



International Federation of Organic Agriculture Movements

..... **IFOAM CONFERENCE**
ON ORGANIC
GUARANTEE SYSTEMS

**International Harmonisation and Equivalence
in Organic Agriculture**

*17 - 19 February 2002
Nuremberg, Germany*

.....

Conference Conclusions

.....

in cooperation with



UNCTAD
United Nations Conference
on Trade and Development

with the support of

Messe Nürnberg / BioFach



1. Organization of the Conference

The Conference on International Harmonization and Equivalence in Organic Agriculture, held in Nuremberg, Germany, 18-19 February 2002, followed the IFOAM Basic Standards Day, held on 17 February 2002 and BioFach (the largest organic trade fair in the world), 13-16 February 2002. The Conference was organized by the International Federation of Organic Agriculture Movements (IFOAM), in cooperation with the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Conference on Trade and Development (UNCTAD).

This event was the first of its kind, one where the partnership between the private organic community and United Nations institutions offered a forum for public and private discussions. The Conference was attended by 210 participants from 52 countries, including 42 government representatives, producers, certifiers, accreditors, traders, retailers and consumers involved in organic agriculture. The participation of several experts from developing countries was made possible by the generous support of UNCTAD, CTA (Centre Technique de Coopération Agricole et Rurale), Hivos, the Dutch Government (DGIS) and the IFOAM I-GO programme. For a full list of participants see Appendix 1.

The Conference was opened by Gunnar Rudgren, President of IFOAM. The first day of the Conference was chaired by Nadia El-Hage Scialabba, FAO and the second day was chaired by René Vossenaar, UNCTAD. David Crucefix, IOAS, was appointed as Rapporteur.

The first day of the Conference was mainly devoted to two Panel discussions on, respectively, practical experiences and regulatory scenes. This offered first hand information on the problems surrounding the organic guarantee systems, involving both responsible government officials and private sector bodies. The day was concluded with three Roundtables on:

- Constraints for small/disadvantaged producers in developing countries;
- International vs. national/local standards;
- National vs. international accreditation.

The second day reviewed mechanisms for equivalency and mutual recognition agreements. This was followed by three further Roundtables on:

- Structures for regulation and certification in developing countries;
- Mechanisms for equivalence between private sector regulations;
- Division of roles between public and private sectors.

Most of the expert presentations were made available to participants through a Conference Reader. Roundtable discussions were presented in the plenary session. The Conference concluded with a summary, by the Rapporteur, of the main recommendations and follow-up action for achieving greater harmonisation and equivalence in organic agriculture.

The Conference Agenda and Timetable is in Appendix 2.

2. Purpose and objectives of the Conference

Organic standards and certification systems were developed at a time when “organic” was a small, barely significant niche sector. Increasingly, the plethora of certification requirements and regulations are considered to be a major obstacle for a continuous and rapid development of the organic sector, especially for producers in developing countries. The organic market is confronted with hundreds of private sector standards and governmental regulations, two international standards for organic agriculture (Codex Alimentarius Commission and IFOAM) and a number of accreditation systems. Lack of co-operation and “harmony” is a central problem.

The aims of the Conference were to:

- Bring clarity to the current situation;
- Identify and recommend models for interaction between the public and private sectors in the field of organic standards, conformity assessment (certification) and accreditation;
- Develop a common understanding of the proper division of roles and duties between the public sector, the private sector and non-governmental organizations (NGOs);
- Initiate the development of a constructive and effective partnership between the private and the public sector.

3. Overview of problems and needs

3.1. Organic agriculture regulations are proliferating

During the Conference, a survey by the International Organic Accreditation Service (IOAS) on national regulations was presented. This showed that 56 countries are at some stage of regulating the organic sector: of these, 32 countries have fully implemented regulations; 9 countries have regulations but which are not yet fully implemented; and 15 countries have draft regulations. Differences between the scope of regulations and variations in their implementation raises a number of concerns, namely:

- Import discrimination whereby compliance is required with standards not always suitable to the agro-ecological conditions of exporting countries;
- Multiple accreditation of certification bodies in order to access the three main organic agriculture markets (Europe, Japan and USA);
- Difficulties for traders, due to different interpretation of rules by certification bodies;
- Enormous workload (and delays) for authorities in negotiating bilateral equivalency;
- Limitation of bilateral agreements for products with ingredients sourced from around the globe;
- Lack of recognition, by national regulations, of private multi-lateral agreements such as IFOAM Accredited Certification Bodies.

3.2. The organic guarantee system is costly

Many participants, from both developed and developing countries were of the view that costs at all stages of the conformity assessment system were a major obstacle for accessing organic certification and markets. High costs were identified for:

- Implementation of the necessary technical requirements by the operator;
- Certification in general and, in particular, multiple certification and foreign certification in developing countries;
- Implementation of different regulatory systems;
- National and international (i.e. IFOAM) accreditation.

3.3. All systems have strengths and weaknesses

Different presentations highlighted the advantages and disadvantages of private and public sector organic conformity systems, and the legitimate concerns of both systems, in particular:

- Public and private sector criteria are not always compatible: for example, there is discrepancy between confidentiality of private certifiers and the open access policy of governments.
- Governments were challenged for procedures that are discriminatory and not transparent: governments referred to their responsibilities towards their citizens in prevention and detection of fraud.
- Private certification bodies were also challenged for not accepting each other, even when accredited under the same system: IFOAM Accredited certification bodies mentioned that they had made substantial progress towards mutual recognition.
- Representatives of producers and trade felt that they have to carry the burden of legal requirements of different countries as well as private sector standards, certification and accreditation requirements: many requirements remain unnecessary obstacles, rather than additional quality assurance.

Participants unanimously agreed that the organic guarantee system could be further improved through collaboration in order to reduce administrative burdens and costs. Protection of the integrity of the organic claim and of diversity in organic agriculture can be achieved by establishing equivalence (and hence, mutual acceptance) between different systems.

4. Conference results

4.1. Models and mechanisms for harmonization and equivalence

The Conference explored the different models that are, or could be available, for the establishment of equivalence in organic agriculture, namely:

- Codex Alimentarius Commission guidelines for Organic Foods as well as guidance documents on Food Import and Export Inspection and Certification Systems, including the guidelines in preparation on the Judgement of Equivalence of Technical Regulations Associated with Food Inspection and Certification Systems provide technical reference points to preventing and resolving trade disputes. The Codex Alimentarius model can facilitate negotiations around inter-governmentally agreed standards and mechanisms for harmonization and equivalency;
- The International Organic Accreditation Service provides for multi-lateral agreements between IFOAM Accredited certifiers through: recognition of functional equivalence (on the basis of the IFOAM International Basic Standards) and bilateral acceptance between two certification bodies (based on products and bilateral additional requirements);
- UN/ECE model, with its Common Regulatory Objective, international standards to be referenced and conformity assessment procedures provides a possible framework for the establishment of equivalence.

International standards, such as the Codex Alimentarius Guidelines for Organic Foods and IFOAM Basic Standards are in line with the Technical Barriers to Trade (TBT) agreement of the World Trade Organization (WTO). While the WTO does regulate international trade, it does not provide any mechanism for the establishment of equivalence. There is also no mechanism within the WTO for the approval of international standards or international standardising organisations. Participants agreed that it was preferable that any trade dispute be prevented (long before it reaches the WTO for settlement) by the development of an operating system that facilitates trade (rather than being limited to the scope of the TBT, i.e., to restricting undue barriers to trade).

Models developed by major importing countries, in particular the European Union and USA, were described and analysed by various representatives. It was clarified that on a bilateral basis, equivalency was granted where exporting country or certification body standards complied with import country standards. The exact understanding of “equivalency” varied and equivalence between different systems was not yet a reality. It was noted that it is difficult for developing countries to negotiate bilateral recognition agreements because there are often no regulations and certification infrastructure in place. Also importing countries are less interested in investing resources in negotiating such agreements with smaller countries. At present, countries have to use other options for acceptance of imports/market access. Such options include, but are not limited, to:

- Direct government accreditation of foreign certification bodies (e.g. United States Department of Agriculture);
- Import approval based on importer application to competent authority based on a system of supervision (EC Reg. 2092/91, Article 11.6);
- Various solutions based on certification from the importing country or co-operation between certification bodies with different levels of oversight by governments (e.g. Japan).

4.2. Special considerations for small holders and developing countries

There are a number of issues that pose problems for smallholders, especially those in developing countries. On the production level organic farmers face the same problems as conventional farmers such as insecure land tenure, and poor infrastructure, in addition there is little knowledge about organic agriculture practices. Government policies and programmes are often unfavourable to organic farming. Domestic organic markets are underdeveloped and the lack of market information results in long trade chains eroding profit margins for farmers.

In terms of the focus of this conference the following issues were identified as problematic:

- lack of acceptance of, or provision for, group certification
- high costs of certification
- frequent lack of organic standards and regulatory capacity
- multiple certification arising from regulatory or market requirements

It was also pointed out that when developing countries do develop standards and regulations these are often copies of importing markets standards, and do not adequately reflect local needs and conditions. In general, information is needed on all levels from production to markets.

The relevance of group certification schemes for smallholders, based on the concept of Internal Control Systems (ICS), was stressed, more specifically:

- Certification bodies should harmonise their approach to ICS;
- ICS should be recognized by import regulations;
- Governments and international organizations should support training for operators wishing to implement ICS;
- IFOAM was invited to develop a position paper on smallholder issues.

Participants commended IFOAM for its efforts to harmonise certifiers and authorities' approaches to Internal Control Systems by organising two special workshops on the topic. The development of local certification organizations and the acceptance of ICS are obvious solutions to some cost problems.

4.3. A call for public-private cooperation for international accreditation

National accreditation of certification bodies provides legal authority and ensures credibility. Each country/region, however, has different accreditation systems, which result in high costs and complexity at the international level. International accreditation offers one system of implementation and clear reciprocity. The existing international accreditation system (i.e. IOAS), however, is a private effort, which is not trusted by governments, and still suffers from a lack of mutual recognition among accredited certifiers.

There was wide agreement that communication and cooperation between governments and private sector institutions should be improved. Many participants called for governments to accept the use of the IFOAM organic guarantee system as a whole, or parts of it, for establishing equivalence.

Recommendations made for improving interaction between the IFOAM organic guarantee system and governments included:

- Certification bodies should be flexible in their requirements for equivalence (i.e., additional requirements for multi-lateral agreements);
- Certification bodies and accreditors should cooperate to reduce costs, including the development of special accreditation systems (e.g., ICS);
- The IOAS should be used as service provider to governments;
- Governments were invited to explore and participate in criteria development of the IFOAM's organic guarantee system (e.g. representation in IOAS Board and Standards Committee) in order to bring mutual trust and confidence;
- IFOAM could encourage governments to develop a policy on accreditation and open its accreditation criteria to government needs;
- Governments with concerns over the IFOAM organic guarantee system could propose ways to improve it, rather than rejecting it.

4.4. Role of regulations and private standards

The impact of mandatory regulations on import/export flows and on private standards and certification at the national level were discussed. Some were of the view that national regulations limited the application of private voluntary standards, which have evolved over the past decades in accordance with the needs of the organic agriculture community.

There was no consensus on the degree of government involvement to regulate the organic sector. Some participants expressed strong objections to government regulation, while others found government regulations to be the best safeguard of the interests both of the sector and the consumers.

There was general agreement on the following:

- Governments should have clear objectives for what they want to achieve before developing norms because the type and level of regulation will depend on these objectives;
- Government involvement should be predicated on coherent public policy supporting organic agriculture;
- Mandatory rules are not the only answer for ensuring safe and equitable markets and other options should be explored (e.g., voluntary regulations) before developing a regulatory framework for organic agriculture;
- Governments should provide all-encompassing regulation which ensures broad stakeholders' input in regulatory development process, reference to private sector standards, verification of private certification and appropriate accreditation system;
- Government regulations should concentrate on essential requirements (e.g., health protection, fraud prevention) and leave to the private sector the task of setting detailed standards;
- Whatever model is adopted, it is essential that the organic sector be given voice and choice on the most appropriate standards. The value of any regulatory system ultimately relates to its usefulness to organic producers, traders and consumers.

5. Conclusions and follow-up action

The main achievement of the Conference was the establishment of a dialogue between the public and private sectors. Government representatives recognized and welcomed IFOAM's initiative to start this dialogue. IFOAM indicated willingness to allow for more government involvement in its organic guarantee system.

All participants welcomed the increased participation from developing countries and the due consideration of their specific needs. With a view to equitably sharing the benefits of the organic industry, including small farmers and disadvantaged producers, equivalency based on commonly agreed international standards is key to the continued development of organic agriculture.

There was consensus that this initiative needs to be followed up by various actions to develop options for international equivalency, namely:

- A Press Release immediately after the Conference will be prepared and disseminated to the wide public;
- A comprehensive Conference Report will be produced and shared, among others, with FAO and UNCTAD member governments;
- A follow-up Conference on Equivalency should be foreseen, possibly in 2003, in conjunction with BioFach;
- A multi-stakeholder Task Force composed of representatives of Governments, FAO, UNCTAD and IFOAM should be established in order to elaborate practical proposals and solutions.

The idea of the Task Force was accepted by representatives of FAO, UNCTAD and IFOAM as well as some government representatives and most stakeholder representatives.

Trust cannot be regulated, it must be earned.

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**INTERNATIONAL HARMONIZATION AND EQUIVALENCE IN
ORGANIC AGRICULTURE**

Nuremberg, Germany 18-19 February 2002

AGENDA AND TIMETABLE

Day 1: 18 February

- 9 am Opening Session**
 - Gunnar Rundgren, President, IFOAM
 - Nadia El-Hage Scialabba, Secretary, Inter-Departmental Working Group on Organic Agriculture, FAO
 - Rene Vossenar, Chief, Trade, Environment and Development Section, UNCTAD
 - Organization of work, Chair
- 10 am Overview of major national and international systems of standards and conformity assessment in the organic sector**
 - Overview of regulatory systems, Ken Commins, IOAS
 - IFOAM Guarantee System, Gerald Herrmann, IFOAM
 - Questions-Answers
- 10:45 am Coffee Break**
- 11:15 am - Codex Alimentarius, Selma Doyran, Codex Secretariat, FAO
 - WTO/TBT, Christer Arvius, National Board of Trade, Sweden
 - Questions-Answers**
- 12:00 am Panel on practical experiences (stakeholders)**
 - Producer from developing country, Lucia Lie, ForesTrade, Indonesia
 - International trader, Joe Smillie, Organic Trade Association, USA
 - Retailer, Robert Duxbury, Organic Technical Manager, Sainsbury's, UK
 - International certifier, Diane Bowen, Green Opportunities Consulting, USA
 - Questions-Answers
 - Organization for Roundtables, Chair
- 1:00 pm Lunch Break**
- 2:00 pm Panel on regulatory scene (countries)**
 - EC Reg. 2092/91, Alberik Scharpé, Head, Plant Protection Products and Organic Farming, European Commission DG VI-Agriculture, Belgium

- EU member state, Anders Klöcker, leading Secretariat of Organic Food Council, Ministry of Food, Agriculture and Fisheries, Denmark
- EU member state, Hans-Georg Borowski-Kyhos, Control authority for Organic Agriculture for Baden-Wurttemberg, Germany
- USA, Keith Jones, Director, National Organic Programme, USDA
- Australia, Ian Lyall, Australian Quarantine Inspection Services, Ministry of Agriculture, Australia
- Costa Rica, Emilia Soles, Accreditation and Legal Department of Plant and Phyto-protection Service, Ministry of Agriculture and Livestock, Costa Rica
- India, Hemendra Kumar, Special Secretary, Ministry of Agriculture
- IFOAM/IOAS, Bo van Elzakker, President, International Organic Accreditation Systems
- Questions-Answers

4:00 pm **Closing of first day Plenary**
 - Summary of problems, Chair
 - Instructions for roundtables, Chair

4:45 pm **Coffee Break**

5:00 pm **Roundtables**
Constraints and limitations of small/disadvantaged producers and producers in developing countries
 - Moderator: Rene Vossenaar, UNCTAD
 - Rapporteur: Pascal Liu, FAO
International versus national/local standards
 - Moderator: Rod May, Organic Federation of Australia
 - Rapporteur: Selma Doyran, FAO
National versus international accreditation
 - Moderator: Jorge Casale, Argencert, Argentina
 - Rapporteur: Pat Mallet, International Social and Environmental Accreditation and Labelling Alliance, Canada

6:30 pm **End of Day 1**

Day 2: 19 February 2002

9:00 am **Roundtables reports**
 - Rapporteur of Roundtable on smallholders
 - Rapporteur of Roundtable on standards
 - Rapporteur of Roundtable on accreditation
 - Discussion

10:30 am **Coffee Break**

11:00 am **Overview of harmonization and equivalency agreements**
 - Concepts of mutual recognition agreements and different degrees of cooperation, Christer Arvius, UN/ECE
 - International model for technical harmonization developed within the UN/ECE, Christer Arvius
 - Equivalency between national government systems, Codex Alimentarius, Selma Doyran, FAO
 - Equivalency arrangements between IFOAM accredited certifiers,

Diane Bowen, Green Opportunities Consulting (USA) and
Annie Kirschenmann, IFOAM
- Questions-Answers

12:00 am Lunch Break

1:00 pm Roundtables

Options of structures for regulation and certification in developing countries

- Moderator: Felicia Echeverria, Costa Rica
- Rapporteur: Sophia Twarog, UNCTAD

Mechanisms for equivalence between private sector and regulations

- Moderator: Jim Riddle, NOSB, USA
- Rapporteur: Sasha Courville, Novotrade

Division of roles between public and private sectors in the organic guarantee system

- Moderator: Annie Kirschenmann, IFOAM
- Rapporteur: Francis Blake, Soil Association, UK

2:45 pm Coffee Break

3:00 pm Roundtables reports

- Rapporteur of Roundtable on regulations
- Rapporteur of Roundtable on equivalence
- Rapporteur of Roundtable on division of roles
- Discussion

4:00 pm Closing session

- Summary recommendations, David Crucefix, Rapporteur
- Concluding remarks by Nadia El-Hage Scialabba, FAO
- Concluding remarks by Rene Vossenaar, UNCTAD
- Concluding remarks by Gunnar Rundgren, IFOAM

5:00 pm End of Conference