1. Introduction

The IFOAM EU Group has developed positions on the improvement of the import control regime for organic production. The main drivers for this were concerns expressed about the changes to regulations regarding the controls on importing of organic foods from outside the EU. This position paper identifies changes to the system which could prevent deficiencies in the control systems. These suggestions were developed as a result of a detailed consultation process involving experts from across Europe and beyond.

2. Background

The recent Commission report to the European Parliament and Council on the application of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products includes the following: “The Commission considers that the list of control authorities and control bodies could also offer a reliable approach to imports, provided adequate supervision is ensured to guarantee the correct functioning of the regime. In particular, whereas Member States competent authorities are responsible for the controls on all imported organic products from their release for free circulation in the EU territory, it will become essential that the Commission reacts in a timely manner to possible deficiencies in the functioning of a listed control body and withdraws it from the list if the requirements are no longer met."

The current system where there are 3 different import options (import authorisations, equivalent third countries and CBs operating equivalent standards and certification) will lead to variation in controls unless the options are strictly monitored and the assessments are transparent.

Geographical and socio-economic conditions differ from country to country. These differences are also the case between EU-countries, but in case of countries outside EU there is no legal framework, like the EU-Regulation, that can ensure common understanding and practice of organic farming, processing, certification and control. Especially in countries without a national organic legislation and without an equivalence agreement on organic legislation with EU, the geographical and socio-economic conditions can be very different. There are often socio economic, cultural & language differences, which make mutual understanding difficult. Moreover, there are often no subsidies for organic farmers available, and advisory services are missing. As a result, the level of knowledge and understanding of organic agriculture of operators in third countries is often questioned. Some of the measures in this paper are designed to reduce concerns in this area.

Recent concerns regarding fraud make the need to improve the controls at all levels a high priority in order to maintain consumer confidence in imported organic products. The paper divides improvements into those that need additional regulation by the commission and those
that are covered in existing regulation, guidelines and standards, but require more detailed attention by operators, Certification Bodies, Competent authorities and Accreditation Bodies.

IFOAM EU Group considers it essential that European importers focus on developing long-term and fair trading relationships, which, together with improved import regulations and controls, can ensure that imported organic products fulfill the principles and objectives of organic agriculture and meet consumer expectations.

IFOAM EU Group recommends the following suggestions for measures needed to improve systems to the Commission and requests that they be considered with other actions to be taken as a result of the report to council. IFOAM EU Group is available to present these suggestions and to provide any clarification necessary at any stage.

3. Changes and improvements to Legislation

IFOAM EU Group requests that the Commission considers the following recommendations for changes to legislation and the control system to improve controls on the import of organic products.

3.1. To take into account the substantial socio-economic, climatic, language and cultural differences, it is important that the Commission remain open to the choice of locally developed and locally relevant standards by CBs that apply for EU equivalence. Ideally, this should be done by allowing one CB to apply with different standards for different regions of the world, and by providing transparency on which standard is accepted for which region. The Commission should encourage CBs applying with the same regional standard to use a jointly agreed equivalence assessment for that standard or to rely on previous equivalence decisions as a precedent for acceptability of standards. In the long term the Commission should de-link the approval of equivalent standards for a particular region from the approval of CBs using that standard. This de-linking will facilitate multiple CBs in the region to use a common regional standard for certification of exported as well as domestically marketed organic products. The de-linking should be achievable, as assessment of standards should be a distinct process from assessment of the performance of conformity assessment. As the trend towards regional organic standards development by governments and the private sector continues (e.g. East Africa, Pacific Islands, Central America, South-East Asia), this de-linking will position the Commission to more easily cooperate with other regions.

3.2. EU legislation must elaborate a clear set of procedures and measures (sanction policy) relevant to all, for use in cases where operators, importers and/or certifiers do not meet the requirements of good organic quality management practices.

3.3. Common, clear and transparent interpretation and implementation of organic standards is vital to maintain organic integrity. Therefore all EU-recognized, equivalent certification bodies must publish, at the time of their application for approval, the standards they certify to.
3.4. The Commission should publish the standards of CBs that it recognises for the purpose of equivalence, to enable public confidence in the equivalence process.

3.5. The risk-based approach of certification bodies needs to be improved and enforced. This relates to additional control instruments like inspection visits (including a proportion of unannounced and short notice inspections), sampling (e.g. leaf samples, if appropriate) the use and performance of verification audits by the CB and by ABs.

3.6. In case of complaints from import companies (e.g. residue findings by importers), there must be response time targets for CBs and common measures for investigating such cases, laid down in legislation and relevant to CBs operating within and beyond the EU. Performance in these areas, including response times, must be assessed by accreditors.

3.7. There are concerns over levels of GM contamination and the controls in place in some non EU-states. Periodic reviews specified under equivalence arrangements with third countries and oversight of CBs approved for the purpose of equivalence should include checks on the implementation of measures to verify that GMOs are excluded from the production and processing of imported organic products. This is the only way to ensure that the public’s trust of organic in terms of its prevention of GM contamination is maintained.

3.8. Certificates of certified operators should be published electronically using common internet platforms to facilitate the check of the certification status. This would be as helpful for importers and traders as it would be for operators working within the EU. IFOAM EU Group is aware that this goal can only be achieved for imports in the long term and as a further step after implementing article 92a of Commission Regulation (EC) No 889/2008.

3.9. The Commission should establish clear requirements how controls must be implemented in third countries and what elements require particular attention of supervisory bodies. Audits of performance of supervisory bodies should be published. This can be integrated into the “Control Guidelines” which already indicate how the minimum inspection requirements need to be implemented in countries within the EU.

3.10. Accreditors must have qualified assessors with experience in organic farming in countries outside of the European Union. The assessors must be familiar with the concept and methodology of equivalence assessments. This area is becoming more important as equivalence rather than compliance becomes the norm.

3.11. The new EU import systems will take time to bed down and so it is vital that the current import authorization system continues to ensure that product can continue to flow from states where there are no approved CBs, with all relevant scopes accredited.

3.12. Increased resources should be dedicated to ensuring the enforcement of the regulation and to market surveillance. This can only be done if not too many resources are monopolised by the evaluation of equivalent CBs and equivalent third countries. The IFOAM EU Group recommends that the Commission consider implementing some of the recommendations in the IFOAM Policy.
Position paper on actions recommended for improving the credibility of organic imports from third countries

International Federation of Organic Agriculture Movements – EU Regional Group

Brief on “How Governments Can Regulate Imports of Organic Products Based on the Concepts of Harmonization and Equivalence”. In summary these recommendations are as follows:

A. Consider organic product imports from the outset of establishing a regulation. Ensure that imports are primarily based on equivalence, not compliance.
B. Adopt efficient processes to approve a high number of organic standards and technical regulations as equivalent.
C. Adopt an efficient process to recognize a high number of performance requirements governing organic certification in other countries.
D. Participate in international efforts to harmonize organic standards and regulations.

Further details and the IFOAM Policy Brief may be found here: http://www.ifoam.org/press/positions/Import_PB.html.

4. Recommendations that are currently covered by legislation, guidance and standards, but need further attention.

4.1. Every importer of organic goods from third countries should establish and update appropriate procedures based on a systematic identification of critical steps based on an assessment of possible risks in the specific country/area and the specific organic supplier and/or operator.

4.2. Certification bodies must have a quality system that assesses general basic risks in a country on the level of socio-economic, cultural and language barriers and specific risks at the level of a specific organic operator (or group of small farmer holdings). The level and intensity of control must be in relation to the risks.

4.3. The lack of knowledge of some operators about organic production, both inside and outside the EU is of concern. CBs must abstain from certifying operators, which do not have proven knowledge in organic farming. Concepts for assessing this knowledge must be established within the CB. Performance in this area must be specifically addressed by the accreditors.

4.4. CBs must prove knowledge and resources in each geographical region they are working, particularly where they move into new regions. They must have locally adapted control procedures with inspectors who understand the local conditions. They must check and prove that operators have understood what organic standards require them to do prior to initial certification.

4.5. Especially in case of transition from conventional to organic there must be a specific risk-assessment for the specific operator.

4.6. Article 36(2) of Commission Regulation (EC) No 889/2008 explains how the conversion period can be reduced by the competent authority. In case of equivalent standards and certification that provides for reduced conversion periods, a clear procedure must be formulated, including criteria and risk assessment similar to the provisions given in that article. This procedure and criteria must be subject to strict assessment when the standard is checked for equivalency.
4.7. A detailed review of the implementation of the organic critical control points for each operator must form part of every inspection by CBs.

4.8. CBs must retain their independence from their operators particularly in cases where there are a limited number of certified operators in a state, and so the viability of the CBs operation in that state may depend on that very small number of operators. The system operated by some certification bodies where fees paid for certification depend upon value of traded product can also reduce the inclination of certifiers to impose sanctions in the case of infringements. Accreditors must address these concerns in a common and transparent way.

4.9. Further the additional cost of spot inspections in remote states can reduce the ability of certifiers to apply spot inspections as a means of investigating concerns. The ability and performance of CBs in meeting the requirements for spot inspections must be assessed by accreditors.

4.10. Article 27(2) of Council Regulation (EC) No 834/2007 sets basic obligatory requirements towards risk based quality management. These should be considered to include cultural and language barriers and lack of organic knowledge/practice of operators. In particular, the Commission should look more carefully for this in the expert evaluations of the foreign CBs, and in the control systems of approved third countries.

4.11 The Commission should consider measures to ensure quality and consistency of the work of oversight bodies for CBs operating equivalent standards and certification in third countries. The Commission should make available to all these bodies some “best practice” examples of equivalence reports by oversight bodies in order to foster improvement across the board.

5. Conclusions

The above are lists of items recommended by IFOAM EU Group for improvement to the Organic Regulations and their operation. The Group is keen to develop and improve these recommendations and is available for discussions to clarify or to develop.