms as discussed. Policy-makers can encourage CABs to exercise more efficient and higher functional levels of collaboration by setting more inclusive framework conditions that support collaboration and accrue benefits for participating CABs that truly trickles down to users (operators) and consumers.

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Annex 1: Overview of CABs in the organic sector

Types of organic certification bodies

CABs operating in the organic sector today can be classified into three types:

- private label CABs, i.e. CABs operating private label schemes;
- service provider CABs, i.e. CABs that do not operate private label schemes. These normally only offer organic certification to regulatory requirements, but may also do inspections for private label schemes;
- government bodies.

Private label CABs include the early pioneer organic CABs as well as late pioneers, i.e. local organic CABs establishing themselves today to service unregulated markets. Like the early pioneers, the late pioneers operate where the absence of regulation necessitate the setting of private standards and label schemes for differentiation in their respective markets. Whilst some only offer certification to private standards, CABs who certify to private standards normally also certify to regulatory requirements where applicable.

Service provider CABs are usually later entrants established originally as inspection bodies inspecting for private organic label schemes. After implementation of regulations, these inspection bodies added certification to regulatory requirements as part of the service they provide. The majority of the service provider CABs established themselves after implementation of government regulations in the European Union, Japan, United States and elsewhere. These include government bodies.

Many CABs do a mix of both certification to private standards and government regulations. Whilst organic CABs and inspection bodies were originally established as organizations dedicated only to offering certification or inspection for organic production, many have now incorporated inspection and certification to non-organic schemes, e.g. EurepGAP, as part of the service they provide. At the same time established professional CABs in other sectors have started to offer certification for organic production, e.g. Swiss based *Société Générale de Surveillance* (SGS). Some enter the business through mergers or by buying up established organic CABs, e.g. Integra-Blik (Belgium); NSF-QAI (USA).

Number of CBs

The August 2005 issue of *The Organic Standard* (TOS), “Organic Certification Directory” lists 419 organizations claiming to offer organic certification. The list includes branch offices registered in the country of operation but not agents who are not legal entities. Not all the organizations listed may be active. There is a general increase in numbers, albeit a reduction in some regions e.g. the United States. China registered a spectacular jump from six in 2004 to 26 in 2005, which is likely to be a result of the introduction of organic regulations in the country, a phenomenon that was experienced earlier in the European Union, Japan and the United States.

The table below is an overview of the number of CABs claiming to offer organic certification and the numbers under the key approval systems mentioned. The EU approval column includes approval within the European Union, as well as countries on the “third-country list”.⁶

Number of certification bodies and approvals per region

Region	Total	IFOAM	Japan	ISO 65	EU	USA
Asia	7	0	0	3	0	0
Asia	117	4	69	5	1	2
Europe	157	14	16	69	129	34
Latin America and Carribbean	43	4	1	13	5	10
North America	84	5	8	20	0	65
Oceania	11	4	6	3	8	4
Total 2005	419	31	100	113	143	115
Total 2004	383	30	95	96	132	112
Total 2003	364	26	81	74	112	106

Concentration of CBs

According to the TOS directory, the majority of CABs are based in only six markets, namely, the European Union, United States, Japan, China, Canada, and Brazil. Most are based in a developed importing country. Only 70 countries have a home-based certification body. Most of Asia and Africa still lacks local service providers. Although 117 CABs are listed for Asia, 104 of them are based in the three countries, China, India, and Japan. Africa has only a total of seven CBs, which operate in South Africa, Kenya, Uganda, Tanzania and Egypt.

Many CABs operate outside their home country. CABs based in developed importing countries also offer certification services in developing countries. Many CABs based in developing countries are branch or representative offices of foreign CABs, e.g. the majority of approved CABs in India are tied to foreign CABs.

Whilst many CABs in developed countries also operate in developing countries, very few operate in other developed countries. There is no EU-based CAB, even with USDA accreditation, offering its services in the United States. Only a handful are truly international in their scope, i.e. working in all the continents where organic production takes place. This list includes IMO, Ecocert, BCS, ICEA, QAI, OCIA, SKAL International and SGS.

⁶ *The Organic Stanard*, 2005

Countries with large number of certification bodies:

Japan	69
United States	60
Germany	31
China (PR)	26
Spain	25
Canada	24
Brazil	18
Italy	16
United Kingdom	10

Number of operators and turnover

A number of CABs certify more than 10 000 farms (in groups) with the highest reported at 53 000 farms. Many reported turnover range of 100 000 to 500 000 euros. Bio Suisse, KRAV, and the Soil Association, which operate private organic label schemes of the same name, are in the top bracket with turnovers of more than 5 million euros each.

Market entry

Of the 256 CABs that responded to the TOS survey, in reply to the question on when they started their operation, only seven started before 1985, and 52 percent started after 2000. Starting in 1970, the Biodynamic Agricultural Association in the UK was the earliest of all. Pioneer CABs in developing countries include Instituto Biodynamico (Brazil, 1990); COAE (Egypt, 1990) and Argencert (Argentina, 1992).

Accreditation and approval

A quarter (107 out of a total of 419) of the listed CABs do not have any of the five highlighted accreditations or approvals. About the same number (113) report they are accredited to ISO 65. The United States system includes 115 CABs, of which 60 are based outside the country. The Japanese include 31 foreign registered CABs. The European Union with 143 approved bodies only includes 14 non EU-based bodies. The number of IFOAM accredited CBs, at 31, has the lowest of the five. Unlike the others, IFOAM Accreditation is only applicable to private labels. All the major private labels are part of the programme.

Only five organizations reportedly have all five approvals, these are CCPB, Bioagricert, IMC, ICEA, and NASAA. Besides the five systems mentioned, the other market approvals of note are accreditation by CAQ for Quebec and agreement with private label Bio Suisse for Switzerland. Accreditations by the Indian, Chinese and Argentinean authorities are required to certify in these prominent supplier countries.

Annex 2: European Organic Certifiers Council (EOCC) case study

(reported by Nuria Alonso, based on interview with Jan Wicher Krol, EOCC coordinator, 15 August 2005)

The European Organic Certifiers Council (EOCC) is an informal forum of European Union CABs working within the framework of the Regulation (EEC) No 2092/91, that are interested in improving their communication and cooperation. The initiative started after a meeting of European Union CABs at the IFOAM Conference in Basel (Switzerland), in August 2000. The Group maintains an informal structure. Participation is based on a small annual fee (270 euros for members and 100 euros for observers and interested parties). It is coordinated on a part-time basis by a staff member of a member CAB.

The group's objective and agenda according to one of its publication are as follows:

“Objective

Establishing a strong group to lobby the interests of European certification bodies at the EU Commission and the EU Member States with regard to harmonization and practicability of the legal framework in the field of inspection and certification in organic agriculture, food processing and trade of organic produce.

Agenda

- harmonization of interpretations of the legal framework;
- transparency in inspection and certification procedures;
- exchange of information of importance to all inspection bodies (e.g. fraud);
- representation and lobbying on level of the EU Commission and EU Member States with regard to new proposals on EU Regulations and the interpretation of regulations already in force, their practicability and inspect ability in the field of organic agriculture, processing and trade.”

Key events and factors leading to and shaping the collaboration

The driving factor for the initiative was the growth of the international supply chain of organic products, where in many cases two or more CABs were implied in the process of certification/labelling. There was a recognized need to establish better communication channels between CABs in the European Union. The framework for communication, established by the EU Regulation, was not enough to cover the day-to-day need of communication between CABs. There was also the recognition that European Union CABs have common experiences and challenges, and that the establishment of a CAB lobbying group at the European Union level could be useful.

Another key factor affirming the need for a more organized exchange between CABs was the numerous fraud scandals that occurred in Europe at the end of the 1990s, including some very serious cases of fraud or negligence related to false claims or contaminated cereals. The problem was exacerbated by not having a clearly established procedure in the European Union to communicate cases of fraud or residues between interested parties. The EOCC lobbied for the

possibility to exchange certification related information between CABs. Previously, due to confidentiality reasons this was not legally permitted, but is now regulated in a revision of Regulation (EEC) No 2092/91, article 9.7.b.

Start up and current *modus operandi*

Skal (a CAB based in the Netherlands) was the initiator, together with others, but mainly the German CABs, AGRECO and Lacon. A proposal and an invitation to a meeting at the IFOAM Conference in Basel (Switzerland), in August 2000, was circulated by e-mail. At the Basel meeting, the group was constituted and Skal was assigned as coordinator. The group has been meeting once per year at BioFach since 2001.

There have been no significant changes in the structure of EOCC since its inception. The group does not have a legal structure. There are no statutes. Members do not have to sign any contract, etc. Membership is open to any EU approved CB. Interested new members only have to attend the next group meeting to introduce themselves, pay the annual fee and respond to e-mails. As international trade is important and increasing every year, the group opened participation to observer and interested parties from outside the European Union.

The obligation of group members are to

- react to e-mails
- exchange information that has been agreed to be exchanged with other group members
- attend meetings
- pay fees
- present project proposals for consideration

There are currently (August 2005) 26 members from 14 European Union countries, three observers and three interested parties. According to the coordinators, the group size is quite stable. Membership has increased slightly since the beginning, but some have withdrawn. The CABs that have withdrawn their membership have done so for different reasons, e.g. a CAB is small and cannot dedicate staff to attend meetings or respond to group communications; limited capacity to communicate in English, etc.

The group coordinator is supposed to be elected by members at the annual meeting. However, so far there has been no need for an election. The coordinator organizes information exchange, meetings and minutes, gives shape to proposals and once a month circulates information about relevant events, news and any other issues of common interest to members.

Developed in an informal and spontaneous manner, the experience or location of certain members are used for different purposes. For example, the Belgium members (Blik and Ecocert Belgium) are in charge of maintaining close contact with the EU Commission in Brussels, and to pass on information obtained to the rest of the group.

The question concerning whether only one annual meeting is enough to keep the group alive and make tangible progress has been discussed many times. The low budget and lack of full time

dedicated staff, however, makes holding more meetings untenable. Nevertheless, little by little, the group is taking on new initiatives. The latest initiative is a workshop on conducting inspections based on risk assessment (“Risk Based Inspections”), to be held on 21 November 2005 in Brussels. The agenda includes presenting a group proposal to the EU Commission on the issue.

Relevance to business model

Responding from the point of view of Skal, Jan Wicher Krol, promoter of the initiative and EOCC coordinator since its formation, explained that Skal’s interest in EOCC arose from its experiences with certifying in a country with many licensees who trade with other European countries and the rest of the world. This trade is particularly affected by the lack of organized communication between CABs. To offer a good service it is crucial for Skal to have harmonization and good communication with as many CABs, within as well as outside the European Union, something that has improved since the establishment of EOCC. It also needs to develop common positions with other CABs on certain issues. Skal’s participation in EOCC demonstrates its commitment and willingness to work together with others to offer a better service to licensees and to work with the sector in general, from stakeholders to the media.

Concrete achievements

Some of the concrete results achieved by the group include:

- Group feedback to the EU Commission, regarding the revision of the imports regulation, which was taken into consideration and incorporated as part of the change.
- Establishment of a rapid alert system for organic products, i.e. use of a designed form to alert members when cases of fraud or pollution are detected or suspected.

Immediate targets are:

- To contribute to further revision of the EU Regulation that the EU Commission is planning for the coming autumn.
- To carry on specifying common policies for harmonization on residue policy in Europe. The Group is working together with the IFOAM EU Group, FiBL, the German umbrella organization KDK, BEO (Bureau Européenne Organic), an association of European Union organic processors and distributors.
- To work on a system of inspection based on risk assessment
- To enlarge their international network. The Group is interested in increasing communication and exchange with IFOAM, the group of IFOAM Accredited Certification Bodies (ACBs) and IOAS.

SWOT (Strength, Weaknesses, Opportunities and Threats) of collaboration

i) Strengths

Informal and low budget (overhead) status

Although this could be viewed as a weakness, the group coordinator believes for the time being it is mainly a strength. The situation makes it easy for everyone to participate. It is not complicated,

no strict commitment is required, activities demand minimal time commitment and fees are low. Members' involvement on a voluntary basis based on common interest reflects group strength.

ii) Weaknesses

Informal and low budget from another point of view

Progress on a work agenda is being slowed by there being no obligation for members to respond to e-mail communications, and there is a growing gap between active and not so active members' involvement in group initiatives. Not all ideas presented to the group can be developed due to budget limitations. Group meetings are limited to one per year. Nevertheless, on the whole, the coordinator's opinion is that the advantages of the low budget and informal structure, so far outweighs the disadvantages, although the balance could change in the future.

Low participation of East European CABs

The Group invited all CABs from the newly incorporated European Union countries to join the group, however only one has joined so far. The coordinator believes a higher East European participation is needed to balance the group's interests and further strengthen the group.

iii) Opportunities

The coordinator sees opportunities for the group to increase its lobbying action to European Union governments to achieve concrete results on harmonization of residue policies; to increase and enlarge its network within Europe and out of Europe with other organizations related to the organic sector.

iv) Threats

Some EOCC members compete with each other for the same market and it can make them reluctant to share tools and information between each other.

If the gap between active and not so active members grows wider the active ones may break away from the group because the others do not meet their expectations.

The group is already five years old. Apart from the improvement in day-to-day communication between members and some other results, more concrete results are needed to justify the need of its existence as a separate group. Otherwise the group could merge within the IFOAM EU Group.

Skal's opinion on harmonization policies

Together with the case study interviewer, the EOCC coordinator wishes to express Skal's position on the need to find more ways of harmonizing certification and standards requirements in organic production. They feel the effort made by the ITF on this point is very valuable because they believe additional standards to the EU Regulation, as required by some CABS for their logo, e.g. the Soil Association, KRAV, Bio Suisse, AB-logo in France, are not constructive for the development of the organic market.

Annex 3: The Institute for Marketecology (IMO) group

(edited version based on article by Nuria Alonso, published in TOS, June 2004)

Introduction

The Institute for Marketecology (IMO) is an international certification and inspection body founded in Switzerland in 1990. Its owner is Bio-Foundation, a non-profit Swiss foundation whose aims are to support the development of organic agriculture and consumer education. Over the years, IMO has opened many offices through joint ventures with local individuals or organizations in the countries where it operated. It also supported the establishment and accreditation of several local certification bodies. The IMO Group evolved as an organized structure for collaboration and exchange among IMO offices, inspectors and representatives all over the world. It was coordinated by the IMO head office in Switzerland.

Group members

There are three different categories of members.

- **independently accredited bodies:** these offer full certification based on their accreditation, independently from IMO head office;
- **inspection offices:** these act as service centres and organize inspections for operators in their respective countries;
- **representatives:** these are individual professionals working part-time and as freelance for IMO. They do inspections and provide other services as well.

List of IMO group members (April 2004)

Accredited or in process of seeking accreditation	Inspection offices	Representatives
IMO-Switzerland IMO-Germany IMO-Bolivia IMO-Brazil IMO-India	Bosnia Chile China Croatia Dominican Republic South Africa Spain Turkey Tanzania Uganda Vietnam	Ecuador Ghana Iran Jordan Mexico Paraguay Peru Poland Rumania Russia Sri-Lanka Ukraine Venezuela

The way each office is organized and its relationship with head office and the other IMO offices depends on the situation in the country, the staff and initial connections with members of the group, etc.

Certification service

Certification for inspections carried out by inspection offices and representatives is done by the head office in Switzerland. Where appropriate the accredited offices take care of certification in their area of influence. For example, IMO-LA, based in Bolivia, covers all of Latin America. Service requests from a country where IMO is not present is usually covered by the closest country office or representative in the area.

To safeguard neutrality, IMO is generally not involved in standard setting and does not operate a private label scheme. Its main goal is to work in partnership with existing programmes and offer reliable quality assurance according to private standards and regulations. IMO provides inspections for Naturland, Demeter, Bio Suisse, etc.) and certification for IVN, BDIH, KAT and others.

Group governance

All accredited offices are contractually bound to Bio-Foundation. Group decisions are normally taken in the annual meeting. There are governing boards to deal with specific issues and coordinate the work between meetings.

The group shares common information and promotion tools, e.g. a common web site, and the IMO Group Quality Manual. The group is responsible of the appropriate use of the name IMO and to maintain accreditation to ISO 65.

Advantages and disadvantages of the IMO-group structure

According to the IMO-group representatives at the last group annual meeting, the advantage and disadvantage of the group structure are as follows:

Advantages:

- a common approach to collaborate and market services;
- possibility of developing ideas and innovative services through group interaction;
- joint and cost effective development of Quality Manual and the internal quality system;
- joint use of standardized control procedures;
- common use of the accreditations within the group;
- common access to information, adaptations and innovations by member of the group;
- extensive network for business development between IMO certified operators;
- access to worldwide scope of relations with authorities and the organic movement for every member of the group.

Disadvantages:

- decentralized structure (sometime not clear decision making structure) is less competitive
- the group's non-profit status and low budget approaches makes it difficult to afford long term big investments;
- distribution of knowledge and internal bureaucracy is expensive and takes time;
- there are many development costs to absorb, e.g. regional accreditations, internal communication, etc.

Annex 4: The Quavera.org Alliance

“Certify Locally, Trade Globally”

(write up based on web site information available on 12 October 2005: see www.quavera.org)

The Quavera.org Alliance is a cooperation of accredited certification bodies in different certification systems in food production and processing. It was formed to provide clients with access to added-value markets for agricultural products in over 30 countries, including the European Union and North America through harmonized protocols, i.e. standardized inspection and certification procedures, and a common fee structure.

Together Alliance members provide certification for the production, handling and/or processing of agricultural products to the EU Regulation and the National Organic Program for the United States, amongst others. Operators can work with any one of the Alliance members located in the three countries, Austria, Germany and Canada.

The Alliance Members are:

- **Salzburger Landwirtschaftliche Kontrolle GesmbH (SLK)**

Founded in 1995 as a corporation with limited liability, SLK is an independent certification body operating in Austria. Today, more than 4 000 operators are inspected and certified by SLK according to different standards for organic agriculture and good agricultural practice. Accreditation in accordance with ISO 65/EN 45011 by the Austria authority on 15 April 1999. SLK is accredited/authorized for

1. European Union – Regulation (EEC) No. 2092/91 on organic agriculture;
2. Austrian Codex for Food Chapter A 8;
3. Classification of meat according to Austrian legislation;
4. Labelling of beef and beef products according to Regulation (EC) No.1760/2000;
5. ERNTE standards (private organic label scheme);
6. Production of agricultural products and food products according to the requirements of the Agrarmarkt Austria Marketing GmbH (AMA); and
7. Production of fruits and vegetables according to EurepGAP standards

SLK inspects for

1. Naturland (private organic label scheme)
2. ARGE GMO-free

- **Gesellschaft für Ressourcenschutz mbH (GfRS)**

GfRS is a certification body formed by conformity assessment experts in 1989 in Germany. GfRS is accredited according to ISO 65/EN 45011 by the German accreditation body, DAP. The inspection and certification services of GfRS are geographically restricted to the European Union and Canada. In Germany, GfRS inspects and certifies more than 1000 operators.

GfRS is accredited/authorized for

1. European Union – Regulation (EEC) No. 2092/91 on organic agriculture;

2. Labelling beef and beef products according to Regulation (EEC) No. 1760/2000;
3. Production of agricultural products, feed and food products according to the requirements of the Qualität und Sicherheit's GmbH QS-Charta system for food quality and security;
4. Organic agricultural products and food products for the regulated Quebec (Canada) market.

GfRS is an inspection body for:

1. Bio Suisse standards
2. Delinat standards
3. ECOVIN standards
4. Bioland standards
5. Demeter standards
6. GÄA standards
7. Biopark standards
8. Naturland standards
9. Soil Association standards

- **Canadian Organic Certification Co-operative Ltd COCC (Canada)**

Originally founded by organic producers in Saskatchewan, the Canadian Organic Certification Co-Operative (COCC Ltd.), incorporated in 1992, is an independent not-for-profit certification body operating regionally in Canada. COCC provides certification to the voluntary National Standard for Organic Agriculture in Canada and the mandatory requirements of the United States Department of Agriculture's National Organic Program.

Annex 5: Bio Latina

(edited version based on article by Roberto Ugas, published in TOS September 2003 issue, and updates)

Interest in organic agriculture

Interest in organic production in Latin America experienced a great increase during the 1970s and 1980s. By late 1980s a few European and United States CABs were operating in the region focusing on the certification of organic coffee. It was soon realized that there was potential for many other crops and products.

Resistance to foreign certification

Foreign certification was not politically agreeable with many people in the region at the time. Whilst the issue of national sovereignty was raised, the main concerns were of a more practical nature. Foreign inspectors from the North were considered to be expensive, not familiar with agricultural production in the region and often did not speak Spanish or Portuguese. Jokes about foreign “coffee inspectors” not able to distinguish a coffee plant from a shade tree, whether real or not, became part of the local folklore. In the late 1980s several local CABs started up in the region. Most were linked with NGOs. Their aim was to provide a local and competent alternative to foreign certification that was more sensitive to the reality of the region, and perhaps able to contribute dynamically to rural development.

Capacity building and business feasibility

The early years of the local CABs were devoted to the establishment of proper certification systems and training of inspectors. A good deal of time was spent explaining to farmers and technicians why certification was needed and why somebody had to pay for it. Soon it was obvious the local markets could not sustain the certification business and some kind of recognition or authorization was required to gain acceptance into foreign markets, mainly the European Union. When the local CABs were confronted with ISO requirements for accreditation they realized it might be wise to shoulder the burden together. This also made sense financially. As individual small certifiers they were not able to pay the cost of accreditation.

Getting together

There had been an earlier effort to organize Latin American CABs into the “Asociación de Certificadores Nacionales” which failed. Out of that group, four small certifiers, CENIPAE (Nicaragua), Inkacert (Peru), Biomuisca (Colombia) and Biopacha (Bolivia), all established between 1988 and 1996, began to consider the idea of joining forces. GTZ, the German development agency had a catalyst role in this process. The four organizations first establish cooperation in 1995. Amidst concerns and fears of loss of identity, they decided to merge into

“Bio Latina” in December 1996 and seek accreditation from DAP, a German based accreditation body. Bio Latina incorporated as a company in 1998, and received accreditation in 2001. Their current accreditation certificate is valid until 2007.

Collecting accreditations, agreements and financial independence

In April 2002 Bio Latina was among the first group of CABs to be accredited by the USDA for the United States market. It now has agreements with ICS Japan and QAI for the Japanese market. Many import authorizations into the European Union, based on Bio Latina certification, have been issued. Bio Latina is interested in IFOAM Accreditation but cannot afford it at this time. Financial support from GTZ, the German development agency, ended in 2001 and today they are no longer dependent on development funds. All the work and changes required by the accreditations have certainly been difficult but have also made sustained growth as a company possible.

Range of services and clients

Bio Latina provides services for organic and in transition (conversion) certification, bird-friendly coffee inspection (as a subcontractor of the Smithsonian Migratory Bird Centre), and inspections for Naturland certification. Bio Latina’s main clients are small farmers’ organizations. The company is particularly confident of the way they handle “collective certification”, their assessment of the internal control system and their 20 percent minimum annual inspection rate of the group members by Bio Latina’s inspectors.

Multi national operation

Bio Latina’s main office is located in Lima, Peru. As well as the four original countries of operation, Bolivia, Colombia, Nicaragua, Peru, Bio Latina now has offices in Ecuador and Venezuela and certifies in a further four countries, El Salvador, Guatemala, Honduras and Panama. It currently has 13 employees and 40 part-time inspectors. The General Manager sits in Lima, the Deputy Manager in Quito, the Quality Manager in Caracas and his deputy in Managua.

Most of the administrative work as well as certification decisions are centralized in the main office. Each office functions, more or less, autonomously but with common rules and procedures. Inspectors conduct inspections within their local areas, but may cross borders for training purposes. Inspection and certification fees are based on the economic reality of each country.

The most important feature of Bio Latina, however, is the empathy and trust among the managers and their original willingness to lose (identity) in order to gain.

Annex 6: CENELEC

(write up based on web site information available on 15 October 2005; www.cenelec.org)

CENELEC, the European Committee for Electrotechnical Standardization, was created in 1973 as a result of the merger of two previous European organizations, CENELCOM and CENEL. Nowadays, CENELEC is a non-profit technical organization set up under Belgian law and composed of the National Electrotechnical Committees of 28 European countries. In addition, eight National Committees from Eastern Europe and the Balkans participating in CENELEC work with under an affiliate status.

CENELEC members have worked together in the interests of European harmonization since the 1950s, creating both standards requested by the market and harmonized standards in support of European legislation and which have helped to shape the European Internal Market. CENELEC works with 15 000 technical experts from 28 European countries. Its work directly increases market potential, encourages technological development and guarantees the safety and health of consumers and workers.

CENELEC's mission is to prepare voluntary electrotechnical standards that help develop the Single European Market/European Economic Area for electrical and electronic goods and services, thereby removing barriers to trade, creating new markets and cutting compliance costs.

Free circulation of goods throughout Europe presupposes market acceptance in one country of the national conformity marks delivered to the product in another country, preferably without any retesting of the product and corresponding costs and delays. For that purpose CENELEC has nurtured a series of mutual recognition agreements between conformity assessment in different fields, as follows:

- CENELEC Certification Agreement (CCA) for the whole range of products covered by the Low Voltage Directive, including IT equipment;
- HAR Agreement for electrical cables and cords (see www.har-cert.com);
- Low Voltage Agreement Group (LOVAG) for low voltage switchgear and controlgear (see www.lovag.net);
- Short-circuit Testing Liaison Agreement (STLA) for high voltage switchgear and controlgear;
- ENEC Agreement for luminaires (a.o. equipment such as the safety of IT equipment on the basis of EN 60950) (see www.enec.com/);
- EMCRAFT for testing of EMC and RF in the field of IT, Telecommunications and Radio-communications, Automotive and Electrical Equipment and Installations;
- Keymark Agreement for household appliances (see www.keymark-cert.com/).

Mutual recognition of test results, inspection reports, certificates or marks of conformity is a process by which an organization participating in a mutual recognition arrangement gives confidence to its customers that testing, inspection and/or certification performed by another participating organization is equally acceptable as its own.

Annex 7: Agreement For Mutual Recognition of Certification Programs in Audiology

This Agreement for Mutual Recognition of Certification Programs in Audiology (“Agreement”) is made this 3rd day of December, 2004 between the Council For Clinical Certification in Audiology and Speech-Language Pathology (“CFCC”) of the American Speech-Language-Hearing Association (“ASHA”) and the Canadian Association of Speech Language Pathologists and Audiologists (“CASLPA”).

WHEREAS, within their respective jurisdictions, ASHA and CASLPA are nationally prominent organizations of professionals in the fields of speech-language pathology and audiology; and

WHEREAS, ASHA and CASLPA have programs of certification which have gained acceptance and recognition within their respective countries and that, in accordance with certain specified and consistently applied standards, recognize individuals within the field of audiology as having obtained the basic education, knowledge and skills thought necessary to provide independent clinical services in the field; and

WHEREAS, ASHA has maintained a program of certification in audiology since 1952 and currently certifies individuals in accordance with the *Standards and Implementation Procedures for the Certificate of Clinical Competence in Speech-Language Pathology and Audiology*; and

WHEREAS, CASLPA has maintained a program of certification in audiology for its members since 1987 and currently certifies individuals in accordance with procedures and requirements developed by and approved by the CASLPA Board of Directors in consultations with the CASLPA Standards Advisory Committee with the examination based on the document *Assessing and Certifying Clinical Competency: Foundations of Clinical Practice for Audiology and Speech-Language Pathology*; and

WHEREAS, ASHA and CASLPA recognize that increased trade and mobility between the United States and Canada has heightened the need for and desirability of members and certificate holders of one association to obtain recognition by the other association; and

WHEREAS, ASHA has a program for mutual recognition of foreign credentials established by ASHA’s Council on Professional Standards and implemented by the Council For Clinical Certification in Audiology and Speech-Language Pathology, and this Agreement is fully consistent with that program; and

WHEREAS, both ASHA and CASLPA recognize that state or provincial licensing may be required for practice in a particular jurisdiction whether or not an individual practitioner is certified by ASHA or CASLPA; and

WHEREAS, this Agreement does not apply to mutual recognition of licensing or other state or provincial credentialing and it is a matter of state or provincial law whether a jurisdiction will recognize certification obtained under this Agreement as a basis for licensure; and

WHEREAS, ASHA and CASLPA find that, with the terms and conditions set forth below, the certification process of each organization, including the respective examinations and educational accreditation process, provides a substantially equivalent determination of an individual's qualifications to engage in entry-level independent clinical practice within the field of audiology; and

WHEREAS, ASHA and CASLPA desire to provide a mechanism by which individuals who are certified by ASHA or CASLPA can, through mutual recognition, obtain certification by the other and to provide rules and procedures for the continued recognition of the respective credentials.

NOW THEREFORE, ASHA and CASLPA agree as follows:

1. Program of Mutual Recognition Established

ASHA and CASLPA hereby endorse each other's certification program in the field of audiology under terms and conditions set forth below as providing a substantially equivalent determination of an individual's qualifications to engage in entry-level independent clinical practice, and provide procedures by which certificate holders of either association can apply for and obtain certification from the other association.

2. Application by ASHA Members to CASLPA

ASHA certificate holders who desire to obtain certification from CASLPA must apply for membership and certification to the CASLPA National Office. The application must include: (1) the application form furnished by CASLPA and the information it requires; (2) proof of ASHA certification; (3) evidence of prescribed clinical practicum hours and university transcripts indicating date of conferred degree; and, (4) all applicable fees in Canadian dollars. Applicants will not be required to pass the CASLPA examination.

3. Result of Application Process for ASHA Members

If the application is complete, as set forth above, the applicant will be granted CASLPA membership and certification in the field of audiology. ASHA certificate holders who become members and certificate holders of CASLPA pursuant to this Agreement shall have the same rights and privileges and be subject to the same responsibilities, obligations and restrictions as all other CASLPA members and certificate holders. Once membership and certification is obtained pursuant to this Agreement, the membership and certification status of such members and certificate holders of CASLPA shall not change merely because the Agreement expires or because they permit their membership or certification status with ASHA to expire. All disputes concerning the administration of the application process, including a decision to grant or deny certification, shall be resolved solely by CASLPA, in the same manner as it decides such disputes in the case of applications not made pursuant to the Agreement.

4. Application by CASLPA Members to ASHA

CASLPA members who are certificate holders and desire to obtain certification from ASHA must apply for certification to the ASHA National Office. Application for membership in ASHA as well is optional. The application must include: (1) the application form furnished by ASHA and the information it requires; (2) proof of CASLPA certification; (3) proof of current CASLPA membership in good standing; and (4) all applicable fees in American dollars. Applicants will not be required to pass the Praxis Examination in Audiology. Applicants will not be required to furnish educational transcripts or separate proof of clinical hours of practicum. Applicants for certification will be required to complete a Clinical Fellowship (“CF”) experience, not presently required for CASLPA certification, under terms and conditions established by the CFCC. Experienced clinicians may apply to the Council For Clinical Certification for an exception or reduction in the length of the CF period based upon their experience. Supervision of the CF may be provided by a clinician holding ASHA certification or CASLPA certification in the field of audiology. As of January 1, 2007, CASLPA Certified members applying for ASHA Certification will be required to meet the new Standards for the Certificate of Clinical Competence in Audiology. This includes completing an additional 27 hours of post-baccalaureate study from an institution accredited by ASHA’s Council on Academic Accreditation in Audiology and Speech-Language Pathology (“CAA”) or approved graduate course work at a Canadian Audiology program and 12-months full-time equivalent supervised clinical practicum sufficient in depth and breadth to achieve the knowledge and skills outcomes stipulated in Standard IV of the *Standards and Implementation Procedures for the Certificate of Clinical Competence in Audiology*.

5. Result of Application Process for CASLPA Members

If the application is complete, as set forth above, and the CF is satisfactorily completed or an exception is allowed, ASHA certification in audiology will be granted, along with ASHA membership, if requested. CASLPA members who become members and/or certificate holders of ASHA pursuant to this Agreement shall have the same rights and privileges and be subject to the same responsibilities, obligations and restrictions as all other ASHA members and/or certificate holders. Once membership and/or certification is obtained pursuant to this Agreement, the membership and/or certification status of such members and/or certificate holders of ASHA shall not change merely because the Agreement expires or because they permit their membership or certification status with CASLPA to expire. All disputes concerning the administration of the application process, including a decision to grant or deny certification, shall be resolved solely by ASHA, in the same manner as it decides such disputes in the case of applications not made pursuant to the Agreement.

6. Duration of this Agreement

This Agreement shall be effective from the date of execution hereof until (a) the effective date of a change in the ASHA certification standards for audiology; (b) the effective date of a change in the CASLPA certification standards for audiology; or (c) for any reason, a written notice is provided to the other association at least one year prior to the effective date of the termination of the Agreement.

7. Changes in the ASHA Standards

In the event of a change in the ASHA standards for certification in audiology, ASHA shall notify CASLPA in writing of the change, one year prior to the effective date of the change, together with the determination of ASHA as to whether the change in the ASHA standards for certification requires a change in the CASLPA standards or a condition for continued recognition. CASLPA will then determine (1) whether to make the change or accept the condition; and (2) whether, in view of the change in the ASHA standards, CASLPA wants to continue to recognize the ASHA certification program pursuant to the Agreement. CASLPA must make these determinations in writing and notify ASHA within 180 days of the notification of the change in the standards by ASHA. If the notice is not received in a timely manner, CASLPA determines not to make the change or accept the condition, or CASLPA determines not to continue to recognize and endorse the ASHA certification program, this Agreement shall terminate on the effective date of the change in the standards for certification.

8. Changes in the CASLPA Standards

In the event of a change in the CASLPA standards for certification in audiology, CASLPA shall notify ASHA in writing of the change, one year prior to the effective date of the change, together with the determination of CASLPA as to whether the change in the CASLPA standards for certification requires a change in the ASHA standards or a condition for continued recognition. ASHA will then determine (1) whether to make the change or accept the condition; and (2) whether, in view of the change in the CASLPA standards, ASHA wants to continue to recognize the CASLPA certification program pursuant to this Agreement. ASHA must make these determinations in writing and notify CASLPA within 180 days of the notification of the change in the standards by CASLPA. If the notice is not received in a timely manner, ASHA determines not to recognize and endorse the CASLPA certification program, this Agreement shall terminate on the effective date of the change in the standards for certification.

9. Applicable Law and Disputes

The interpretation and enforcement of this Agreement shall be in accordance with applicable International Law, and in the absence thereof, under the laws of the United States. Any disputes in connection with the Agreement, other than decisions on individual applications for certification, shall be resolved by arbitration under the rules of the American Arbitration Association in Washington, D.C. Should any provision of the Agreement be declared or determined to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby, and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.

10. Representation of the Signatories

Each person executing this Agreement on behalf of ASHA or CASLPA represents and warrants that he or she is duly authorized on behalf of the respective association to execute the Agreement.

11. Successors and Predecessors

This Agreement shall be binding on the successors and assigns each party hereto, and references to associations, boards, councils, or committees thereof, shall be deemed to include any successor association or board, council, or committee.

12. Amendments or Modifications

This Agreement can only be amended or modified in writing signed by a duly authorized representative of both ASHA and CASLPA.

13. Counterparts

This Agreement may be executed in multiple counterparts, each of which shall be considered an original.

American Speech-Language-Hearing Association

By: _____
Larry Higdon, President

By: _____
Arlene Pietranton
Executive Director

By: _____
Jay Lubinsky, Chair
Council For Clinical Certification

Canadian Association of Speech-Language Pathologists and Audiologists

By: _____
Selene Tash, President

By: _____
Ondina Love
Executive Director

By: _____
Sharon Fotheringham
Manager, Professional Standards

Report of the Fifth Meeting of the International Task Force on Harmonization and Equivalence in Organic Agriculture

5-7 December 2005
Hammamet, Tunisia

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 is 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 held at FAO, in Rome, Italy, 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 analysing 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, on 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 fifth ITF meeting was attended by 39 experts in their own personal capacity. They came from four UN agencies (FAO, UNCTAD, the United Nations Economic Commission for Europe [UNECE], the United Nations Environment Programme [UNEP]), two intergovernmental organizations (European Union [EU], and the Organization for Economic Cooperation and Development [OECD]), 13 governmental institutions (Argentina, Australia, Brazil, China, Costa Rica, Dominican Republic, Germany, India, the Philippines, Sweden, Switzerland, Thailand, and Tunisia), three international NGOs (International Accreditation Forum [IAF], IFOAM and the International Organic Accreditation Service [IOAS]) and 11 private organizations involved in certification, accreditation or trade in organic agriculture. Apologies were received from the experts from the International Fund for Agricultural Development (IFAD) and the United States Department of Agriculture (USDA).

Prior to its actual meeting, in the morning of 5 December 2005, the ITF held:

- an Orientation Session for new ITF members (12 people);
- an Accreditation Workshop, with 18 participants from certification and accreditation bodies. The primary objective of the workshop was to provide feedback from an expert audience to the ITF discussion of the draft study “Requirements for Certification Bodies – Situation and Scope for Harmonization” which took place on the second day of the ITF meeting. A report of the workshop is contained in an addendum to this report.

In addition to the latter study, the ITF discussed drafts of the following papers:

- Cooperation Between Conformity Assessment Bodies in Organic Certification;
- Objectives of Organic Standards Programmes – Exploring Approaches to Common Regulatory Objectives;
- Experiences of Equivalence and Recognition Mechanisms in the Regulation of Organic Agriculture.

Additionally, the ITF also discussed:

- the results of a feasibility study for a comparative database for organic norms;
- whether to continue with a research project aiming at identifying consumer sensitivities to differences in standards and certification requirements.

The discussion papers, the database feasibility study and the consumer study project stemmed from proposals for activities related to the middle-and long-term strategy of the ITF. The ITF strategy had been agreed upon at the fourth ITF meeting in Rome and is laid out in the paper “Strategy on Solutions for Harmonizing International Regulation of Organic Agriculture”. As such, the papers were aimed at analysing some of the solutions and activities proposed in the ITF strategy and at providing a basis for discussion of these solutions and activities by the ITF.

At its fifth meeting, the ITF decided to put the database project on hold. Furthermore, based on the feedback on the discussion papers and consumer study proposal, the ITF agreed to pursue the following activities during the 2006-2007 period:

Develop further ITF documents including:

- a guidance document for judging equivalency of standards based on IFOAM criteria for variations and Codex Alimentarius Commission (CAC) Guideline CAC/GL 34;
- an inventory of common regulatory objectives of government regulations;
- a set of essential international certification requirements.

Provide the ITF with further reviews through:

- a review/situation analysis of existing consumer studies focusing on their relevance to the ITF objectives;
- a concept paper for a study on competitive effects of standards differences for farmers;
- a study explaining the concept of participatory guarantee systems and their interaction with third party certification and other guarantee systems.

Outreach and promotion:

- send an ITF representative to the Technical Committee of the International Accreditation Forum, Rome, 14-15 March 2006, with a view of discussing the possibility of developing an organic Multi-Lateral Agreement (MLA);
- hold a Workshop on Certification Requirements, in connection with an IFOAM Criteria Committee meeting in 2006;
- provide inputs into the relevant Codex Alimentarius meetings concerning organic foods, including the revision of the Guidelines (scheduled to start in 2007);
- provide inputs to the revisions of IFOAM International Basic Standards (IBS) and encourage governments to participate in IBS revisions;
- develop an ITF communique with policy recommendations, for the ITF members use within their respective constituencies;
- make recommendations to all involved parties (private and governmental) to improve a) their cooperation on all levels of inspection and evaluation, and b) their cooperation and mutual recognition on the level of conformity assessment;
- improve integration of current members and involve new key actors;
- pursue the idea of setting up an organic Multi-Lateral Agreement;
- develop recommendations for (developing) countries regarding organic regulations and standards.

The ITF agreed to continue its works through annual meetings and decided to hold its sixth meeting in the fourth quarter of 2006, in North America.

Acknowledgements

The work of the ITF has been generously funded by the Swedish International Development Cooperation Agency (Sida) and the Government of Switzerland.

The hosting of the fifth ITF meeting, visits to organic farms in Tunisia and an organic products exhibition at the meeting venue were generously supported by the Ministry of Agriculture of Tunisia.

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Report of the Fifth Meeting of the ITF

**5-7 December 2005
Hammamet, Tunisia**

Opening

Introductory remarks

Mr Gunnar Rundgren, on behalf of the ITF Steering Committee, welcomed the meeting participants and presented the agenda and objectives of the meeting. The ITF approved the agenda and the participants briefly introduced themselves.

Welcoming speech by the Minister for Agriculture of Tunisia

The Minister for Agriculture of Tunisia, Mr Mohamed Habib Haddad, welcomed the participants to Tunisia and the meeting. The Minister noted that the Task Force fulfils the objective of creating a communication channel between governmental and non-governmental organizations and civil society in order to facilitate the international trade of organic products. He described the organic sector in Tunisia (over 100 000 hectares in 2004) and mentioned policy tools aimed at the growth of the sector by 200 percent by 2009. He stressed the role of organic agriculture in increasing the value of agricultural products, enhancing competitiveness, protecting natural resources, and providing better livelihoods for farmers. The full statement is in Addendum 4.

Brainstorming

Gunnar Rundgren presented a synthesis report on the progress made by the ITF, including ways and means to achieve the ultimate ITF objectives. He mentioned that the ITF had formulated proposals on many relevant issues and has already reached agreement on the solutions to several issues. He stressed that the ITF agreements were not binding and that therefore, ITF members should attempt to convince their organizations to adopt the proposed solutions.

The synthesis report reviews long-term (strategic) goals of the ITF, the resulting work and the status of completion of the different activities outlined in its work plan. Finally, the report proposed additional actions required for attaining the ITF objectives.

In the subsequent discussion of the paper, participants emphasized that the actions chosen must be realistic and feasible, and that the existing systems and tools used for trade of organic products should be used in combination with one another. However, it was also acknowledged that some of the existing tools have limitations. For example, the scope of organic products is expanding to

non-food items, such as textiles and cosmetics, whereas the Codex Alimentarius Guidelines are limited to food items only.

With regard to the issue of production standards, concern was expressed on the prospects for inducing the Codex Alimentarius process towards more accessible and effective standards. It was mentioned that the ITF work itself sets a good example of a multi-stakeholder, open and transparent international process. It was felt that the development of a unique set of international standards was not feasible, at least in the short or medium term, due to the different constituencies and scope of Codex Alimentarius and IFOAM.

It was proposed that the ITF seeks to provide guidance on the different roles of the two documents, indicating how these roles can be reconciled. In any case, efforts may be deployed for seeking more convergence between the IFOAM Basic Standards and the Codex Alimentarius guidelines, by inducing the format of the latter to being more principles-based: this may be achieved by establishing a specific CAC Task Force on Organic Foods, which would report to the Libelling Committee. It was recognized that the issue of competition between the two standards may not be a very significant problem because the requirements and guidance adopted in both documents are closely aligned. Regarding the issue of the lists of substances, it was suggested that a sound set of criteria and “model” (indicative) lists could be a valuable approach. One participant suggested developing a Codex Alimentarius Task Force on organic production that has a broader scope than only the guidelines for food labelling, while organics include also non-food products such as fibres and cosmetics.

Regarding equivalence agreements, the proposal to organize an equivalency workshop was supported. It was mentioned that for certification bodies, multiple accreditations were not an issue but rather the related fees, staff time investment and other costs of accreditation resulting from multiple evaluations. It was agreed that the ITF considers not only the prospects of equivalency *per se* but also the prospects of the many other opportunities for cooperation towards making the process more streamlined.

It was noted that the ITF had not, to date, generated outputs that can be used to give tangible advice to countries with an emerging organic sector. It was mentioned that the ITF is in a good position to assist newcomers to avoid repeating mistakes made by other countries and to make recommendations to countries with consolidated regulatory systems by developing concrete guidelines.

Furthermore, it was proposed that the ITF consider alternative systems such as Participatory Guarantee Schemes or some of the mechanisms of conformity assessment used in participatory guarantee systems. While acknowledging that the ITF focus is on international organic trade and that participatory certification is chiefly appropriate to domestic markets, it was proposed that the ITF considers, in a later stage, the opportunity to consider the feasibility of participatory guarantee systems' products within international trade. It was also suggested to hold a workshop on organic certification schemes.

Discussion papers

Experiences of Equivalence and Recognition Mechanisms in the Regulation of Organic Agriculture

This study compiled and analysed the experiences (successes and failures, lessons learned), of governments with one another and the private sector in cooperation (including recognition), at the level of accreditation/supervision, and cooperation (including equivalency) regarding their standards and technical regulations.

The main conclusions of the study are that harmonizing efforts take different forms. Recognition of conformity assessment systems at the level of accreditation has proved less problematic than equivalence assessments because the former is essentially an assessment of compliance. Current equivalence processes could be improved by establishing a clear common objective, setting clear procedures, greater transparency and sharing of information and the definition of criteria for variation which make allowances for stage of development and local conditions. Whether bilateral or even multilateral equivalence processes may be assisted through the Codex Alimentarius Commission (CAC) structures and models remains to be investigated. Cooperation on accreditation and MLAs between accreditation bodies are available in support of other harmonizing mechanisms. These should be further utilized by government authorities.

Objectives of Organic Standards Programmes – Exploring Approaches to Common Regulatory Objectives

In this paper the principles, values, and objectives underlying the current major organic norms were documented and reviewed. Additionally, the paper explored ways for enhancing harmonization and equivalence of the major regulatory schemes by the virtue of agreeing on a common set of regulatory objectives. The main conclusions of the paper are that there is a remarkable degree of shared common objectives between regulations accompanied, however, by differences in many relevant details. Regulatory systems for the most part do not allow decisions on equivalency based on common regulatory objectives. Common regulatory objectives (CROs) are also not likely to be influential in changing already adopted regulatory programmes. The reasons are multifold, among them, administrative inflexibility, social, environmental, and political preferences of the constituencies of the programmes in question. The UNECE model for technical harmonization (UNECE Recommendation “L”)¹ provides a process that provides potential for certification programmes to evolve in the long run in the same general direction. It also might serve as a basis for regional arrangements where countries do not yet have national programmes.

¹ Full Title: UNECE Recommendation “L” “An International Model for Technical Harmonisation Based on Good Regulatory Practice for the Preparation, Adoption and Application of Technical Regulations Via the Use of International Standards”

Because of the close relationship between the two papers mentioned above, (hereinafter referred to as the “equivalency paper” and the “objectives paper”, respectively) both were presented sequentially by the authors, and their discussion was combined.

To complete the picture, the representative from the UNECE re-introduced the UNECE model for CROs. The UNECE model provides practical steps aimed at facilitating and accelerating harmonization of technical regulations by agreeing on CROs. The basic principle of the “International Model” is that the technical content of regulations should be drafted in terms of broad objectives (addressing safety, environmental and other legitimate governmental concerns) and should refer to (preferably) international standards for more detailed performance-based technical requirements.

Different views were expressed with regards consumer preferences. On one hand, it was mentioned that consumers require simple messages and that the issues dealt with by the ITF were too difficult for consumers, who are more interested in the qualities of the final product. On the other hand, it was recalled the consumers offered approximately 334 000 public comments to the USDA National Organic Program (USDA/NOP) regulation. In general, it seemed that consumers did care but that it is not clear what they cared about: differences in standards or other issues such as food miles? It was also noted that differences in standards may arise from competition among farmers and that standards should not result in unfair competition among farmers.

It was recommended that criteria for the assessment of equivalency should be developed. Reference was made to the IFOAM criteria for variations. Those criteria should not be so strict that they prevent equivalency.

Concern was raised that organic could be traded away if added to general bilateral trade negotiations, as proposed in the objectives paper, due to the relatively low level of organic trade and hence, weak bargaining power.

It was explained that the general approach towards imports to the European Union is one of equivalence and not of compliance and that the EU Action Plan on Organic Farming proposed ways to further improve the existing procedures and mechanisms. It was also noted that the process for equivalency determination depends on the parties involved. Current third countries are exporters (not importers), whereas in the equivalency negotiations with the United States of America, both sides are interested in exporting to the other country. Bilateral negotiations could be the starting point but should be replaced by mechanisms for multilateral recognition.

Some participants observed that concerned farmers in developing countries have a more critical view on free trade agreements and are worried about the consequences they might have to face. It was recognized that the relatively small economic value of the organic sector would keep it from playing a significant role in trade negotiations. Furthermore, it was argued that developing countries do not have the bargaining power to engage their target countries in equivalency negotiations. However, attention was also drawn to the fact that due to higher economic growth

rates in some developing countries, such as China, the direction of trade flow of organic products could change in the future.

One participant, referencing regulatory developments in Brazil, also advocated that the ITF considers social requirements and Participatory Guarantee System criteria in its work.

The author of the objectives paper emphasized that CROs will be most useful for equivalency purposes in cases where no standards exist yet. A proposal was made that ITF and UNECE should consider a joint project to further address the CROs approach, possibly by developing a toolbox for those countries that do not yet have an organic legislation.

The fact that not every country has a regulation was recognized as a limiting factor in relying on an approach based on regulatory objectives. Reference was made to discussions in the Accreditation Workshop on identifying three areas related to production standards, conformity assessment schemes and organizational quality systems (described in the workshop as “boxes”) in which to work towards greater cooperation and recognition (refer to Addendum 1 below for further elaboration of the “box” concept). It was suggested that the ITF develops guidance on cooperation in the different levels, with a view to providing the basis for political decisions. This concept and guidance could also be the springboard for developing models that could be relevant to WTO dialogues.

Requirements for Certification Bodies – Situation and Scope for Harmonization

This document analysed the main similarities and differences of the main private and governmental organic schemes with regard to requirements applicable in organic certification. The results of the analysis are that general “good rules” and a quality management approach are commonly reflected in all requirements. Apart from the International Organization for Standardization and the International Electrotechnical Commission (ISO/IEC) Guide 65 most documents also address requirements specific to the field of organic certification, such as Conversion, Split Parallel Production, Genetically Modified Organisms (GMO), and Inputs. The main differences lie in the requirements for operator documentation. There are no conflicting requirements. With respect to the suitability of the ISO/IEC Guide 65 for organic certification it is proposed that a new ISO/IEC Guide 65 guidance document be developed, specifying the implementation of the ISO/IEC Guide 65 in and for the organic sector. The guidance document should identify ISO/IEC Guide 65 provisions not suitable for organic certification and specify provisions relevant for organic certification that are not yet covered by the ISO/IEC Guide 65.

After the presentation of this paper, the chair informed the ITF of the outcomes of the Accreditation Workshop, which focused much of its discussion on the topics in this paper.

The Workshop had defined three areas of requirements (boxes) to which the ITF could provide input. These are:

- Box 1: the area containing requirements for agricultural production and processing (the standards).

- Box 2: the area containing requirements (many of them prescriptive in nature and sector-specific) for how certification is conducted, e.g. what specific records the certification body must check, grower group inspection requirements, verifying the GMO prohibition.
- Box 3: the area containing requirements for the competency of the certification body (the content of the ISO/IEC Guide 65).

The consensus of the Workshop was that any requirement for conducting certification needs to be based on the ISO/IEC Guide 65. Regarding opportunities for the ITF to influence a revision of the ISO/IEC Guide 65, the ITF was informed that the ISO CASCO Committee had requested its members to give feedback on whether the Guide should be revised. If the revision starts in 2006 it will most likely be completed by the year 2009.

The ITF agreed that it should focus on Box 2. The essential certification requirements should be identified based on an assessment of whether a certain requirement is really necessary for assuring organic integrity. The document could be hosted by either a relevant Committee of the Codex Alimentarius Commission or the ISO CASCO Committee. It was proposed that an ITF working group be set up in order to develop such a tool.

One participant recommended that the ITF take advantage of IFOAM's experience with certification requirements in organic agriculture. Instead of developing everything from scratch, the IFOAM Accreditation Criteria and the experiences of the IOAS with dealing with the differences between the IFOAM accreditation criteria and the ISO/IEC Guide 65 should be used. Following up on this, it was explained that the recent revision of the IFOAM Accreditation Criteria aimed at removing details. Based on stakeholders' comments, mainly the ISO/IEC Guide 65 requirements had been removed. Currently, the IFOAM Accreditation Criteria contain 28 additional requirements as compared to the ISO/IEC Guide 65.

Another participant mentioned that the majority of accreditation bodies around the world involved in accreditation of product/process/services certification bodies apply ISO/IEC 65 requirements in many fields beyond organic certification programmes. A more detailed sector specific document could reduce flexibility with regard to equivalency and mutual recognition. Another participant mentioned that the ISO/IEC Guide 65 is a good basis for approval of certification bodies and should be retained but not necessarily in every detail.

One participant stressed that the ISO/IEC Guide 65 is used by more than 60 organizations in 85 countries and that it would be risky for the ITF to attempt modifying the Guide. It was clarified that the IAF Guidance to the ISO/IEC Guide 65 are not requirements *per se* but are developed to make sure that all IAF members interpret the ISO/IEC Guide 65 in a consistent way. Furthermore, even though a blanket exemption from certain requirements of the ISO/IEC Guide 65 cannot be made, an IAF Guidance could lay out that a certain requirement is not needed in organic certification. Referring to the fact that in Switzerland the entire food industry is accredited to the ISO/IEC Guide 65, one participant challenged any arguments that ISO/IEC Guide 65 could not be used in its entirety for accreditation and approval of organic certification bodies. Also, the USDA/NOP regulation does not refer to the ISO/IEC Guide 65 and more barriers would be created if the ISO/IEC Guide 65 was recommended across the board.

Several proposals for developing one set of conformity assessment requirements were raised, including the following:

- ITF to hold a joint workshop with the ISO/CASCO on accreditation in organic agriculture;
- a workshop of experts to be convened in conjunction with an IFOAM Criteria Committee meeting or sending selected ITF participants to the IFOAM Criteria Committee;
- a discussion of the topic at the IFOAM Certification Conference;
- an ITF and IAF workshop to consider the feasibility of an organic MLA;
- including within Codex Alimentarius a one-page text on minimum certification requirements (e.g. impartiality).

However, it was also asked who the responsible body for negotiations between the organic sector and other stakeholders, e.g. the IAF, should be. Additionally, it was stressed that multi-stakeholder participation needs to be ensured.

One participant advised that the ITF should not forget tools for conformity assessment apart from certification.

It was recommended that as well as developing one set of commonly accepted conformity assessment requirements, ways should also be found to arrive at a situation where one evaluation leads to multiple approvals or accreditations of certification bodies by different authorities. This is already possible in certain situations.

It was stressed that the ITF should not endorse accreditation as the only way for approval of certification bodies and that governments should be receptive to the private sector mechanism if their intention is to restrict the development of private labels.

Finally, it was requested to include in the paper a list of acronyms and a summary table of the comparisons.

Cooperation Between Conformity Assessment Bodies in Organic Certification

The paper briefly introduced the historical development and looked at the current situation of organic certification and the challenges it now faces. The challenges mentioned include, for example, the need for multiple accreditation, certification and inspections as compared to the ideal where one approval is accepted everywhere. The main reasons for this situation are a lack of recognition agreements between governments, on the one hand, and on the other hand, a lack of openness of the current regulatory framework with respect to empowering certification bodies approved under one system to recognize products certified by a certification body approved under another regulatory system. The paper continued with examples of existing collaborations between certification bodies and proposed a number of means for overcoming the problems within the current system. It is proposed that organic regulations are withdrawn, hence organic certification shifts to a self-regulated industry. Another proposal was to shift to an inclusive system where acceptance is the rule, e.g. by a) referencing private standards in regulations, and b) recognizing other foreign regulations and private standards, and c) accepting all products

produced to the applicable local, national or private standard. In case policy-makers cannot accept these proposals, the author suggested the following mitigating measures: establish an international equivalency determination process based on international norms; authorize certification bodies to accept products certified under the rules of another system; confer certification based on an equivalent prior certification and delegate certification authority, and adopt common international criteria for organic certification. The paper concluded with the presentation of two models for collaborations between conformity assessment bodies, a “global company model” and an “international alliance/network model”. It pointed out that local certification bodies can offer enough local advantage to maintain independence as members of an international alliance.

In the following discussions it was noted that government regulations have driven the private sector to be more characterized by big companies. It was noted that the paper gives options for “marrying” the private and government standards with creative new relationships. It was queried whether organic certification was proposed for liberalization at the Doha Round of the World Trade Organization (WTO) talks.

One participant expressed appreciation on the deregulation option raised in the paper, as government regulations appear to be proliferating with some resulting negative effects. In response to a question about what strategy emerging CABs in developing countries should pursue, it was explained that the right strategy depends on the specific situation. However, starting with inspection services and somehow linking to an established recognized CAB is generally advisable. Another strategy would be to concentrate on establishing the local certification “brand identity” and encouraging local market development. The phenomenon of “dumping”, that is, foreign CABs offering certification services at artificially low prices in some countries with the aim to gain market share, was brought up. The delegation of decision authority to certification bodies, as discussed in the Accreditation Workshop and in the paper (CENELEC example), was felt by some ITF members to be very attractive, but the regulatory constraints were also recognized.

One participant recalled that government regulations came into existence in the first place because conformity assessment bodies were not able to cooperate. Nowadays, the paradox situation is that regulations constrain cooperation, whereas conformity assessment bodies are starting to see the advantage of cooperation. The argument that cooperation was hindered because of legal responsibilities of the conformity assessment bodies was seen as not fully applicable because the ultimate responsibility lies with the producer.

Another reason for the demand for regulations was that products used to be marketed as “organic” without having been properly verified. It was acknowledged that regulations have addressed this issue and that this fact has to be accepted and considered in solutions. It was also recognized that regulations were needed for establishing the right incentives for the sector’s growth, in addition to the need for protection. Fair competition and fraud control have increased. The trade-off is less freedom. Furthermore, the question of regulatory excess should be addressed.

There has been some misperception that the only way for governments to support their organic market development is to regulate the sector. The resulting problem is that if governments

concentrate only on the control system without having other dimensions to support the development of organic agriculture and markets, the result will be an unbalanced and unhealthy regulatory situation. In general, this has not been the case in the major markets as in the USA and EU. Additionally, it was argued that governments have mechanisms other than regulations to control and enforce fraud. On the other hand, for exporting (developing) countries, it is impossible to receive the attention of both the media and the international markets unless they have an organic regulation.

One participant expressed an opinion that if the aim of a country is just to export organic products, in a situation without harmonization, equivalence and an organic multi-lateral agreement, it is better for that country to follow the organic standards and criteria of the importing market, rather than spending time and scarce resources to establish national regulations and structures.

Another participant mentioned that the way for facilitating approval of operators by different certifiers based on one certification, is to allow conformity assessment bodies to determine acceptance of other certifications. In this context, the need to promote multiple accreditations based on one evaluation was again advocated.

It was suggested that the paper further recommends how policy-makers can set more flexible requirements for cooperation with the private sector and that it acknowledges the cost of the lack of cooperation.

The question was raised about how far the ITF should expand its activities towards assisting conformity assessment bodies in getting more authority delegated to them, including acceptance of certification decisions of other certification bodies.

Other documents for discussion

Consumer study on sensitivity to differences in organic standards and conformity assessment systems

The Chair informed delegates that the consumer study had been on the agenda of the ITF for quite some time. At its last meeting, the ITF decided that, as a first step, a proposal would be made on what and how such a study would be undertaken. Subsequently, the ITF Secretariat issued a tender to which three responses were received, two of which declined the offer due to the relatively low budget allocation for the study.

The proposal received from the Department of Agricultural and Food Marketing of the University of Kassel, Germany, on behalf of a consortium of faculty members from three universities, was presented by Mr Hamm, the consortium coordinator.

Mr Hamm mentioned that the proposed budget significantly limits the choice of the research methodology and scope. For this reason, and owing to the difficult nature of the topic, the research

group proposed to refrain from including Japan and to adopt the focus group approach whereby the survey respondents are knowledgeable of organic standards.

The Chair, on behalf of the Steering Committee, informed that the ITF decision to undertake the consumer study ought to be taken in light of both budget limitations as well as budget allocation to studies of chief importance to advancing the ITF work, i.e. costs/benefits with regards the ITF objectives. The ITF Steering Committee was of the view that the outcome of the consumer study would be of low priority to the ITF work. Alternatively, an analysis of existing studies could be commissioned.

Mr Hamm mentioned that, despite their long time experience with research in organic agriculture, none of the three consortium members were aware of any research on the proposed topic of consumer sensitivities to organic standards. Much is already known about the confusion of consumers between organic and other environmentally friendly schemes (e.g. free range and animal friendly production) but not much is known about consumer expectations regarding different organic labels.

Within the ITF, the prevailing view is that consumers are not aware and not very interested in the differences in standards and that the ITF should make a related and informed statement. One participant mentioned that the real problem is not consumers' sensitivity to differences in standards, but farmers' concerns to avoid what they perceive as "unfair" competition.

The need for very specific terms of reference for a situation analysis, including what is known and what is not known, as well as assumptions, was emphasized. In this respect, the role of ITF representatives was stressed in terms of information providers in their respective countries (e.g. decision-makers, brokers).

Feasibility study for an international comparative organic norms database

The ITF Secretary gave a presentation on the history and objectives of the project, possible problems and expected features of a norms database. Following this presentation, Mr Ken Commins of the International Organic Accreditation Service (IOAS) informed the ITF that the IOAS is also setting up a database on organic norms. The IOAS database is aimed at being a tool for enabling multiple accreditations based on one evaluation. The IOAS database may bear the features envisioned by the ITF for the comparative database. The IOAS is willing to provide the currently envisioned database to the ITF basically free of charge. However, a financial assistance for adapting the database to the needs of the ITF would be applicable.

As an alternative, it was reiterated that the ITF could also participate in the organic database currently in development by the European Union. It was explained that the EU database uses the EU Regulation as a baseline for comparisons. The database could perhaps be adapted to accommodate the features defined by the ITF, if the additional costs would be covered. It is not yet clear how the maintenance would be financed after 2007. One participant mentioned that the EU database does not provide a comparison of the actual wording, but rather a synopsis of

requirements in other norms versus the EU Regulation. This would, therefore, entail considerable expenses to adapt the EU database to become an international database.

One participant stressed that in addition to setting it up, maintaining the proposed database would be a crucial issue. In order to maintain such a system, the database could either be privatized or be hosted by those organizations that own international standards. The need to pay for the services of a privatized system could make it more difficult for developing countries to take advantage of the database.

The Chair concluded that for the time being, the database would not be a prerequisite for achieving the ITF objectives and that it was wiser to put it on hold. In the future, this more service-oriented work could be taken up again, maybe also in the light of new developments, e.g. regarding the IOAS or EU database.

Country reports and updates

Prior to the meeting ITF members from Australia, China, Denmark, the Dominican Republic, Sweden, Switzerland and Thailand had graciously provided the ITF with reports and updates on the regulatory systems of their countries. In addition to this, ITF members from Australia, Brazil, China and Japan gave oral reports at the meeting. The written reports will be published on the ITF Web site.

Work plan 2006-2007

Based on the discussions and decisions of the two previous days, the ITF Steering Committee proposed an ITF work plan for the years 2006 to 2007. Noted below are the proposed activities (in bold) followed by the discussion and decisions (latter in bold italic) of the ITF.

- **Commission a situation analysis of existing consumer studies with relevance to assessing consumer sensitivity to variations in standards**

The ITF agreed to pursue this activity.

In this context, the ITF agreed that the study should also cover consumer expectations, and that it also should address sensitivities to conformity assessment requirements. The wording of this work item was changed to:

“Commission review/situation analysis of existing consumer studies with relevance to assessing consumer expectations and sensitivity for variations in standards and conformity assessment requirements (paper)”.

Participants informed the ITF of existing studies on consumer expectations, e.g. by Consumers International, Horizon Dairy, the Australian Consumers Association and the Soil Association.

The ITF participants were asked to submit studies and information on existing studies to the ITF Secretariat. The Consumers International study is to be circulated to the ITF.

The ITF also discussed whether to develop a research on producers' impacts on differences in standards (competitive effects). It was argued that the results of this research, e.g. biggest problems or fears of farmers regarding unfair competition, could be used to overcome possible resistance to ITF proposals, e.g. the international reference standard. It was agreed that the results of such a study should not be used to develop solutions aimed at pleasing farmers' interests. One participant suggested that research should also be carried out regarding other stakeholders, e.g. processors, retailers, traders.

The ITF decided to draft a concept note for a study on the impact of producer interests on standards and technical regulations. The concept note is to specifically address the arguments for the necessity of this study. The ITF will be invited to comment on the concept paper.

- **Organic standards and regulations database**

The usefulness of a database was not questioned. However, for the time being it was not seen as relevant for the core ITF agenda.

The ITF agreed to put the database project on hold and to encourage other stakeholders to cooperate on this issue.

- **Recommendations regarding how to make progress on the issue of “international reference standards”**

It was agreed that the ITF will seek information from the Codex Alimentarius Secretariat on how ITF should feed its recommendations into the revision of Codex Guidelines for Organic Production and Processing.

The ITF also discussed ways of improving the active participation of developing countries to the Codex Alimentarius Commission. It was proposed that the ITF advocates the interests of developing countries during the revision of the organic foods guidelines. ITF members from developing countries were advised to think of ways to support their country representatives in taking a stronger role in Codex discussions and ways for consulting stakeholders within their country ahead of the meetings.

It was mentioned that the ITF needs to address the fact that the scope of organic agriculture is expanding beyond food products. In this respect, it was suggested that as an alternative to the Codex Alimentarius Guidelines, which do not deal with non-food items, international standards could be addressed within the IFOAM system.

It was also stressed that the Codex Alimentarius Guidelines be revised to provide principles and recommendations rather than detailed standards, thereby leaving it open to the countries to translate these into standards.

It was agreed to use the experiences of the upcoming process of revising the IFOAM Basic Standards into a more principle-based framework to test the concept, and to use the results of the IFOAM process to feed into the next revision of the Codex Alimentarius Guidelines.

In this context it was proposed that the ITF members and governments be invited to participate in this revision. It was also argued that if the ITF had an international standard at hand, this one could be used to influence the revision of the Codex Alimentarius Guidelines.

A number of participants mentioned that both international standards derive their legitimacy from their different constituencies. The IBS derives it from the private sector and the Codex Alimentarius from the governmental sector, and neither of these two constituencies will ever fully give up its power to develop standards. It was, therefore, proposed that instead of pursuing the development of one international reference standard, the ITF should aim at converging both international standards. The convergence of both documents would then create the basis for equivalency determination. However, it was clarified that the revision of the Codex Guidelines is currently not a priority within the Codex Alimentarius and that the schedule of revision is not yet known. Furthermore, with respect to the issue of legitimacy, it was pointed out that at the moment no government is referencing the Codex Guidelines in their entirety. Regarding the non-food issue, it was pointed out that ITF considers involvement of those regional private groups currently working on common standards.

It was proposed that the ITF forms a working group assigned to draft a strategy for participating in the revision of the Codex Guidelines. Furthermore, those ITF members that participate in the Codex Alimentarius discussions were advised to start to network with other delegates.

- **Develop guidance document (paper) for judging equivalency of standards based on IFOAM criteria for variations and CAC/GL 34 – Guidelines for development of equivalence agreements**

The ITF approved this work item.

- **Defining common objectives (paper)**

It was suggested that the ITF submits a request to UNECE asking for the development of an inventory of the common regulatory objectives of government regulations. The UNECE representative explained that the request including background information must be submitted to UNECE by April 2006 to allow timely discussion in the upcoming meeting in June 2006. UNECE would then invite governments to respond to the request. It was proposed that UNECE functions as a Secretariat for this project, which could be positioned as an interagency project, with the ITF providing the expertise. This can add value as filtering through the expertise of agricultural policy. If necessary, UNECE could also arrange meetings. It was clarified that the process should and can also involve the private sector.

It was agreed that the ITF Steering Committee will draft a concept paper for the inventory. After obtaining additional information, the Steering Committee should decide whether to submit the request to UNECE.

- **Study on participatory guarantee systems**

The ITF approved this project pending availability of funding.

The paper will explain the concept and focus on the interaction with third party certification and other guarantee systems.

It was suggested that this work could be linked to the IFOAM Participatory Guarantee System (PGS) project. The ITF was informed that IFOAM is further formalizing the PGS project by establishing an IFOAM Task Force.

- **Commission a draft of one set of essential (integrity tested) international certification requirements (that can be the basis for equivalence)**

The ITF approved this proposal.

Based on the ITF study on requirements for certification bodies, the first identification of existing requirements is to be carried out. After completion of this step, the process of defining the essentials should commence.

The ITF also agreed to hold a workshop on this topic in conjunction with an IFOAM Criteria Committee meeting in 2006.

- **Cooperation on all levels to be encouraged, e.g. use of inspection and evaluation for multiple purposes (recommendation to all parties)**

The ITF agreed to make a recommendation to all parties involved to foster their cooperation. Furthermore, it was agreed to improve integration of key actors, e.g. IAF, in the ITF and to develop new links to other key actors.

- **Cooperation and mutual recognition on the level of conformity assessment to be utilized and encouraged in regulated systems**

Although there was no specific action decided, the ITF agreed that it can make a recommendation to all governments to utilize and encourage cooperation and mutual recognition in their regulatory systems on the level of conformity assessment.

This recommendation should encourage governments to use the existing building blocks of recognition and cooperation among conformity assessment bodies, for example, by accepting that a foreign conformity assessment body be contracted by the domestic body to carry out conformity assessment in that foreign country. This will enable governments to avoid travelling to other continents to make approvals for importing products.

- **Establishment of organic multi-lateral agreement (MLA)**

There was discussion on who would be included in the structure and process. There was agreement that this could be a useful tool if all significant stakeholders, including governments and private accreditation programmes, were involved. It was mentioned that such a multi-lateral agreement (MLA) could be developed either at the international or regional levels. With respect to a possible role of the International Accreditation Forum (IAF), it was mentioned that an organic MLA would be different from more generic type of MLAs that the IAF maintains, based on broad standards such as ISO 9 000 and 14 000. It was explained that the existing MLAs in the IAF do not prevent problems of mutual recognition. However, it was also mentioned that the IAF has positive experiences with sector-specific MLAs. Mr Figueiredo, the IAF representative on the ITF, will suggest that the IAF Board invite the ITF to the next IAF Board/Executive Committee Meeting.

The ITF agreed to further pursue the idea of setting up an organic MLA. Feedback should be obtained from various meetings, including who should host such an MLA.

- **Development of recommendations for (developing) countries regarding organic regulations and standards**

An idea for workshops, including one in Latin America was expressed. The UNEP approach is to build the capacity of the national institutions, which in turn can provide the assistance to policy-makers. It was noted that the ITF task is to provide the tools and analysis, but not to provide long-term capacity building in individual countries or regions. Instead, other institutions are asked to use the ITF tools and analysis.

It was suggested that based on the existing ITF studies, the ITF should develop an ITF guidance document on this topic.

Another suggestion was to develop a model regulation for countries to use it for setting up regulations that meet the requirements of the major importing markets.

It was generally agreed to add this topic to the ITF work plan. No concrete measures were agreed.

- **Outreach and assistance**

The extent of this activity will depend on funding for 2006 and beyond. It was suggested that the ITF web site, especially its structure, should be improved, and that acronyms should be avoided on the web site. Another suggestion was to expand the outreach more to traders, especially those organized in groups such as EurepGAP. In this context, it was clarified that the ITF is open to new members but that at the same time, continuity of existing members is important.

It was mentioned that the ITF, depending on funding could develop an ITF Communiqué consisting of recommendations and positions, for use in public relations and advocacy. It was also suggested that one way for improving communication could be to put more draft papers on the public section of the Web site.

It was agreed that the ITF should be presented and represented at the IAF Technical Committee meeting in Rome, 14-15 March 2006.

- **Next ITF meeting**

The ITF agreed to conduct its next meeting in the fourth quarter of 2006 in North America (tentative).

If possible, this meeting will be linked to the next BioFach America which takes place from 5 to 7 October 2006.

An ITF public briefing session will be held in February 2006, at BioFach Nuremberg, in combination with an IFOAM session on the revision of the IFOAM Organic Guarantee System.

The ITF also agreed that only one full meeting should be conducted per year. The significance of so-called “mini-meetings” should not be increased.

Funding

The ITF Steering Committee informed the ITF that about 20 000 euros remained on the UNCTAD trust fund. This money will be sufficient for the ITF Secretariat to continue working for some more months.

The Steering Committee asked members to assist in fundraising efforts by submitting the funding proposal to suitable donors.

It was suggested to approach the EU (Development Fund). However, it was also recognized that the process for obtaining EU funding is time consuming (approximately two years) and difficult to administer. Contributions from the private sector, including companies, would be welcome if available.

Addendum 1

Report of the ITF workshop on accreditation and certification bodies

5 December 2005
Hammamet, Tunisia

Prior to its main meeting, the ITF held a workshop for accreditation and certification bodies. The purpose of the workshop was to conduct in-depth discussions with experts on issues raised in the ITF paper “Requirements for Certification Bodies – Situation and Scope for Harmonization” hereinafter referred to as “Certification Requirements Paper”, and also to take up some issues in the paper “Cooperation Between Conformity Assessment Bodies in Organic Certification” hereinafter referred to as the “Cooperations Paper”. The workshop was targeted at participation from certification and accreditation bodies. All other ITF members were invited to participate as observers.

Cooperation Between Conformity Assessment Bodies in Organic Certification

The group first took up the “Cooperation Paper” and addressed the question as to whether there could be more flexibility allowed for CABs to cooperate to make certification on behalf of each other. It was noted that ISO/IEC Guide 65 seems to allow that some functions in the certification process be contracted to another body but not the decision.

The group ended the discussion without making any specific conclusions or recommendations.

Requirements for Certification Bodies – Situation and Scope for Harmonization

Several participants of the workshop expressed their concern that the study mixes up requirements of ISO 65/quality management system and of the organic certification system.

The group decided to take up the following three points:

- How to get agreement on a single international reference document (certification requirements)?
- How to identify the necessary adjustments to ISO/IEC Guide 65?
- How to get agreement on these changes in the ISO process?

The group first considered whether a technical comparison of the existing documents would be useful. But it was noted that the documents may be too heterogeneous to provide a useful result.

Several threads of discussion ran through the session:

Regarding the level of specificity and prescription in certification requirements

The group addressed this topic, with mixed results. Some argued that getting more specific does not really lower any risk, especially when it is adding detail to ISO/IEC Guide 65. Others favoured incorporation of prescriptive details related to inspecting audit, review/evaluation and certifying (decision) in the organic sector. It was noted that certification requirements sometimes include what operators should do, but that this framework is not that useful.

The need for process certification to include requirements other than ISO/IEC Guide 65 was raised. Principles-based requirements were raised as one option. The group was advised of the general wisdom that setting requirements is to be “outcome” based rather than based on specific requirements, which tend to become out-of-date.

Regarding the generality vs. specificity, it was stated that the CABs are competing with one another and there are complaints that they implement requirements differently, which drives the need for more specificity. The special requirements for organic certifiers and operators fall out of a specific organic standard, whereas ISO/IEC Guide 65 covers any system regardless of which standard. The common system requirements should be central.

Regarding how the ISO scheme applies in the organic sector

In an ISO scheme, the certifiers still have to be checked that they are implementing the requirements properly within the certification scope, and so there is, for example, need to look specifically at the inspection scheme. In ISO certification schemes defined in ISO/IEC 67 there must be a scope, and therefore some reference to the standards. (But specialized certification requirements such as the IFOAM Accreditation Criteria (IAC) incorporate these specific standards references.)

There was a discussion on not only extra “organic” requirements relative to ISO/IEC Guide 65, but what might come out of ISO/IEC Guide 65 to make it more appropriate in the organic sector. Some ISO/IEC Guide 65 requirements are seen as irrelevant, e.g. that a small farmer in Latin America must have a complaints register. ISO/IEC Guide 65 reflects more the industry situation. The question was raised whether, in principle, it is accepted that ISO/IEC Guide 65 itself needs to be adjusted for the organic sector. For example, the ISO accredited CBs do not enforce that requirement in the above example. It was discussed how to best address this situation. It was pointed out that it would not be the best way to be transparent and just say that this specific requirement is not enforced. Instead, a guidance document could allow for the example situation. In the example, the core requirement is that the farmer should inform the CAB if there is a complaint to him about the integrity of the product. It was pointed out that the discussion should not focus just on this one example. The basic question about ISO/IEC Guide 65 adjustments should remain. However, the message that organic is so different and unique that requirements are dropped should not be put out.

CABs say that many of the problematic areas are not within the ISO 65 scope, and the detailed requirements in ISO/IEC Guide 65 (e.g. Quality systems) create work that is not considered related to the essential requirements on the ground e.g. for a three-person CAB to make a Quality manual rather than focus on inspector training. The latter argument was challenged by pointing out that inspector training is also part of the Quality system and that there is good reason to emphasize a system for quality and not just pieces of such a system.

Regarding how to organize the thinking about the structure of a requirement

It was suggested that there are three basic areas of organic certification requirements, and that it could be useful to think about them as if they were located in boxes.

The three boxes are:

- Box 1: Production Standards (plus guidance);
- Box 2: Certification Scheme (plus guidance);
- Box 3: Certification Body Competence Requirements (plus guidance).

Apart from production standards (Box 1) the following points for discussion were identified:

- ISO/IEC Guide 65 (the competence requirements, Box 3);
- guidance to the specific requirements of ISO/IEC Guide 65;
- requirements for CABs on how to go about their business of certifying organic (some of which may be part of the ISO/IEC Guide 65 scope on implementation of certification).

The group further discussed what is to be put into each of these boxes. The group agreed that the process should be to stick to the existing requirements and sort these into the boxes, not to set out to manufacture new requirements. It was proposed to examine the Certification Requirements Paper and see what subjects come under the certification schemes of the current certification requirements, and which go in the other boxes. It was again stated that the focus should be on the points that impact organic integrity. It was suggested to do an analysis to identify where the real problems are in respect to organic integrity, and to address these specifically.

The following observations were made regarding the boxes:

- the complexity of it is in Box 2;
- the major risk factors are governed in Box 3;
- Box 2 is impacted by Box 3. For example, paperwork requirements created in Box 3 that are then translated in Box 2;
- Box 2 can relate to re-writing of regulations; and Box 3 (and guidance document) relates to ISO/IEC Guide 65;
- the demands on the operators (small operators) is not from Box 3 but on Box 2 when the specific requirements of certification become just too much, and drive them out of certification;
- Boxes 2 and 3 related to mutual recognition and Box 1 related to product acceptance;
- could/should there be additional guidance for the sector in Box 3? According to the

participant from the International Accreditation Forum (IAF) this should not be done because anything that is specific to the certification scheme belongs to Box 2;

- the regulatory authorities have their hands in Box 2 and 3. The question is: are they willing to take “hands-off” one of the boxes? Also, who is responsible to decide within these boxes?
- the “extras” (Box 2) may not be all that controversial. It is what should go out of ISO/IEC Guide 65 (Box 3) that might be more controversial, if that is used as the base document.

Regarding the options for a certification requirement

The following options were identified for moving toward a single requirement for organic certification:

- a. ISO process:
 - include in the revision of ISO/IEC Guide 65 and IAF guidance more requirements relevant to organic certification;
 - “amplify” ISO/IEC Guide 65 for the organic sector, perhaps by developing a specific guidance document for it;
- b. develop the document in the Codex process;
- c. develop a stand-alone (ITF?) international reference document.

Regarding the ISO process

The discussion took up several questions, including the outlook for the revision of ISO/IEC Guide 65, the role and enforceability of the ISO Guidance documents.

As the ISO 65 system is still in development it was cautioned not to cast anything in stone, or otherwise to have a mechanism to address shifts. It was stated that IAF is open for suggestions to work with it to address the ITF needs. The point is to reduce the need for multiple accreditations. The group was informed that the ISO/CASCO Secretariat has requested national standardization bodies to comment about whether to start the revision of ISO /IEC Guide 65 in 2006. It was proposed to contact national standardization bodies and give them suggestions for revising. Maybe notes to IAF guidance on ISO/IEC Guide 65 will be brought into future ISO/IEC Guide 65, which could mean progress.

Organic sector accommodation does not mean automatically to revise ISO/IEC Guide 65, but to focus only on the additional requirements.

It was pointed out that there is more interest now to develop sector-specific guidance for ISO/IEC Guide 65. Someone could request an organic sector-specific guide. However, there are no known examples of ISO Guide/IEC Guide 65 being amplified and adapted for a specific sector. ISO CASCO can develop guidance documents in 2-4 years, but the time frame to develop technical guidance can be done in a shorter time frame. The problem is that the organic sector is not involved in ISO/CASCO.

With respect to using guidance documents for bringing in the other requirements, it was explained that guidance documents are intended to provide flexibility and not to be additional requirements. Also, they are not enforceable. The main principle of guidance is to help the accreditation bodies have the same interpretation and to train their assessors. The IAF experiences show that guidance documents should not be prescriptive requirements.

Regarding adding it to the Codex process

This would be difficult due to the complexity of it, and the lack of organic expertise. It was pointed out that at the ITF Rome meeting, there was a discussion of the Codex Committee on Food Inspection and Certification (CCFIC) but that also there could be some work on inspection and certification in the Codex Committee on Food Labelling (CCFL) where there is more organic expertise in the dialogue.

Regarding the ITF stand-alone option

Gunnar Rundgren expressed that there is already a consensus within the ITF that it should go ahead to develop a common document (or set thereof).

Regarding the time frame for moving forward

If this process continues then realistically it would be a long time frame, e.g. for completion in the United States, the USDA will have to be convinced to change the regulation (allowing time for stakeholder input). There is the need to move quickly and steadily to get a rationalized document(s).

Addendum 2

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Sweden

²Participants attended both the ITF meeting and workshop, unless stated otherwise

Mr Montri KLITSANEEPHAIBOON (only ITF meeting) National Bureau of Agricultural Commodity and Food Standards Thailand	Mr Alessandro PULGA Istituto per la Certificazione Etica ed Ambientale Italy
Mr Serguei KOUZMINE (only ITF meeting) United Nations Economic Commission for Europe Switzerland	Mr Michel REYNAUD Ecocert International Germany
Ms Prabha MAHALE Yardi & Soree India Pvt. Ltd. India	Ms Girlie R. SAMIENTO Center for International Trade Expositions & Missions / Dept. of Trade & Industry Philippines
Mr Kenji MATSUMOTO Japan Organic and Natural Foods Association Japan	Mr Herman van BOXEM European Union Commission Belgium
Ms Laura Cecilia MNTENEGRO Argencert SRL Argentina	Mr Boudewijn Jozef van ELZAKKER Agro Eco Consultancy The Netherlands
Mr Asad NAQVI (only ITF meeting) United Nations Environment Programme Switzerland	Mr Mao Hua WANG (only ITF meeting) Certification and Accreditation Administration of the People's Republic of China China
Mr Jochen NEUENDORF (only workshop) Deutsches Akkreditierungssystem Prüfwesen Germany	Ms Wibulwan WANNAMOLEE National Bureau of Agricultural Commodity and Food Standards Thailand
Mr ONG Kung Wai Humus Consultancy Malaysia	Mr Jose ZAPATA Organic Agriculture Control Office Dominican Republic
Ms Houda Ben Alaya OUESLATI Ministère de l'Agriculture et des Ressources Hydrauliques Tunisia	Mr Antonio COMPAGNONI International Federation of Organic Agriculture Movements Italy

Ms Nadia El-Hage SCIALABBA
Food and Agriculture Organization of the UN
Italy

Mr Gunnar RUNDGREN
International Federation of Organic
Agriculture Movements
Sweden

Ms Sophia TWAROG
United Nations Conference on Trade and
Development
Switzerland

Ms Diane BOWEN
International Federation of Organic
Agriculture Movements
United States

Mr Matthias FECHT
International Federation of Organic
Agriculture Movements
Germany

Addendum 3

Agenda of the fifth ITF meeting

**5-7 December 2005
Hammamet, Tunisia**

Monday, 5 December

09:00-12:30

Workshop of certification and accreditation bodies
Orientation for new members

14:00-15:30

Opening Session of the ITF

- Welcome from the Chair
- Statement by the Minister for Agriculture, Tunisia
- Report on the ITF work progress
- Future ITF perspectives
- Objectives of the 5th ITF meeting

16:00-17:00

First ITF Discussion Paper

Equivalence and Recognition in the Regulation of Organic Agriculture

- Presentation (David Crucefix)
- Clarification questions

Tuesday, 6 December

9:00-10:30

Second ITF Discussion Paper:

Objectives of Organic Standards Programmes – Exploring approaches to Common Regulatory Objectives

- Presentation (Jane Earley)
- Clarification questions

Discussion: Regulatory objectives and judgment of equivalence in organic agriculture (ref. first and second ITF papers)

11:00-12:30

Third ITF Discussion Paper:

Requirement for Certification Bodies – Situation and Scope for Harmonization

- Presentation (Mildred Steidle)
- Discussion

14:00-15:30

Fourth ITF Discussion Paper:

Cooperation Between Conformity Assessment Bodies in Organic Certification

- Presentation (Ong Kung Wai)
- Discussion

16:00-18:00

Updates:

- Study on Consumer Sensitivity to Organic Standards
- Feasibility Study for an International Comparative Database on Organic Norms

Participants updates and country reports

Wednesday, 7 December

09:00-10:30

Closing session of the ITF:

- Summary by the Chair
- Discussion
- Recommendations

11:00-12:30

Work Plan

- ITF work plan for 2006-2007 (including funding)
- Follow-up and next meetings

12:30

End of meeting

Thursday, 8 December

All day field trip

Addendum 4

Opening statement at the ITF meeting

Hammamet, Tunisia

5 December 2005

Mohamed Habib Haddad

Minister for Agriculture and Hydraulic Resources, Tunisia

Governor of Nabeul,
Your Excellency, Mustafa Sinaceur, Ambassador and FAO Representative in Tunisia,
Ms Nadia El-Hage Scialabba, Chair of the ITF and Representative of FAO headquarters,
Ms Sophia Twarog, Representative of UNCTAD,
Mr Gunnar Rundgren, Representative of IFOAM,

Ladies and Gentlemen,

I am very pleased to welcome our honourable guests: the representatives of FAO, UNCTAD, IFOAM and experts from intergovernmental, governmental, private sector and civil society institutions taking part in this meeting and all those who have accepted the invitation to participate in this Fifth Meeting of the International Task Force on Harmonization and Equivalence in Organic Agriculture.

This Task Force fulfils the objective of creating a communication channel between governmental and non-governmental organizations and civil society in order to facilitate the international trade exchange and the integration of developing countries into the international market of organic agriculture.

I am pleased to announce that Tunisia is very proud of its membership in this Task Force and also of hosting its fifth meeting here in Tunisia. This demonstrates the trust of the international community in Tunisia's interest and commitment in developing the organic agriculture sector, demonstrated by it being the first Arab and African country to establish an organic agriculture regulation.

Ladies and Gentlemen,

The agriculture sector has a very important role to play at the economic, social and environmental levels. This sector is of paramount importance to achieve food security, contribute to boost the

food and trade balance and rural development. Our country seeks to further enhance agriculture to a level that secures food security nationwide.

Since 7 November, Tunisia has been keen on improving and raising the agriculture sector performance to excellence, by encouraging the continued improvement of the quantity, quality and diversity of the production base and supply sources of food import and export.

The organic sector is still in its infancy in Tunisia, but prospects seem to be very promising. Considering the comparative advantages relative to the quality of the production that it offers, organic agriculture will first contribute to boosting the food trade balance and, more generally, to ensuring the smooth development of agriculture and rural areas.

The organic sector is of great importance with regards to the environment, as it ensures a good management of natural resources and their maintenance, let alone an increased product quality and food security.

Our President, aware of the importance of this sector, gave it major attention by having implemented, since 1999, organic regulations and related organizational structures.

He also decided to give new specific subsidies to boost organic management: 30 percent of the total amount of organic farm investments and 70 percent of the cost of inspection and certification for five years.

In addition, he decided to create a Technical Centre for Organic Agriculture in order to promote this promising sector and with the objective of transferring scientific and technical knowledge to our farmers and through new extension and capacity-building tools and techniques.

This decision also awards best organic producers for their efforts through a substantial annual presidential price.

The national organic community has responded to these presidential choices by creating a National Federation of Organic Agriculture, within the Tunisian Union of Agriculture and Fisheries.

All these initiatives have had a positive impact on the development of organic agriculture in Tunisia, and consequently, this sector expanded to a relatively good number of producers and other operators.

The parcels under organic agriculture reached more than 100 000 ha in 2004, of which 29 000 are in conversion. In 2000, there were 8 900 ha in organic agriculture and only 300 in 1997. The total number of organic operators is today 660, compared to 140 in the year 2000 and only ten in 1997.

The objective of total transparency and credibility of inspection and certification is pursued by adopting a guarantee system based on private international certification bodies, whose operations

are authorized by the Ministry of Agriculture and Hydraulic Resources. Till now, we have authorized four certification bodies.

Despite the results so far obtained in the organic sector, in terms of increased acreage and people involved, performance remains below our expectations with regards the diversity of products and marketing opportunities.

Organic agriculture in Tunisia is still facing some difficulties, including:

- specialization of the sector in specific commodities such as olives and dates, due to the relative easiness to convert these production system from conventional to organic management. The remaining Tunisian products are still in need of better knowledge for conversion;
- export difficulties: the total export of last year did not exceed 1 130 tonnes of olive oil from a total production of 3 700 tonnes – which means 30 percent only – and 1 393 tonnes of dates from a total harvest of 4 600 tonnes – which also means 30 percent of the produce. The local demand for the organic products remains very limited;
- weakness of professional organizations, especially concerning the distribution and the commercialization channels.

Dear Guests,

Biodiversity, climatic diversity and the different agriculture systems found in our country allow us more ambition for rising the level of the contribution of this sector to agriculture development.

The insistence of our President in introducing this sector in his future programme is proof that Tunisian organic agriculture is contributing to valorizing agriculture products, to enhance its competitiveness and to raise the level of the export value, while improving the life conditions of the farmers and conserving national resources.

The future Presidential programme concerning organic agriculture is aiming to double the organic area by approximately 200 percent by 2009, as compared to the actual situation and to promote its export ability. For this purpose, the promotion and diversification of organic areas need to be increased to more than 180 000 ha during the coming five years.

In order to reach this objective, all concerned administrations, institutions, organization, producers, processors, exporters and inspection and certification bodies need to multiply their efforts by working together, within a global development strategy for the organic supply chain. This strategy involves production, processing, marketing, extension and training, research, professional organizations and aligning regulations and other organizational procedures related to the organic sector.

Through these efforts, Tunisia seeks to become recognized as a valid producing and exporting country of organic agricultural products, to the level of European markets and to be better known to American and Japanese consumers.

Ladies and Gentlemen,

I cannot finish this statement without renewing my warm welcome to our distinguished guests, and wishing you a pleasant stay with us. I also renew my thanks and respect to the Steering Committee and organizers of this Fifth Meeting, for their efforts and fine organization, hoping in successful results.

I trust that your discussions will greatly contribute to the harmonization and equivalence of organic regulations globally and to the establishment of related mechanisms among different countries. This would facilitate the exchange of organic products, in a context of transparency and credibility. This would meet the objectives and hopes we all expect.

I thank you for your attention and best wishes for your meeting.

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 organizations 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.

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 assessment	Any activity concerned with determining directly or indirectly that relevant requirements are fulfilled.
Conformity assessment body	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	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

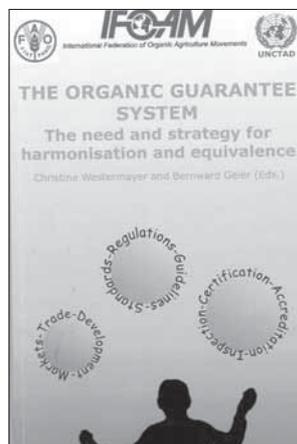
is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method. (Ref : WTO/TBT)

Note: the recognized body can be any relevant constituency.

Technical regulationDocument 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)

Note: technical regulations can refer to, or be based on, standards.

Other Volumes in the ITF Publication Series

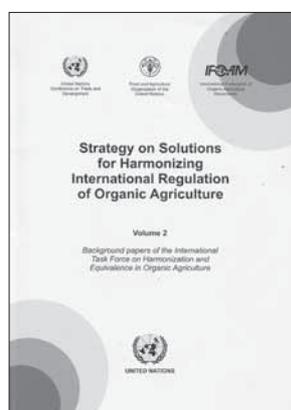
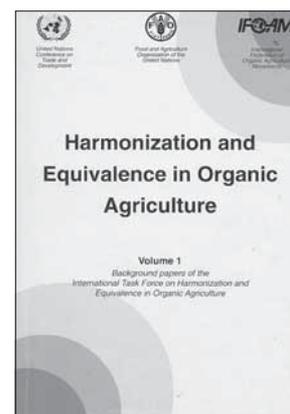


The Organic Guarantee System. The need and strategy for harmonisation and equivalence. 1/1/2003. Christina Westermayer and Bernward Geier. ISBN no. 3-934-055-23-0.

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 FAO, IFOAM 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. eds. Joy Michaud, Els Wynen and Diane Bowen: UNCTAD/DITC/TED/2005/4. ISBN no. 3-934055-47-8.

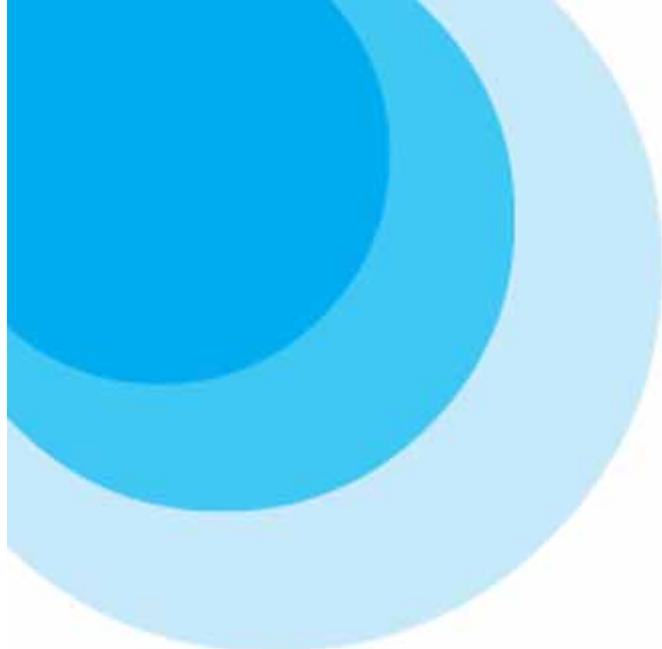
The volume presents the first results of the International Task Force (ITF) on Harmonization and Equivalence in Organic Agriculture. It features the first four background papers that describe the current situation in organic regulation and trade, and offers some models that could apply to potential solutions. 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 International Task Force 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 3rd and 4th ITF meetings.

Please visit the ITF web site at www.unctad.org/trade_env/ITF-organic, where you can download electronic copies of all ITF publications. Paper copies of Volume 1 and Volume 2 can be obtained from the ITF Secretariat. For contact information please refer to the ITF web site.



This is the third volume of background papers of the International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF). Organized by FAO, IFOAM and UNCTAD, 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 four discussion papers and the Report of the Fifth ITF meeting, including experiences and situations in organic regulation, common regulatory objectives, requirements for certification bodies and cooperation between conformity assessment bodies.