

A close-up photograph of a ladybug with orange and black spots, perched on a green, slightly hairy plant stem. The background is a soft, out-of-focus green.

TRADE WITH ORGANIC PRODUCTS BETWEEN EU AND NON EU COUNTRIES

8th INTERNATIONAL FESTIVAL OF ORGANIC PRODUCTS - BIOFEST

International Conference:

“Organic Agriculture – achievements and perspectives on the way to Green
economy and sustainable development“

and

First coordination meeting of the Regional Expert Advisory Group on Organic
Agriculture

Subotica, 30th October – 2nd November 2012

In Europe and in Italy, the request for organic food increases...

Italy is still the leading EU country as number of operators (48,269, + 1.3% in 2011 on 2010)

Spain is leading for its surface, that in 2011 reached 1,845,039 ha (1,650,866 ha in 2010), with an increase of +11,76% .(Italy: 1,096,889 hectares, with a decrease (on 2010) of about 1.5%.

Consequences → strong increase of import from Third countries

Organic products from within the EU can be circulated freely in all EU Member States

All produce imported from Third Countries and labeled as organic must conform to strict rules which cover all the stages of production, processing and importing.

These rules are laid down in the framework Regulation on organic farming 834/2007, in the Reg. 889/08 and successive.

The 834/07 Regulation, at the Title VI “*Trade with third countries*”, gives precise indications about import from non-Member countries with two specific Articles: Art. 32 *Import of compliant products* and Art.33 *Import of products providing equivalent guarantees* . The articles describe at which conditions imported products may be placed on the EU market.

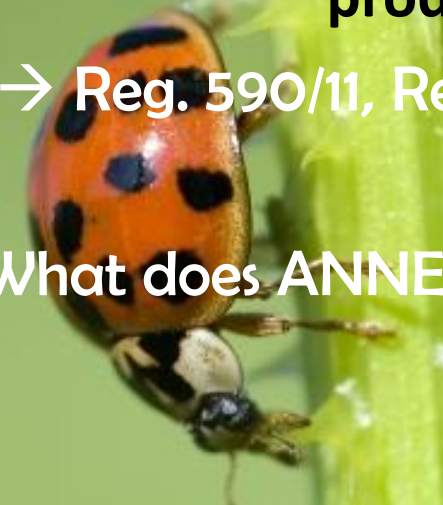
“Equivalent guarantees” and “compliant products”



Reg. 834/07 , under Art. 2, “Definitions”, equivalent, in describing different systems or measures, means that the products are capable of meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity with the EU Regulation.

Under the compliance regime, on the contrary, a non-EU operator has to fulfill all the requirements of EU legislation, including all detailed production rules and labelling. In contrast to the equivalence regime, the rules followed must be identical, and not merely equivalent, to the ones applicable in the EU, that is to all EU Regulations on organic farming.



A close-up photograph of a ladybug with a red body and black spots, clinging to a green, slightly hairy plant stem. The background is a soft, out-of-focus green.

**As implementation of the Art. 33 of EC Reg 834/2007, →
Reg. No.1235/08 “laying down detailed rules for
implementation of Council Regulation (EC) No 834/2007
as regards the arrangements for imports of organic
products from third countries”**

→ Reg. 590/11, Reg. 1267/11, 126/12 up to 508/2012.

What does ANNEX III includes?

**The list of equivalent Third
countries (Argentina,
Australia, Canada,
Costarica, India, Israel,
Japan, New Zealand,
Switzerland, Tunisia and
USA)**

An example: ARGENTINA

1. Product categories (products whose export is authorized)

Category of products /Designation of category*/Limitations

Unprocessed plant products	A	-----
Live animals or unprocessed animal products	B	With the exception of livestock and livestock products, bearing or intended to bear indications referring to conversion
Etc.		

2. Origin: products of category A and B that have been produced in Argentina

3. Production standard: Ley 25 127 sobre “Producción ecológica, biológica y orgánica”.

4. Competent authority: Servicio Nacional de Sanidad y Calidad Agroalimentaria SENASA, www.senasa.gov.ar

5. Control bodies: Code number / Name /Internet address

AR-BIO-001

Food Safety SA

www.foodsafety.com.ar

6. Certificate issuing bodies: as at point 5.

7. Duration of the inclusion: unspecified.

*Categories are included in Annex IV: A= Unprocessed plant products; B= Live animals or unprocessed animal products; C= Aquaculture products and seaweed; D= processed agric. products for use as food; E= processed agric. products for use as feed; F= vegetative propagating material and seeds for cultivation

ANNEX IV

includes the list of Control Bodies and Authorities that can release authorizations to import in the equivalency regime.

Example:

Austria Bio Garantie GmBH

1. address

2. Web

3. Third countries, code numbers and product categories concerned:

Third country	Code number	Category of products
Bosnia and Herzeg.	BA-BIO-131	A
Croatia (...)	HR-BIO-131	A
Serbia	RS-BIO-131	A

4. Exceptions: in-converion products

5. Duration of inclusion in the list: until 30 June 2015

For those countries which are not listed in the new Annex III (list of Equivalent Countries) and IV (list of Control Bodies recognized for the purpose of equivalence) **it continues nevertheless to be valid the request of authorization to import to the Competent Authority, until 1 July 2014.**

508/2912 : A REAL CHANGE!! in the operations of import of organic products from Third Countries

→ all the products recognized as originating from the equivalent Third countries, **provided they have been inspected and certified by one of the approved control bodies, that they belong to and respect the categories judged as equivalent,** may be brought freely into the EU and marketed as organic without previous approval of the Competent Authorities of the Member States

In its way to the drafting of ANNEX IV, the Commission evaluated not only the operative capacity of all the recognized Control Bodies, but also the standards they apply in the different countries, according them the “equivalence” to the European rules.

Some doubts, in our opinion, remain for two issues:

- the “authorization path” carried out by the Commission and by the MS that, only for the quantity of information to be checked, would have requested a huge period of time;
- and the still not very clear roles that the Commission, Member States and Accreditation Bodies should play.



The new Regulation 508/12 shifts the barycenter of the rules for importing organic products from Third Countries towards equivalence, **thus investing of a very delicate and important role all Control Bodies**. For these reasons, it is important to monitor closely the evolution of such “revolution”, monitoring at the same time:

- the modalities undertaken to put into practice this reform
- the modalities about the foreseen control system.



Control at the EU border

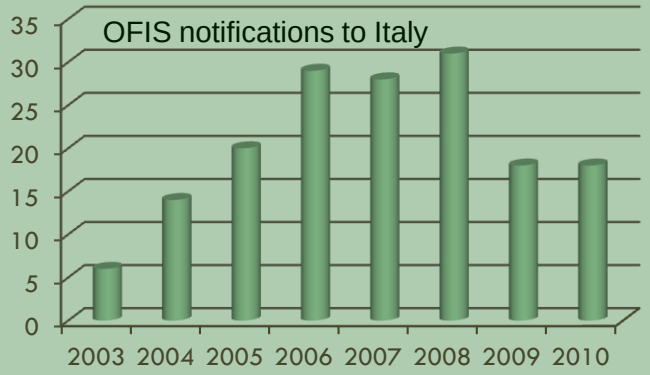
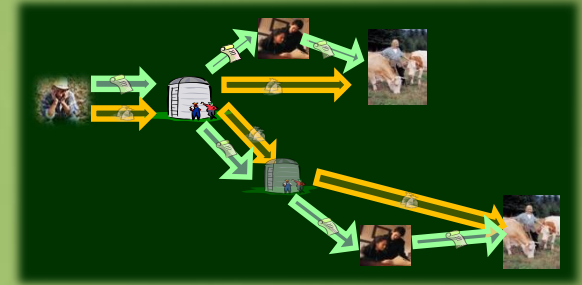
Harmonized controls are needed:

- If a MS1 applies stricter controls at the border or refuse a product, it's possible that trade changes route through MS2 (e.g. feed raw materials in Italy);
- Decision-making on blocking some products (in case of irregularities) is not harmonized at EU level;
- Different procedures for verification of consignments in the MSs;
- Custom entry points usually are not conscious of rules of organic legislation in all MSs because OF is a very small percentage of imported products.



Management of irregularities

- The very long supply chain show also difficulties on solve cases of irregularity;



- OFIS is a very useful tool to exchange information in case of irregularities.
- However management of irregularities need an increasingly effort for the MSs;
- The major number of irregularities (> 90% in Italy) is linked to findings of pesticides or GMOs;
- Experience showed that accidentality could become a justification of high level of contamination (up to LMR for pesticides or 0,9 for GMO);
- Downgrading products in absence of a legal action level, CBs had to face risks of legal action taken by operators;



What we are doing in Italy

1. Traceability and controls

- Informatization of the organic sector (national list of operator, documentary evidences, notification capturing data from national agricultural system and tax record, annual production plan, data on the controls);
- One CB per operator;
- Strict rules for CB change;

SISTEMA INFORMATIVO AGRICOLO NAZIONALE

Gestione Notifiche di Attività Biologica

Notifica

Territorio

Compulsory since October 1st, 2012

Riferimenti catastali		Titolo di Possesso	Superficie catastale (mq)	Mappe	Superficie in base al metodo produttivo		Unità produttiva	App.to	Macrouso	Data prima notifica	Fine conv (mesi)	Ricon. retroattivo	
Cod. Belfiore	Sez-Fg-Part-SUB				Biologico (mq)	Convenz (mq)							
☐	D708	C 31 00142	PROPRIETA'	444	Apri GIS 444 Tutte		Tutte	1	1	COLTIVAZIONI ARBOREE SPECIALIZZATE	12/07/2011	24	0
☐	D708	C 31 00151	PROPRIETA'	440	Apri GIS 440 Tutte		Tutte	1	1	COLTIVAZIONI ARBOREE SPECIALIZZATE	12/07/2011	24	0
☐	D708	A 18 00704	PROPRIETA'	2010	Apri GIS 2010 Tutte		Tutte	1	1	ARBORETO CONSOCIABILE (CON COLTIVAZIONI ERBACEE)	12/07/2011	24	0
☐	D708	A 18 02358	ALTRA FORMA	4746	Apri GIS 4746 Tutte		Tutte	1	1	TARE	12/07/2011	24	0
☒	D708	A 18 02360	PROPRIETA'	4431	Apri GIS 4000 Tutte		Tutte	2	2	TARE	12/07/2011	24	0
☐	D708	A 18 02360	PROPRIETA'	4431	Apri GIS 431 Tutte		Tutte	2	2	Selezione...	12/07/2011	0	0

Duplica

Indietro Conferma

Selezione...

- ACQUE
- ARBORETO CONSOCIABILE (CON COLTIVAZIONI ERBACEE)
- AREA NON PASCOLABILE
- BOSCO
- COLTIVAZIONI ARBOREE PROMISCUE (PIU' SPECIE ARBOREE)
- COLTIVAZIONI ARBOREE SPECIALIZZATE
- MANUFATTI
- PASCOLO CON TARA FINO AL 20%
- PASCOLO CON TARA FINO AL 50%
- PASCOLO SENZA TARA
- SEMINATIVO
- SERRA FISSE
- TARE

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(even if the contamination was accidental)

Italian proposals to EC

Traceability and controls

- Update rules: more detailed rules on controls for sellers and importers ;
- Simplification of procedures for primary production and short supply chains;
- Discourage trade without physical possession of the product (not only paper activity);
- Rules when operator leaves the system: documents should be available for 5 years;
- Harmonized tools for traceability (e.g. data-bases, transaction certificates, cross-check between CBs);
- Improve computerisation at MSs and EU level;
- Common rules, and more detailed, for risks analysis;

Control at the border

- Additional code for organic products at EU level;
- EU data base of the Certificate of Inspection (COI);
- Indication of the entire supply chain in COI and link between custom Data Base and organic Data Base;
- Control of SAD and cross-check of the COI contents (products/CB/TC);
- Control room for decision-making on the block of the products;

Management of Irregularities

- A lower and sure level for residues of pesticides and GMOs at EU level



*МНОГО вам хвала
for your kind
attention to this
complicated issue!!
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