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Requirements for certification bodies – situation and scope for harmonization

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As of today, the ITF has agreed to long term strategic goals made up of the following components

- production standards equivalent to a single reference standard
- mechanism for judgment of equivalence to the above-mentioned reference standard
- *one international requirement for conformity assessment*
- common international procedures for approval of conformity assessment






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Objectives

- The ITF wants to better understand how big the differences and similarities among these norms are, and also to assess the extent to which there is a possibility to get agreement on one set of international norms that could be the basis for an agreement on equivalence.






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Objectives

- The ITF is also interested in knowing to what extent all procedures under the ISO 65 are needed for a reliable organic certification.
- *Note: ToR was subsequently expanded*






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Outline of the presentation:

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Task:

- Analyse the existing private sector and regulatory requirements for organic certification (ISO 65, EEC 2092/91, IAC, NOP, JAS, Codex, +Chinese System).
- Identify the main similarities and differences
- Discuss the value or lack thereof, of the various ISO 65 requirements
- Provide recommendations on how these different requirements could be brought together

Additional tasks:

- identify conflicting areas among the requirements
- Relevance of ISO 65 in other systems
- Potential of technological tools

ISO 65 vs. EU Regulation for organic production (EEC 2092/91)

EU Regulation refers to ISO 65 as basic requirements for "approval" (does not require IOS 65 accreditation). Also, amplified requirements (Annex 3)

ISO 65	EU Regulation
<i>Application and Operator documentation</i>	
Not specified	EU regulation details operator documentation (detailed descriptions, records etc.), to enable the inspection body to verify standard compliance
<i>Inspection procedures</i>	
Not specified: "Evaluation against the rules of the scheme"	Specified in Annex III Minimum Inspection requirements; standard inspection procedures
<i>Chain of custody /traceability</i>	
Not addressed	Inspection requirements apply at entire production chain
<i>Penalties, sanctions</i>	
Procedures for granting, maintaining, extending, suspending and withdrawing certification	CB shall specify penalties which the CB intends to apply where irregularities, infringements are found
<i>Inspection types and frequency</i>	
Periodical surveillance	Annually, random inspections (unannounced or not) including risk based approach

ISO 65 vs. NOP

CB has only limited authority; USDA is the ultimate certifier as well as the accreditor

ISO 65	NOP
<i>CBs responsibility</i>	
CB has full responsibility to carry out certification	Limited responsibility: responsibility for appeals, disputes, and for the procedure to revoke certification belongs to the accreditor
<i>Quality System, system review (internal audits, management review)</i>	
Quality system elements specified, system review (internal audit, management review, complaints and appeals)	Different terminology; Less demanding regarding Quality Manual elements, system review and consideration of appeals, complaints and appeals)
<i>Stakeholder involvement (a conflicting requirement!)</i>	
Parties concerned shall be "structurally" involved	excluding "any person with conflict of interests from work, discussions, and decisions in all stages of the certification process" (conflict of interest strictly defined)

ISO 65 vs. JAS

JAS has been revised recently, with the intention to reduce government's involvement and to strengthen the role of private CBs

ISO 65	JAS
The revised JAS now directly refers to ISO 65 as basic document for the approval of CBs; Direct accreditation of foreign CBs has been introduced (comparable to NOP system)	
<i>Responsibility</i>	
CB has full responsibility to carry out certification	Revised law authorizes CBs to withdraw or suspend certification, CBs act as private bodies (under the old law CBs performed certification as MAFF's agents)
<i>Conflict of interest requirements</i>	
Generally addressed	Specific requirements regarding board composition to avoid that the CB is under control of a client
<i>Qualification requirements (not yet clear whether same applies under the revised law)</i>	
Generally addressed; personnel must be qualified to carry out tasks	Detailed requirements: university degree, period of professional experience specified
<i>Grading system, unique compared to all other regulations (not yet clear whether the same applies under the revised law)</i>	
Based on the operations "grading" (labelling) CBs are assessing whether the operation's "grading manager" performed in line with JAS law. Grading managers have to meet detailed minimum qualification requirements	

ISO 65 vs. Codex Alimentarius

- Codex Organic Guideline is similar in structure and wording to the EU Regulation.
- Codex refers to ISO 65 in a footnote:

"this international reference should be taken into account for the development of respective systems to verify the correct labelling of organic food"

ISO 65	Codex
<i>Scope and Objective</i>	
Requirements for bodies operating certification systems	The Guidelines are intended to facilitate the harmonization of requirements for organic products at the international level, and may provide assistance to governments wishing to establish national regulations in this area
Requirements (shall or must)	Recommendations (should or may)
<i>Target groups</i>	
CBs	governments

ISO 65 vs. IFOAM Accreditation Criteria (new version of 2005)

IAC encompass virtually all ISO 65 requirements, sector specific requirements

Some deconstruction of ISO 65

ISO 65	IAC
<i>Quality system</i>	
Specific requirements	Less specific requirements, and acknowledging that quality system procedures shall be appropriate for type, range and volume of work /see the introduction (scale sensitive)
<i>documentation / inspection procedures</i>	
Generally addressed	Outlined specifically (e.g. elements of the inspection procedure)
<i>Specific circumstances of the production system</i>	
Not addressed	Addressing certification of operations in conversion, GMO inspection, inspection of wild collection, input certification
<i>Specific concepts</i>	
	Group certification (unique in the IAC)
	Revised concept to determine inspection frequency; allows for reduction or increase based on a risk assessment

Introduction to the Chinese regulatory system

- production and processing standard
- regulations and rules applicable for certification and accreditation
- specific norm, (CNAB-AC23:2003) 'General Requirements for bodies operating assessment and certification of organic production and processing'
- well informed Chinese sources confirmed that the Chinese norm is quite similar to ISO 65 and in addition includes significant parts of IFOAM Accreditation Criteria.



Different roles of the CBs in the requirements

- CBs act as (or are) governmental agents with limited independent authority
- or
- As private body fully authorized to implement the respective scheme



Common "good rules"

- Transparency
- Impartiality (division of functions)
- Confidentiality
- Non discriminatory approach
- Competence
- Repeatable and objective decisions
- Traceable decisions



Further amplifications of the common good rules result in slightly different solutions:

e.g. impartiality, conflict of interest requirements

- Addressed most generally in ISO 65
- further specified in the IAC
 - e.g. CBs shall actively manage notified conflict of interest situations
- Further specified in JAS
 - e.g. applies specific requirements on the management structure
- Further specified in NOP
 - e.g. Further defines and excludes types of conflicts



Different quality system approach by certification requirements

- ISO 65 prescribes elements of the quality system in detail; *quality manual, quality manager, internal audit, management review, documented personnel qualifications.*
- NOP uses different terminology, less prescriptive lacking certain elements that ISO 65 includes
- IAC aims to take the "context" a program operates in into consideration (e.g. number and complexity of operations); context determines the extent of the Quality System ; less prescriptive



Varying sector-specific "process" requirements: Documentation

- ISO 65 requirements do not reflect the process certification approach: no operator documentation requirements
- IAC: "sufficient information about the production system to enable appropriate assignment of the inspector and proper preparation of the inspection"; *CB shall specify* which records the operator shall keep.
- EU Regulation requires *operators to specify* how they "intend to meet the rule"
- NOP specifically requires *operators* to complete the organic system and handling plan *and CBs* to verify it.
- JAS applies the grading system (assessment of the grading manager's performance by *CBs*)



Two different approaches can be observed “in practice” there is no clear separation between them:

- Operator focused approach (NOP: ‘organic system and handling plan’ to be completed by the operator) *What the operator shall do.*
- Inspector/ certifier focused approach: *What the certifier shall verify.*



Additional (to ISO 65) requirements addressing sector specific needs

- Are included in all regulations
 - chain of custody
 - wild collection
 - parallel (organic and non-organic) farm production
 - group certification



Value of ISO 65 requirements: strengths

ISO Guide 65:

- has gained worldwide acceptance and provides guidance on how to set up a certification system (for the organic industry as well!)
- has already led to harmonized CB structures and organization, although differences still exist in the way requirements are applied facilitates trust in each others performance
- is considered as major means to demonstrate competence, although concern has been expressed that the ISO Guide applies too much bureaucracy
- is well accepted in the food industry and therefore contributes to the broad acceptance of organic quality systems



Value of ISO 65 requirements

weaknesses

- Too abstract and thus holds the potential for misunderstandings for “newcomers”
- Too general and not translated to the specific circumstances CBs are facing when conducting organic certification
- Therefore ISO 65 is seen as a barrier and not as an assisting tool in emerging areas where knowledge as well as financial resources are lacking or limited
- Due to its complexity, ISO 65 limits the potential in building and sustaining local or regional structures



Value of ISO 65 requirements: weaknesses

- Quality system: considered as too detailed and descriptive, efforts to meet requirements do not prevent fraudulent situations efficiently!
- Change of certification requirements, involvement of stakeholders: out of CBs control in regulatory schemes
- Dealing with complaints and appeals: useful tool applied to CBs but not for the many small scale operations
- Confidentiality and conflict of interest requirements: important however concern has been expressed in regard to impacts on financial stability, undue economic pressure and competition
- Resolving any differences in interpretation of ISO 65 can be difficult when CBs are operating in a process based certification system, some flexibility is necessary
- Does not address sector-specific aspects. (some are high risk!) production areas and operational conditions (e.g. parallel production, subcontracted production)



Value of ISO 65 requirements

General

- Appropriate tool to create a quality system but not adequate to safeguard organic integrity
- In order to safeguard organic integrity a closer integration of documentation, inspection, and addressing sector specific aspects is needed.



Conclusions and recommendations

- Reference to ISO 65 should be kept as it ensures general reputation and acceptance and also harmonization with other certification systems
- ISO 65 does not address sector-specific needs, particularly in "process" certification.
- IAC are sector specific and address the issues ISO 65 is lacking
- IAC therefore should be accepted as the basis for the international norm for sector-specific requirements for organic certification.
- IAC also provide for the technical guidance ISO 65 is lacking with regard to organic certification.
- Scale-sensitivity is needed in whatever norm is decided (IAC start to address this).
- IAC are the sector specific adaptation of ISO 65 and should be considered as such
- An "organic" ISO 65 is needed.

