



International Trade Arrangements

February 20, 2014

Professional Development Training
for Organic Certifying Agents

USDA Agricultural Marketing Service
National Organic Program



Objectives



- Review organic trade requirements
 - Imports and Exports
- Review USDA international organic trade arrangements:
 - Equivalency Arrangements
 - Recognition Agreements (Imports)
 - Export Arrangement
- Discuss certifier responsibility
 - Verify compliance during certification process

Overview of U.S. Imports



- Imports to U.S. must be:
 - Certified by NOP accredited certifier
 - Certified to USDA organic regulations by certifier accredited by foreign government recognized by USDA
 - Certified to an equivalent organic standard by an authorized control body (accredited by equivalent government authority)

Overview of U.S. Exports



- Exports from the U.S. must be:
 - EU, Canada and Japan – NOP certification is deemed equivalent
 - Taiwan – NOP certification is accepted.
 - Some countries have no mandatory organic labeling requirements (e.g. Mexico, Australia)
 - Other countries may require certification to their own standard (e.g. China, Korea, Brazil)



USDA International Trade Arrangements





- Each country considers the other's organic certification designation to be "equivalent."
 - Equivalent standards, accreditation, certification and enforcement provisions.
- Allows products produced, processed and certified to either country's organic standards to be sold as organic in both countries.
- May be critical variances (carve outs).

Recognition Agreements



- USDA recognizes foreign governments as the competent authority to accredit certifiers
- Foreign governments oversee accreditation within national borders
- Operations still certified to USDA organic regulations

Oversight of trade agreements



- NOP continually monitors and ensures compliance with these arrangements
 - Peer review assessments
 - Organic working groups

Export Arrangement (Taiwan)



- Export Arrangement (Taiwan)
 - Foreign governments recognize U.S. standards and identify any variances
 - USDA accredited certifiers verify compliance with arrangements and issue export certificates for U.S.-based operations
 - Certifier must be approved by the USDA before issuing export certificates

International Trade Arrangements



- **Equivalency Arrangements**

- Canada (2009)

- European Union (2012)

- Japan (2014)

- **Recognition Agreements**

- New Zealand (2002)

- India (2006)

- Israel (2006)

- **Export Arrangement**

- Taiwan (2009)



United States – Canada Organic Equivalency Arrangement



U.S. – Canada Organic Equivalency Arrangement



- Agricultural products produced and handled in accordance with the USDA organic certification system are eligible for shipment to Canada as “organic” – and vice versa
- Labels must meet the requirements of the destination country (e.g. Canada does not have “made with organic” labeling category)
- This is a global arrangement: product produced to USDA organic regulations around the world can be sold or shipped to Canada as organic and vice versa



Critical Variances:

- **Products from U.S. to Canada:**
 - Agricultural products must not be produced with the use of sodium nitrate
 - Agricultural products must not be produced by hydroponic or aeroponic production methods
 - Agricultural products derived from non-ruminant livestock must be produced according to Canadian livestock stocking rates
- **Products from Canada to U.S.:**
 - Agricultural products cannot be derived from animals treated with antibiotics



Attestation requirements:

- Agricultural products being sold or shipped to Canada or U.S. under the arrangement must be accompanied by an attestation statement, per NOP Policy Memo 10-3
- Statement is *not* required to be signed by a certifying agent
- Certified operation may provide attestation



United States – European Union Organic Equivalency Arrangement



Scope of Arrangement

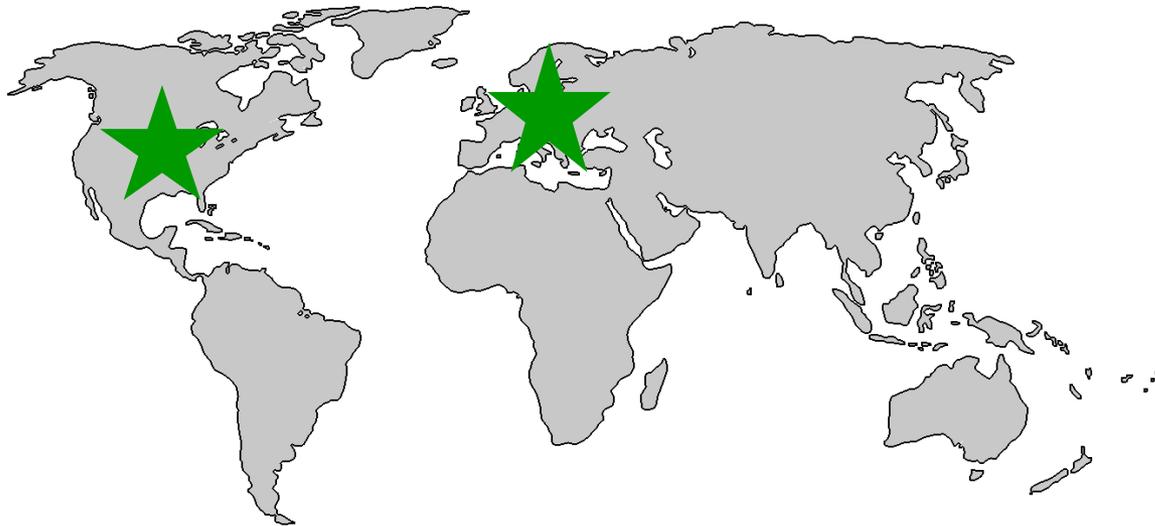


- Products must be produced in, or have final processing / packaging occur in the U.S. or EU member state.
 - Aquatic animals are not included in the scope of the EU-U.S. arrangement, but aquatic plants (kelp, seaweed, etc.) are allowed
- As long as final processing/packaging occurs in the U.S., organic ingredients:
 - May come from domestic or foreign sources
 - May be certified organic by any NOP-accredited certifier (direct or through recognition agreements)

Scope of Arrangement



- Excluded – Products shipped from countries outside of the United States or EU member states.



Requirements



Exports to EU Requirements

No antibiotics in organic apple and pear production

Certificate of Inspection

Compliance with EU organic labeling requirements

U.S. Import Requirements

No antibiotics in organic livestock production

NOP Import certificate

Compliance with U.S. organic labeling requirements

EU Import Certificate (Certificate of Inspection)



For U.S. organic exports to EU

- U.S. certification bodies accredited by the NOP may issue EU certificate of inspection.
- U.S. certifiers must verify that products comply with the terms of the arrangement.
 - Must verify critical variances
 - Must comply with EU organic label requirements (made with organic label not allowed)

NOP Import Certificates



- EU authorized control bodies may issue NOP Import Certificates for organic imports into the U.S.
- NOP certifiers must verify that EU imported organic products have valid NOP Import Certificate.



- Wine produced in the U.S.
 - Must meet EU requirements
 - Use only organic grapes
 - No “prohibited” practices
- Wine produced in the EU
 - Must meet USDA requirements
 - Added sulfites with sulfur dioxide only
 - No more than 100 ppm

Use of Logos



- Products may be labeled with the US and/or EU organic logos
- Certifying agent must be stated on product label



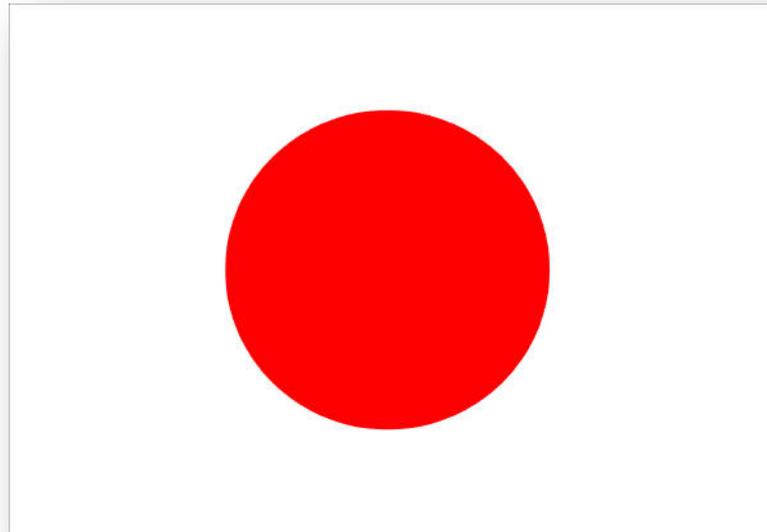
EU Labeling Categories



- **Organic**
Includes processed products with 95-100% organic content
- **Processed products:** if under 95% organic, may state % organic content
- No “made with” organic category



United States – Japan Organic Equivalency Arrangement



U.S.-Japan Organic Equivalency Arrangement



- Products certified in either U.S. or Japan can be sold as organic in either country.
- Products must be produced in, or have final processing / packaging occur in the U.S. or Japan.
- Effective January 1, 2014



Exporting U.S. Organic Products to Japan



Products regulated by JAS law include:

- Plants, including fungi
- Processed foods of plant origin

These products:

- Must carry JAS seal in partnership with JAS-certified importer
- NOP certifier must issue export certificate (TM-11) to accompany shipment

Exporting U.S. Organic Products to Japan



Products not regulated by JAS law:

- Alcoholic beverages
- Meat and dairy products
- Other non-plant-based products

These products:

- Must NOT use the JAS organic logo
- These products don't need an export certificate (except alcoholic beverages labeled with organic in Japanese).

Importing Japanese Organic Products to the U.S.



Products regulated by JAS law include:

- Plants, including fungi
- Processed foods of plant origin

These products:

- May carry JAS or USDA organic logo
- Must use the NOP Import Certificate issued by Japanese accredited certification agencies.

Importing Japanese Organic Products to the U.S.



Products not regulated by JAS law:

- Alcoholic beverages
- Meat and dairy products
- Other non-plant-based products

These products:

- May carry USDA organic logo, but not the JAS organic logo.
- Must be certified to the USDA organic regulations by NOP accredited certifiers.

Export Arrangement



Taiwan

Export Arrangement

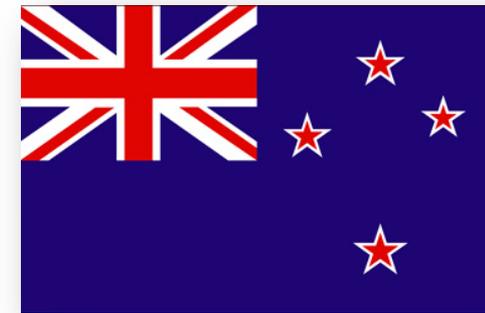


- Allows U.S. producers to export organic products to Taiwan
- Must have Export Certificate (TM-11) signed by the NOP accredited certifier
 - Certifiers must have NOP approval
- ONLY for U.S. operations selling to Taiwan
 - Export certificates cannot be issued for NOP-certified operations outside of the U.S.



Recognition Agreements

New Zealand
India
Israel



Recognition Agreements



- USDA has recognized a foreign government to accredit certifying agents within that country to the USDA organic standards
- A list of NOP certifiers accredited by New Zealand, India and Israel is available on NOP website.



Role of Certifiers

Role of Certifiers



- Certifiers must verify certified operations' compliance to USDA organic trade arrangements during certification process, including during onsite inspections
- Stay current on international trade arrangements with the NOP website:

www.ams.usda.gov/

[NOPInternationalAgreements](#)



Equivalency Arrangements

- Verify Critical Variances for exports
- Review Attestation Statements for imports and exports
- Verify Labeling Requirements
- Issue certificates for exports
- Verify authenticity of NOP Import Certificates

Recognition Agreement

- Verify authenticity of organic certificate from recognition country certifiers

Export Arrangement

- Issue Export Certificates (TM-11) and verify compliance



Compliance

- NOP audits will review compliance with international arrangements
- Certifiers who don't correctly implement international arrangements may be cited a noncompliance



Ongoing Negotiations

Korea
Switzerland



- The new Korean regulations prohibit the import of organic products certified to another country's organic standards
- The USDA has requested organic equivalency with the Korean Ministry of Food, Agriculture, and Rural Affairs

Korea accreditation



- Certifiers may apply for accreditation to the Korean Ministry of Food, Agriculture, and Rural Affairs
- Certifiers accredited by the Korean government may issue Korean organic certification, which allows access to the Korean market

Switzerland



- Switzerland requested organic equivalency in October 2012
- Negotiations are ongoing



Resources



- NOP website has information on international trade requirements, including country-specific pages

www.ams.usda.gov/
NOPInternationalAgreements



Questions?