



International Federation of  
Organic Agriculture Movements –  
EU Regional Group

**President:** Francis Blake

**Director:** Marco Schlüter

**European Office**

Rue du Commerce 124  
1000 Brussels  
Belgium

Phone: +32-2-280 12 23

Fax: +32-2-735 7381

Email: info@ifoam-eu.org

## ***Working for organic farming in Europe***

Mr. Jean-Francois Hulot  
Head of Unit, Organic Farming  
DG Agriculture H.3  
Rue de la Loi 130  
1049 Brussels  
Belgium

**Brussels 28<sup>th</sup> August 2008**

### **IFOAM and IFOAM-EU comments on the Draft Commission Regulation version 22.07.2008 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**

Dear Jean-Francois,

IFOAM and the IFOAM EU Group welcome the latest draft of the implementing rules for imports and we find that the document is generally on the right track. As stated before, we appreciate the requirement for comparison and implementation of the applied standards with the EU Regulation, the requirement for publication of certified and de-certified operators as well as the focus on equivalent import procedures.

Still, we would like to highlight a number of areas that we find problematic and which we fear will cause unnecessary problems for control bodies and importers of organic products to the EU from 3<sup>rd</sup> countries.

Please find below a listing of the areas that we find most important:

#### **Estimates of quantities**

**Article 4.3.a** in the application for listing, the Control body must declare not only the nature of products exported but also estimates of the quantities of these product categories that will be exported ('indication of quantities'). As this can only be very rough estimates not giving much information, we warn against keeping this as an administrative burden.

International Federation of  
Organic Agriculture Movements –  
EU Regional Group

**President:** Francis Blake

**Director:** Marco Schlüter

**European Office**

Rue du Commerce 124  
1000 Brussels  
Belgium

Phone: +32-2-280 12 23

Fax: +32-2-735 7381

Email: [info@ifoam-eu.org](mailto:info@ifoam-eu.org)

### **Supervision of certification bodies**

**Art. 4.4, 8.3 and 11.4** (See our last comment on the draft of 09.04.08)

The procedures for this are still not fully satisfying, as it does not clearly guarantee that sufficient resources and capacities are made available. This supervision task cannot be fully delegated to EU Member states; the EU commission needs sufficient qualified staff, not only to manage the supervision work but also to conduct own evaluation or to delegate parts of this task to qualified internationally recognized private bodies such as IOAS, the IFOAM Accreditation System.

Furthermore there should be regular on-site visits planned. Therefore Art. 4 should read: “When examining a request for inclusion in the list of ....., and also in regular intervals after the inclusion, ...”

### **Equivalence and compliance assessment**

**Article 16:** It is not clear how the Commission intend to determine equivalence and compliance. This should be better outlined.

The fact that control bodies approved under equivalent systems must issue export certificates for each consignment whereas those certifying to compliant systems or under the third country list are not required to do this seem unfair.

### **Tools for determining equivalence**

The International Task Force on Harmonization and Equivalence in Organic Agriculture developed tools for determining equivalence. The International Requirements for Organic Certification Bodies (IROCB) facilitates the recognition of certification bodies' services in the course of international trade. EquiTool, offers procedures and criteria for assessing equivalency of two or more organic standards. IFOAM and the IFOAM EU strongly suggest the commission to take note of the outcomes of the ITF process and to use the developed tools accordingly.

### **Transparency**

We find it necessary to define **Art. 16.4** more concrete: “The Commission shall make the lists as well as the documents referred to in Art. 4.3.b and c, Art. 2.2.c and d and Art. 11.3.b and c available to the public...”.



## ***Working for organic farming in Europe***

International Federation of  
Organic Agriculture Movements –  
EU Regional Group

**President:** Francis Blake

**Director:** Marco Schlüter

**European Office**

Rue du Commerce 124  
1000 Brussels  
Belgium

Phone: +32-2-280 12 23

Fax: +32-2-735 7381

Email: [info@ifoam-eu.org](mailto:info@ifoam-eu.org)

### **Non-compliance**

**Art. 5.2., 9.2 and 12.2:** It should further be specified that countries and control bodies can be withdrawn from the list if they do no longer comply with the provisions as set out in paragraph 1 of the respective article (the current text foresees withdrawal only when documents are not submitted respectively communication is not appropriate).

### **Irregularities and complaints procedures**

It is not clearly enough stated in Art. 17, what communication and procedures are necessary in the case of relevant irregularities and complaints or severe residue cases, from the member state level to the EU commission and measures resulting thereof.

### **Guidelines for control bodies acting in third countries**

We recommend that for control bodies acting in third countries the EU Commission develops guidelines, considering issues and elements such as criteria for equivalence or compliance assessment, qualification requirements, complaints procedures, procedures in case of severe suspicion of fraud, minimum requirements for on-the-spot examinations and reporting, etc.

### **Minor issues**

In the Annex, we have added some minor issues to be considered.

IFOAM and IFOAM EU appreciate the Commission's effort to set up a clear regulation for imports of organic products. We find this an important step to ensure the integrity of the organic sector as well as to create fair changes for exporters, and we will continue to offer our expertise on this and related matters in the future.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Francis Blake', with a horizontal line underneath the name.

Francis Blake, President IFOAM EU

Cc: Herman Van Boxem

International Federation of  
Organic Agriculture Movements –  
EU Regional Group

**President:** Francis Blake

**Director:** Marco Schlüter

**European Office**

Rue du Commerce 124  
1000 Brussels  
Belgium

Phone: +32-2-280 12 23

Fax: +32-2-735 7381

Email: info@ifoam-eu.org

**Annex: Minor issues to be considered.**

- Art. 2: A definition of “assessment report” should be included.
- Art. 5.1.e: “as well as suspended and decertified operators and products” should be added (see Art. 3.2.e)
- Art. 6.3: “...shall follow ~~be~~ the rules...”
- Art. 7.2.e: “and internet addresses indicating also the operators and products certified as organic as well as suspended and decertified operators and products.”
- Art. 10.3: “the list ~~may~~ have to be listed...”
- Art. 12.1.d: “... certified as organic as well as suspended and decertified operators and products.”
- Art. 13.3: Instead of references to articles 8.4 and 11.5, references to art. 7.1 and 10.1 seem to be more appropriate: ...”and ~~recognized under Art. 8 (4)~~ listed in the list according to Art. 7 (1), or...”, respectively “~~recognized under Article 11 (5)~~ according to Art. 10 (1)”.