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Assessment of the Equivalence

The statement of the assessment of the equivalence was elaborated by the SAS lead assessor Lorenz Roggli and Dr. Manon Haccius, organic farming expert for SAS and is presented in full length in the Assessment Report SAS prepared 2009 for IMO's application.

In summary, SAS states that most certification procedures, which IMO applies in third countries, are compliant with Regulation (EC) No. 834/2007 and Regulation (EC) No. 889/2008 and amendments (hereafter referred to as "the Regulations"), very few are not. Article 33 of Regulation (EC) No. 834/2007 allows to apply deviating rules, which are equivalent, i.e. are capable to meet the same objectives, as intended by the said regulations and in line with Codex Alimentarius (CAC/GL 32, 1999).

IMO bridges the differences between the clauses concerned in the Regulations and their own inspection and certification practice in third countries by establishing criteria and objectives. These are published as the "IMO Organic Standard - IMO Organic Equivalence Standard for Operators in Non-EU Countries" (Version 1, 10/2009). The IMO Organic Standard combines the propositions and provisions of the said Regulations for certification of organic production and adapts them for application in Non-EU-Countries. The IMO Organic Standard certifies for compliance to the Regulations in most

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organic producer group certification schemes applied in developing countries). Key elements for reaching an equivalently effective inspection system are:

- (1) Setting a limit for the size of a holding allowed to participate in a group certification system: In principle only small farmers can be subject to group certification. Farms for which the cost of external certification is lower than 2 % of their annual turnover are considered as big farms. They may not participate in group certification but have to be inspected by an external inspector each year.
- (2) All operations belonging to a group certification system must at least once per year be inspected internally, with the results being carefully documented. Further aspects of the practice are spelled out in detail in the IMO Organic Standard (section C, Annex XIV). This section of the IMO Organic Standard should be considered equivalent. [Note: Group certification is restricted to operators in developing countries (as defined by OECD¹).]

3. Poultry Production (Regulation (EC) No. 889/2008, Article 12(5)):

Organic poultry may be reared either until they reach a minimum age or else they shall be slow growing poultry strains. Some key objectives of this requirement are to make sure the poultry can be fed adequately and kept healthy with the means of an organic production system; also that the manure from organic poultry production can be used in a sustainable way in the farming unit. Available breeds of poultry differ widely between regions, countries and continents. A classification of the growth potential of poultry strains is not always available. IMO, therefore, applies a system where the low growth potential of strains is defined in relation to growth rate and weight gain of high performance poultry typically kept and reared in conventional systems in a region. The inspector uses average growth rates per day to ensure an organic poultry operation actually works with slow growing strains (IMO Organic Standard, section A, clause 6.7.2.9). This clause of the IMO Organic Standard should be considered equivalent.

4. Parallel Production of Organic and Non-organic Plants (Regulation (EC) No. 889/2008, Article 40 (1) (a) (iii)):

Parallel production of organic and non-organic plants is allowed under restrictive conditions only. The IMO Organic Standard is compliant with all clauses of Article 40, with one exception: It allows to deviate from the 48-hour-notification period under condition of continuous harvesting of a certain crop (section A clause 6.3.1.1a(iii)). This clause does not render the IMO Organic Standard in-equivalent.

¹ <http://www.oecd.org>

of its clauses, in some instances it defines equivalent provisions in accordance with Article 33 of Regulation (EC) No. 834/2007. This concerns 10 areas, indicated by the letter "E" in the right hand column on each page of the Standard. To cover the subject areas of these provisions, IMO has integrated rules into its Standard that describe, which provisions of the EU law concerning organic certification are not fully met, to which extent this is the case, under which conditions this is acceptable, and which requirements must be met instead.

SAS reviewed these rules and found that they provide for an effective, consistent and complete standard for organic equivalence certification in third countries.

1. Aquaculture (Regulation (EC) No. 710/2009 amending Regulation (EC) No. 889/2008, Article 25c and Article 25d and 38a and 95 Annex XIIIa):

In order to allow for a sustainable way of producing shrimps/prawns of the *penaeidae* and *macrobrachium* ssp. type and to fulfil animal welfare requirements, eye stalk ablation is prohibited. However, the internationally accepted private standards for organic aquaculture, which form the basis of organic inspection and certification, e.g. Naturland-Standards, allow this practice to provide for the gathering of experience and to give time to continue developing technology and organic practice. According to the IMO Organic Standard, section B 4.2.1 and Annex XIIIa, Section 7 at least 10% of all females have to reproduce naturally. A program to reduce ablation of females has to be implemented by the operator. Otherwise the building up of a sustainably producing system using offspring from shrimp of the unit itself would not be possible. The considerations of Regulation (EC) No. 710/2009 explicitly address the fact, that the technology and the rules in this new field of organic production need further development. Under carefully monitored conditions and for the same reasons, the IMO Organic Standard allows for simultaneous production of organic and non-organic aquatic animals on the same holding (IMO Organic Standard, section B, clause 4.1.3) and for the retroactive recognition of the conversion period to organic aquaculture (IMO Organic Standard, section B, clause 9). Such transitional measures may be applied to operations run organically already before 8th August 2009 and no longer than 1st July 2013 (IMO Organic Standard, section B, clause 12). These clauses of the IMO Organic Standard are conditioned carefully and should, therefore, be considered equivalent.

2. Group Certification (Regulation (EC) No. 889/2008, Article 65 (1)):

The IMO Organic Standard for group certification (section A, clause 5.2.3 and section C, Annex XIV) is in line with Commission Guidelines on imports of organic products into the European Union Version 12/2008 (Section 8: Evaluation of the equivalence of

5. Simultaneous Production of Organic and Non-organic Livestock (Regulation (EC) No. 889/2008, Article 17(2 and 3)):

Reference is made to EU-Programs for furthering rural development, particularly to payments of subventions. These systems do not exist in third countries; the clause, therefore, cannot be applied outside the EU. One objective of this clause is to make sure that animals are grazed on extensively farmed grassland, another, to avoid mixing and intermingling organic and non-organic animals in such areas. The IMO Organic Standard (section A, clause 6.3.2.3b) takes care of these objectives by checking the intensity, esp. regarding fertilizer application and plant protection means applied on the land areas in question; by obliging the animal owners to a certain grazing regime - only organic animals at a given point in time - and by requesting a clear marking of the animals. These clauses of the IMO Organic Standard should be considered equivalent.

6. Permanent Identification of Livestock (Regulation (EC) No. 889/2008, Article 75):

The Regulations demand that livestock be permanently identified, in the case of larger stock with earmarks. This is to avoid intermingling of organic and non-organic animals. The technical possibilities and legal requirements for marking animals differ between regions and continents. IMO checks upon inspection and then documents, whether an organic farmer has a clear identification system for his animals and applies further measures to exclude intermingling of animals (IMO Organic Standard, section A, clause 6.7.1.). IMO allows a transition period of one year after the first inspection and in any case before any marketing of certified animals and animal products takes place. This clause of the IMO Organic Standard should be considered equivalent.

7. Approved Fertilizers and Soil Conditioners (Regulation (EC) No. 889/2008, Annex I):

In the Annex of approved bought-in fertilizers for use in organic farming, the Regulations refer to other Community law which regulates properties of fertilizers traded in the European Community. In third countries, these rules do not apply. IMO allows fertilisers and soil conditioners as defined by Regulation (EC) 889/2008, Annex I. Based on the objectives and principles for organic production as laid down in title II of Regulation (EC) No. 834/2007 and title III Article 16, IMO defines criteria for the authorisation of additional products (section A, clauses 6.4.2(4), 6.4.2.1(1) and section C, Annex X). Products which are considered equivalent to Annex I of Regulation (EC) 889/2008 are listed in section C Annex Ia (empty at present). IMO inspectors are requested to check and document product specifications which are then evaluated by

the IMO head office on the basis of the requirements of the IMO Organic Standard. This mechanism of the IMO Organic Standard should be considered equivalent.

8. Approved plant protection products (Regulation (EC) No. 889/2008, Annex II):

The plant protection products listed in Annex II reflect the long standing organic tradition in Europe and surrounding countries. Tropical regions and the agricultural practice and traditions there have not been taken into consideration broadly, when setting up Annex II. Another objective of the positive list of plant protection products is to keep poisons and other unwanted substances out of the organic production system, to avoid environmental pollution, to avoid residues in the produce and to avoid dangers to the operator working with the substances. IMO allows plant protection products as defined by Regulation (EC) 889/2008, Annex II. Based on the objectives and principles for organic production as laid down in Title II of Regulation (EC) No. 834/2007 and Title III Article 16, IMO defines criteria for the authorisation of additional products (section A, clauses 6.4.3(2), 6.4.3.1(1) and section C, Annex X). Products which are considered equivalent to Annex II of Regulation (EC) 889/2008 are listed in section C, Annex IIa. These substances are mostly traditional and homemade; they satisfy the stated requirements. They fulfil equivalent purposes to the substances listed in Annex II, which might not be available in third countries. This possibility is mirrored in section A, clause 6.4.3 of the IMO Organic Standard. An equal mechanism is foreseen for products used for cleaning and disinfection (Regulation No. 834/2007, Article 12(1) and IMO Organic Standard, section A, clause 6.4.6). These sections and mechanisms of substance approval of the IMO Organic Standard should be considered equivalent.

9. Seeds and seedlings (Regulation (EC) No. 889/2008, Article 45):

It is an objective of the Regulations that seeds and seedlings are used in organic quality. Availability of organic seeds and seedlings differs widely between regions, countries and continents. In many areas, there are only few organically produced seeds available, in other regions, there is quite a good range of varieties on the market. In Europe, an electronic data bank system has been set up to trace and find organic seeds and seedlings and to check on market availability. Such an instrument is highly unlikely to be set up in other regions or continents. For areas without such a data base, therefore, the IMO Organic Standard (section A, clause 6.4.1.1) refers to the market situation in the respective country and the practice that was applied prior to the data bank system in Europe: The organic operator has to document his attempts to gain access to organic seeds, before he is allowed to use conventional, un-

treated seeds. This practice fulfils the desired objectives. This clause of the IMO Organic Standard should be considered equivalent.

10. Wax exchange in bee-keeping (Regulation (EC) No. 889/2008, Articles 13 (4), 38 (5) and 44):

The Regulation requires that the wax in the beehives be exchanged with organic wax during the conversion period and that the wax used as the bases for frames be of organic quality. The objective is to ensure uncontaminated wax in the organically managed hives. Contamination may originate from antibiotics and toxic substances applied by the conventional bee-keeper to fight detrimental diseases of the bees. The use of these xenobiotic substances (chemicals which are found in an organism which are not normally produced or expected to be present in it) is not allowed in organic bee-keeping. In many third countries, organic wax is not available in sufficient quantities. Where organic wax is not available, IMO allows the period for wax exchange to be extended to more than 12 months under defined conditions. In Brazil or other countries where Africanised bees are used, an exceptional procedure is applied: As these races of bees are not susceptible to diseases and are, therefore, not treated, the wax is generally free of residues and the operator is not requested to exchange the wax during conversion period, if certain conditions are fulfilled. Furthermore, the rules of the IMO Organic Standard on handling wax in organic bee-keeping, require (1) to check production methods, (2) to identify risk of contamination and (3) to perform residue analysis of wax when applying the above mentioned exceptions (section A, clause 6.8.3). This clause of the IMO Organic Standard should be considered equivalent.



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