

**INTERNATIONAL TASK FORCE ON HARMONIZATION AND EQUIVALENCE  
IN ORGANIC AGRICULTURE (ITF)**



Food and Agriculture  
Organization of the  
United Nations



International Federation  
of Organic Agriculture  
Movements



United Nations  
Conference on  
Trade and  
Development

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**DRAFT**

**Cooperation in Conformity Assessment for Certification Decisions and  
Import Approvals**

**October 2007**

## Introduction

The ITF is interested to review background information related to the scope of cooperation among certification bodies and between governments and certification bodies. One specific topic of interest is whether governments and accreditation bodies should allow an organic certification body to provide certification to an operator and/or product based on inspection and certification conducted by another certification body. This topic was raised in the ITF paper, “Cooperation between Conformity Assessment Bodies in Organic Certification” (Ong 2006). The aforementioned paper also noted the possibility for Certification Bodies (CBs)<sup>1</sup> to play a stronger role in the government regulatory systems’ approval of imports. Such a role would allow recognition agreements between CBs to be actionable both for regulatory as well as private label schemes. This paper builds on the previous paper but focus only on those two issues to state them and their relevance for the ITF mission clearer.

The working together of certification bodies (CBs) is a difficult issue and this was also identified by the Independent Organic Accreditation Services Ltd as the most problematic issue when it comes to compliance with IFOAM Criteria (IOAS 2006). Lack of cooperation and mutual recognition<sup>2</sup> between CBs is also repeatedly (e.g. in the EU action plan and several ITF papers) identified as an obstacle for market access as well as something that makes the control systems less reliable. To find models for this cooperation will benefit both organic operators and consumers alike. Ultimately, government can get a better system for less cost if building on it.

In most other sectors the situation differ from the organic sector. There is really no need to “delegate certification authority” or “let CBs decide on import approvals” for many certification systems. Most certification systems are not operating product certification linked to a strong mark, which is one of the main reasons for delegation of decision. Further many of them are not operating in a regulatory environment where government policies can limit trade. In most cases, the original certification is accepted as it is, a solution that is of course simpler than any other procedure. However, most government regulations have chosen another path. The proposals here should be seen within that context.

Further, in many discussions, certification bodies, in particular those with strong brands in major import countries, are seen as obstacles for a smooth trade with organic product. However, the two issues under discussion is about cases where they may want to be more open, but are limited by either government rules or international standards or both.

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<sup>1</sup> This paper will use the term Certification Bodies (CBs) to describe the Conformity Assessment Bodies involved in certification.

<sup>2</sup> Mutual recognition is almost a pre-condition for cooperation.

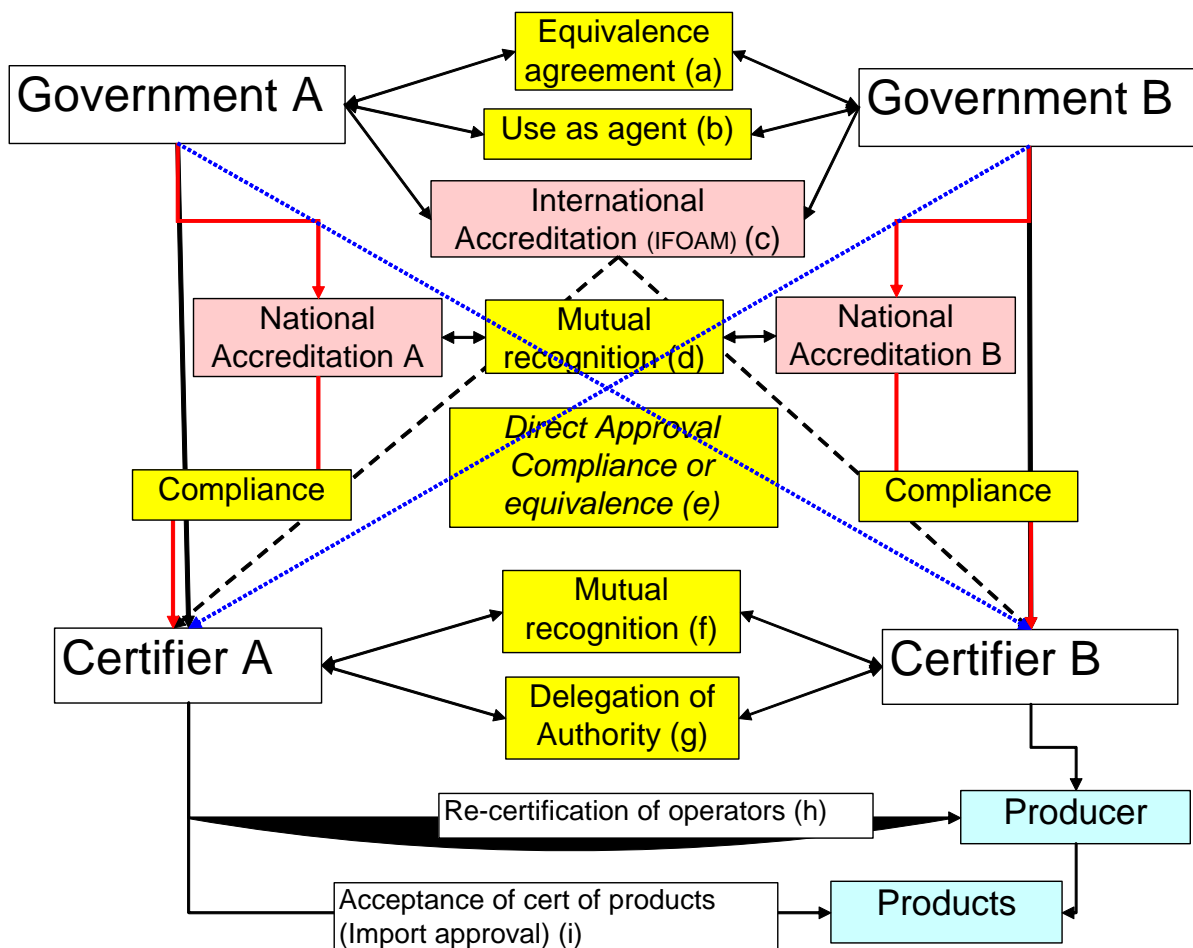
## Putting CB cooperation in the right context

### The regulatory scenario for import market access

The main mechanisms for acceptance of imports to a regulated market are (letter in brackets refer to graph):

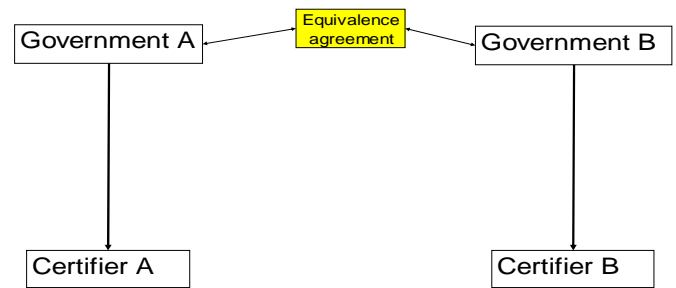
- Equivalence agreements between governments (a)
- Multilateral agreements between accreditors (d)
- Acceptance of International Accreditation (c)
- Direct approval of foreign certification bodies (e)
- Mutual recognition agreements between CBs (f)

Some regulations uses only one mechanism, but most use several of them. This paper is about aspects linked to mutual recognition between certification bodies, but first it describes the other systems in order to clarify their application and limitations and why mutual recognition between certification bodies can be an important complement to these functions.



### Equivalence agreement between governments

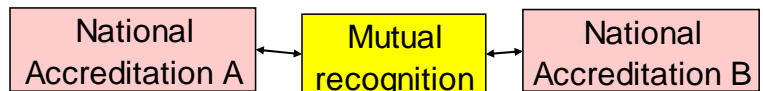
This is a major component in governmental import regimes. It is also promoted in WTO agreements (TBT and SPS). According to ITF agreements, equivalence should be based on international standards for production (Codex or IFOAM) and international requirements for certification bodies, such as the ones developed by the ITF itself (i.e. IROCB). ITF is also developing a tool for equivalence.



For organic it has so far been quite slow and not so efficient. Even with improved tools such as those developed by the ITF, it will remain difficult, and limited to bigger trade volumes. So even if equivalence between governments represents a solution, other mechanisms are needed. This has been acknowledged in most organic regulations as they also provide other options for market access.

### Mutual recognition between accreditation bodies

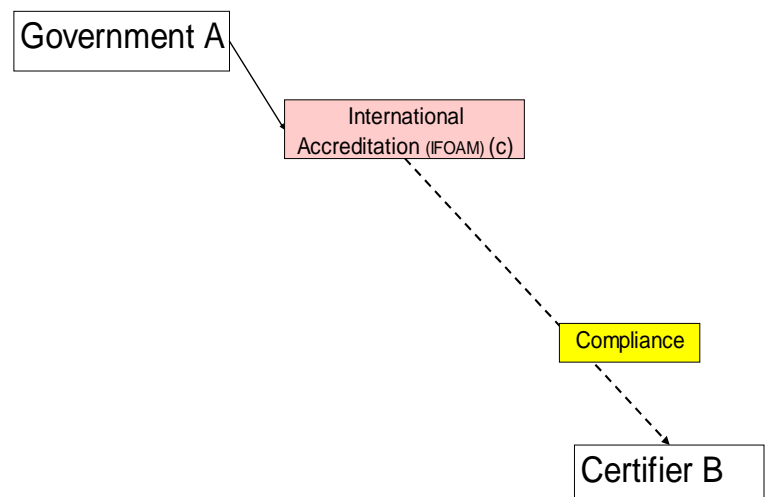
The ITF has expressed its strong support for mutual recognition agreements between conformity assessment bodies.



Accreditation is a process that can facilitate international trade. However in the case of organic it has not showed to be very efficient. The main reason for this is that when regulations mandate *both* accreditation and government approval, such as the EU regulation, accreditation rather becomes another obstacle as it comes *in addition to* government approval. The “accreditation” by the USDA is a special case, but is in essence a government approval, which is showed in that the NOP does not indicate any role for mutual recognition agreements between the USDA and other accreditation bodies, but rather with government authorities (see more below).

### Acceptance of International Accreditation

A simple solution would be to recognise international accreditation as a basis for import approvals. This was always the vision for the IFOAM Accreditation system. The IFOAM Accreditation system has reached explicit acceptance by some authorities (Paraguay, Republika Srpska<sup>3</sup> and South Korea) or de facto acceptance (e.g. by Mexico). Apart from limited current acceptance, the system is also demanding (requirements are perceived as high and not flexible enough<sup>4</sup>) and costly and is therefore not likely to provide THE solution. Nevertheless it is a readily available mechanisms that could be used more. It should be noted that while IFOAM accreditation itself operates based on compliance



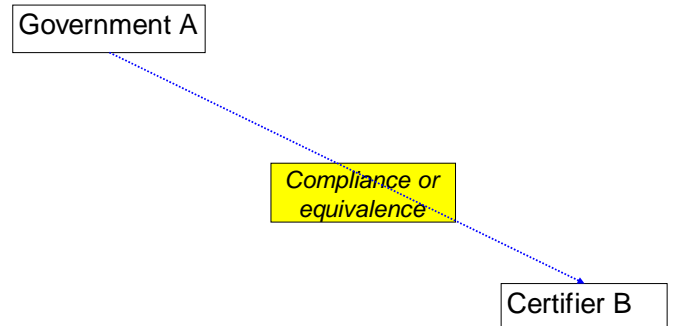
<sup>3</sup> One of the entities of Bosnia and Herzegovina.

<sup>4</sup> The current revision of the IFOAM Guarantee System will likely make the system more accessible. It is outside the scope of this paper to expand on the pros and cons of the IFOAM Accreditation system.

(i.e that certification agencies have to comply with the IFOAM Norms), acceptance of IFOAM Accreditation would be based on equivalence (as there is no government regulation that is uniquely based on IFOAM norms).

### **Direct approval of certification bodies**

This option, practiced by Japan and the USA, has got substantial uptake. Also the new EU regulations (834/2007 and 1997/2006) introduce an opportunity for direct approval of certification bodies. In the case of the USA the approval is based on compliance with the NOP, e.g. the standards of production and the certification procedures are the same for domestic and foreign bodies. The Japanese regulation appears to be similar. In the EU new regulation 834/2007 approval of foreign CBs can be based either on compliance (article 32) or equivalence (article 33). The direct approval mechanism, especially if based on equivalence is likely to play a major role. It's main draw-back is that it is costly (at least for the Japanese and US approval costs are high – the new EU system might be for free (?)) and demanding to go through, so for smaller trading volumes it is not a feasible option. This is exemplified by how few CBs from Europe that have sought direct approval in Japan (12 out of 172) and the USA (33 out of 172).



**From the discussion above, it is apparent that additional mechanisms for import acceptance are needed. Those are to be found in the work of the main actors in the organic conformity assessment system, the certification bodies.**

## How Mutual Recognition between certification bodies can facilitate market access

### **Mutual recognition between certification bodies**

Similarly as for accreditation, the ITF has expressed strong support to mutual recognition agreements between certification bodies. ITF's concern has been mainly that many exporters, even when they finally have got legal acceptance still needs to get approval or certification by private certification bodies for market acceptance. However it has not been clarified in the ITF what role that can play for regulatory access to markets. Certification bodies in a regulated market also have to consider the legal context where they operate and are not free to engage in mutual recognition agreements (MRAs), or rather, as long as the MRA is not legally recognised, it has little value and is rarely pursued. Therefore, both the private sector and the regulations have to be considered when discussing the issues. And this is what this paper is about.

*The pertinent question is how, in addition to the methods above, can governments use certification bodies and cooperation between certification bodies as mechanism to facilitate regulatory market access.*

#### *Mutual recognition agreements*

An MRA is a framework for cooperation to *facilitate* recognition, the existence of such an MRA might not mean a lot in practice or it can have far reaching consequences. Based on the MRA the following a certification body can:

1. Accept or certify products<sup>5</sup> under its own certification
  - a. Based on presented documentation from another CB
  - b. Based on the certificate from another CB
2. Certify operators certified by another CB<sup>6</sup>
  - a. Based on presentation of documentation from the other CB
  - b. Based on the certificate from the other CB
3. Delegate authority to another CB to certify production under its own standards and procedures<sup>7</sup>

There are some other options, such as the operation of a common mark, but they are outside the scope of this report.<sup>8</sup>

Option 1.a. is to some extent operational in the daily work of many certification bodies, and is used also in the regulatory context e.g. a USDA accredited CB uses the work results of another CB as a basis for approval of products according to the NOP. How this should be done is not codified in the US or EU regulations. It is sometimes taking place even without a MRA in place.

Option 1.b. is operational under the MRA of the IFOAM Accredited Certification (ACB MRA) bodies (with some limitations) but applies only to the use of raw materials and is not

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<sup>5</sup> This means that the products are accepted as compliant or equivalent to products certified directly, e.g. that a raw material certified by CB-B will be accepted in a product certified by CB-A. The difference between "accepting" the product and "certifying" the product is that when a product is "accepted", it can enter into circulation/processing by certified operators, but the seller can't claim the certification, which the seller can do if it were "certified".

<sup>6</sup> This means that the operator certified by CB-B can get an own certificate from CB-A.

<sup>7</sup> That is, CB-B is authorised to issue certificates in the name of CB-A.

<sup>8</sup> For more information about this ISO Guide 68 is recommended.

recognised by the regulations, i.e. even if a product (produced in another system) is accepted by a CB within a certain legislation, it still has to follow all the legal procedures involved in getting acceptance for imports.

Option 2.a. The Japanese organic regulation has directly acknowledged this mode of working and says that it takes place based on a “trust-contract”. This is also taking place for imports to the EU and the USA, however those regulations don’t acknowledge this and there are no guidelines for how it can take place.

Option 2.b. is not recognised in any of the regulations. It is theoretically within the scope of the IFOAM ACB MRA, however the IFOAM Accreditation Criteria explicitly prohibits this practice. The ISO 65 doesn’t address this practise directly, but judging from some examples form other sectors (e.g. the CENELEC and IEC schemes) it appears to be accepted practise.

Option 3. As was noted in the ITF paper “Cooperation between Conformity Assessment Bodies (CABs) in Organic Certification” (Ong 2006) the ISO 65 and the IFOAM Criteria limits the right for certification bodies to delegate authority. Therefore it is not practiced formally in the organic sector (however, see more below under “ways around the limitations”). One function of this prohibition is that it supports integrated multinational certification bodies as opposed to independently operating partners in a network<sup>9</sup>.

There is de facto little difference between Option 2 and Option 3, when it comes to the ability of a CB to take responsibility for its certification. In both cases the CB has to have sufficient basis to judge the reliability of the other CB, and is actually totally dependent on the other CB. The main difference is in the procedures and costs involved for the operator. Even for Option 1, the CB relies completely on the reliability of the other CB.

### The two proposals

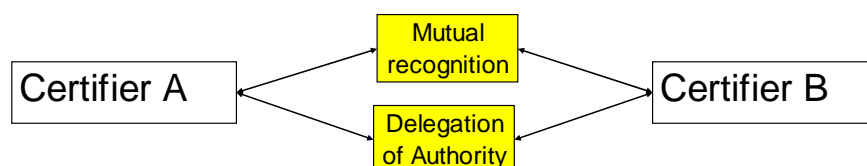
In order to facilitate trade in organic products, the following two mechanisms are recommended, in addition to other methods:

- Right of certification bodies to delegate certification decisions
- Giving certification bodies right to approve imports

The two mechanisms are discussed below.

### Accepting right to delegate certification decisions

Delegation of certification decisions means that CB A will authorise CB B to take the certification decision regarding compliance with the applicable standards and procedures of CB A. A certificate is issued in the name of CB A<sup>10</sup> (and normally also CB B).



According to the Chambers Dictionary: “delegation is the act of giving tasks to staff with authority to carry them out, whilst retaining the overall responsibility.” That means that the

<sup>9</sup> In the integrated multinational company all certification decisions are taken by the same legal entity, while in the network each partner takes the certification decisions.

<sup>10</sup> The delegation could include also that CB B issues the certificate, but it is more likely that CB A will still issue the certificate as it is normally linked to various administrative procedures.

certification body that delegates decision making is still responsible for the decision. This is an important fact considering that it is this certification body that is subject to government approval, accreditation and supervision.

The current regulations don't explicitly prohibit this practise. However it is explicitly prohibited by the IFOAM Criteria (1.2.2) and the ISO Guide 65 (12.2). Taking into account the definition of "delegation" it is hard to understand the basis for those norms, and no literature exist that explains or justify this prohibition. There is also a contradiction between this prohibition and the "highest level" of mutual recognition, whereby certification bodies "accept" each others certification or where they allow the use of their mark to producers certified by somebody else, a practise that is not only recognised, but also promoted by the ISO (see more on the IEC schemes below and the ISO web site).

In chapter 8 on Cross border recognition in the ISO Development Manual on Conformity assessment (second edition 1998), under the section Mutual recognition, paragraph 6, J. Donaldson (ANSI) and H. Gundlach (Chair, IAF), wrote about the possibility to develop arrangements in which each party to the agreement empowers the other parties to issue an approval (certification) or accreditation on its behalf. ... if the agreement is among CABs, the product can be approved at once on behalf of all of them, meaning the product can bear the marks of any participating certifiers. (Donaldson 1998 in Ong 2006).

*Conditions under which delegation of certification decisions should or could be allowed.*

Obviously a certification body can't just delegate certification decisions to any other certification body. A prerequisite is that there is a sufficient basis for the certification body to trust the competence of the other body and that there are functions to monitor the actual execution. This assumes some kind of agreement between the two bodies. Further it assumes that the delegating body makes regular assessments of the other body *or* that they are both part of a peer assessment group *or* accredited either by the same accreditor (e.g. DAP or the IOAS) or by accreditors that have accepted each other (e.g. members of the IAF)<sup>11</sup> *or* that they have other basis for safeguarding the competence of the other body (ISO Guide 68). Any acceptance of delegation of certification could be linked to the requirements in the ISO Guide 68.

*How does this mechanism relate to the ITF criteria for solutions?*

The ITF has agreed<sup>12</sup> that solutions should be based on the following criteria:

<b>Criteria</b>	<b>Delegation of decision compared to status quo</b>
Benefit producers and consumers and the organic market as a whole;	Improvement
Take into account of national sovereignty;	Neutral. The CB is subject to approval by the national competent authorities, which would include in their approval procedures, that this is performed

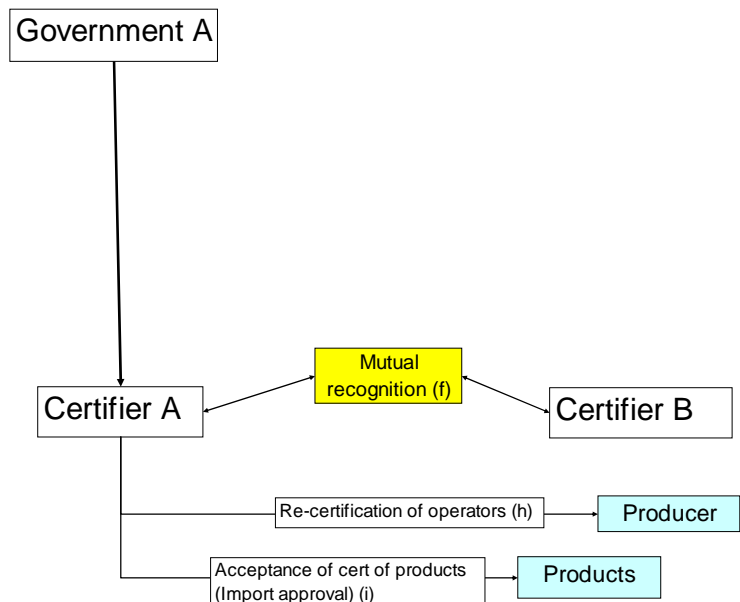
<sup>11</sup> Notably the ISO doesn't in any way conclude that accreditation is the only mechanism whereby certification bodies can gain trust in other certification bodies. The ISO Guide 68 describes many methods by which a certification body can be assured that another CB is competent and reliable. Peer assessment is described as the "direct method" (and as such also has an own ISO standard 17040) while accreditation is described as an "indirect method". One is not superior the other.

<sup>12</sup> See the ITF paper Strategy on Solutions for Harmonizing International Regulation of Organic Agriculture, April 2005.

	according to the set criteria
Access to markets with minimal bureaucracy;	Improvement
Fair competition between operators;	Improvement, as more products will get market access
Adequate and consistent consumer protection and trust;	Neutral
Sensitivity to different biophysical, socio-economic environments;	Neutral
Stakeholder support and involvement;	Neutral
Take account of market choice;	Improvement
Transparency of operation and decision-making.	Neutral, or improvement (see ways around the limitations)

### Delegate import approvals to certification bodies

Certification bodies are experts in conformity assessment. There are many ways certification bodies can assess if a product fulfils a certain standard. As noted above, it is in some ways already taking place, but the rules for it are not very clear, and less advanced certification bodies may not understand how they can do it. The two main levels is the acceptance based on document review or the acceptance based on acceptance of the certification body's competence. It can also be focussed on the product or on the operator. For certification theorists this makes a big difference, while for lay men and in daily life the difference is not that huge.



Delegation of import approval to certification bodies mean in practice that a certification body in country A is authorised/mandated by the government A to judge if an imported product fulfils the requirements as spelled out in the regulation. It will normally be an importer that will ask the certification body to confirm this. The system is similar to the current system under article 11.6 in the EU, but with the main difference that it is the certification body and not a competent authority that determines that a product is equivalent. Interesting to note that even if that regulation was supposed to apply for single lots of products, the actual implementation of the EU regulation expanded this to be approval for all organic supplies by one operator under a certain certification, which again shows that the distinction between re-certification of products and re-certification of operators as expressed e.g., in the IFOAM Criteria is more a theoretical construct than reality.

Of particular interest is that under e.g the NOP certification bodies *are obliged* to accept each others' certification, no further questions asked, and this is also more or less the reality in the

EU<sup>13</sup>. However, the same governments *don't allow* certification bodies to accept certifications from outside their system, regardless of which cooperation or level of controls there are.

Note that this option can apply equally when imports are based on equivalence or compliance.

*Under which conditions can this apply*

The IFOAM accreditation Criteria have very elaborated conditions for how acceptance of other products can take place (chapter 9). IROCB has more general conditions for this:

Where steps in the production chain have been certified by other certification bodies the certification body may accept prior certification according to defined procedures and according to applicable laws.

Procedures shall establish additional measures to evaluate whether prior certification can be accepted. It maybe granted when equivalent certification procedures have been applied. (IROCB, draft 3)

The main basis is that there is an agreement with the other certification bodies and that there is a mechanism to supervise the other body. Preferably this is taking place within the framework of a mutual recognition agreement.

Assessing approval of imports against ITF criteria

ITF Criteria	Approval of imports by CBs compared to status quo
Benefit producers and consumers and the organic market as a whole;	Improvement
Take into account of national sovereignty;	Neutral. The approving CB is subject to approval by the national competent authorities, which would include in their approval procedures, that this is performed according to the set criteria
Access to markets with minimal bureaucracy;	Improvement
Fair competition between operators;	Improvement, as more products will get market access
Adequate and consistent consumer protection and trust;	Neutral
Sensitivity to different biophysical, socio-economic environments;	Improvement, at least if approval is based on equivalence.
Stakeholder support and involvement;	Neutral
Take account of market choice;	Improvement
Transparency of operation and decision-making.	Neutral, or improvement (see ways around the limitations)

**Examples with relevance for proposal**

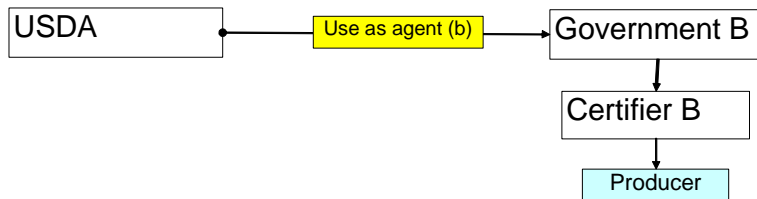
Because of the rather special conditions under which organic certification operates (see introduction), there are not so many examples from other sectors to build upon.

<sup>13</sup> In the proposal for new EU regulation there was even an obligation for private CBs to accept any other certified product also for their own private standard and not only on the regulatory level. However this proposal was dropped in the final version (after substantial protests against it).

## Delegation of authority between CABs

### National Organic Program USA

The NOP allows the USDA to delegate its accreditation to another governmental agency according to the § 205.500 c)



*“In lieu of accreditation under paragraph (a) of this section, USDA will accept a foreign certifying agent’s accreditation to certify organic production or handling operations if: (1) USDA determines, upon the request of a foreign government, that the standards under which the foreign government authority accredited the foreign certifying agent meet the requirements of this part;”<sup>14</sup>*

This is a clear example of how a conformity assessment body has accepted another conformity assessment body’s decision as its own and it constitutes a delegation of decision. This is not in conformity with the ISO 17011, art 4.7. USDA’s double role as an accreditor and authority perhaps plays a role here.

### The ASHA-CAPSLA MRA on Audiology

As outlined in Ong (2006), the ASHA-CAPSLA MRA provides for individual certified by ASHA or CAPSLA to obtain certification by the other based on equivalence without further tests. This is an example of de facto delegation of decision.

### Delegation of certification between the Coast Guard of the USA to Det Norske Veritas.

Article 3 of the *Agreement governing the delegation of certain survey and certification services for United States of America flagged vessels between the United States Coast Guard and det Norske Veritas* states that:

*“Delegated functions performed by, and certificates issued by, Det Norske Veritas will be accepted as functions performed or certificates issued by the Coast Guard, provided that Det Norske Veritas remains in compliance with all provisions of this Agreement.”*

The Coast Guard is obviously not a regular certification body. On the other hand the issue at hand concerns critical aspects of human safety and security interest of the nation. If those can be delegated to another certification body something less dramatic such as certification of organic market claims should be possible to delegate

## Acceptance of other certification

### CENELEC

Within CENELEC (European Committee for Electrotechnical Standardization) there are many different agreements of which some, HAR and LOVAG, are based on MRAs where the partners accept each others certificates. The agreements are in the field of Lov Voltage electrical equipment, which is subject to regulations. They appear to be on the border of constituting delegation of authority.

### IECEX

The objective of the IECEX Scheme is to facilitate international trade in equipment and services for use in explosive atmospheres, while maintaining the required level of safety. The

<sup>14</sup> The rest of the paragraph is about equivalence.

IECEX Certified Equipment Program provides both:

- a) A single International Certificate of Conformity that requires manufacturers to successfully complete; or
- b) A “fast-track” process for countries where regulations still require the issuing of national Ex Certificates or approval. This is achieved by way of global acceptance of IECEx equipment Test and Assessment Reports. In this examples regulators have accepted the IECEx certification as is in some cases and in other cases national CBs are allowed to issue own certificates based on partners work, giving the products the same recognition as a domestic product.

#### IECEE CB scheme

The IECEE CB scheme cover 19 product categories ranging from IT and electronic equipment, household appliances to medical equipment. It features reciprocal recognition of test results among all participating Certification Bodies, to simplify granting of certification or approval at national levels. A manufacturer gets the products tested and certified in its own country. For approval in other countries, the manufacturer simply submits the certificate to a laboratory in the second country. This laboratory issues its certification mark without further testing (Barta 2006)

#### **Ways around the limitations**

There are numerous ways around the current norms and regulations, some of them only relevant for the private sector others relevant also in the regulated scenario.

#### De-couple certification from mark use

In the private sector, what operators are really interested in is not the certificate, but the use of a mark. The solution here is to de-couple the act of certification from the use of the mark. This can be done in several way. One is that many CBs together create a common mark, which can be used by anybody certified by them (one such example is the IQNet (Ong 2006)). Another example is the recent move by the KRAV in Sweden to let any certification body (under some conditions) certify to the KRAV standards and then license the mark to the operators. In this way KRAV is no longer a certification body (but a standard-setter and a licenser of a mark) and is therefore not bound by ISO or IFOAM norms. The recently established East African Organic Mark is another example of de-coupling of the mark from the ownership of certification.

#### Delegation of decision

A certification body may assign a person or a committee in another certification body to take certification decisions for them. In order to follow the ISO 65 (and the IFOAM norms), such arrangements shall not be seen as “sub-contracting” which is not permitted. This is practiced today in several cases.

The second option is just to “rubber-stamp” reports from other certification bodies, thereby seemingly fulfil the requirements of the norms. This appears to be a rather wide-spread practise, but as the practise is not in conformity with the regulations it is hard to judge how common it is and no CB would volunteer to describe how they implement this practise.

#### Approval of imports

The difference between allowing a domestic CB to approve imports or to let it accept products based on documentation is not big. De facto one could say that already today CBs

approved under one jurisdiction accepts imported products. They do that by transferring the certification to be their own certification instead of the certification by the other CB. As long as they seemingly do this on the basis of document review it is de facto accepted in the current systems in USA and the EU. However, the operation of this is not very transparent and there could be big cost savings if it was made clear how this can be done and under which conditions.

That there are various ways to come around limitations posed by (unjustified) standards is not an argument to maintain those standards. It encourages non-transparent procedures, sometime outright breach of regulations and costly and redundant procedures, i.e. violating several of the ITF criteria.

## **Disadvantages**

### Delegation of certification decision

The basis for the restriction of right to delegate decision is not stated and it is therefore hard to understand what needs to be addressed. However one basis could be that there is a fear that certification bodies will enter into this too lightly. The reason for doing that is that they want to satisfy their clients (e.g. an importer that wants its sources approved) or that they want to increase their “market share”. However those concerns are applicable to all the normal work a certification body does – the easier certification is given the happier the clients will be, and more products can reach the market. The more common complaint (also in the ITF) is that it is far too difficult - and costly - to get the approval of certain CBs.

### Approval of imports

There are some arguments against letting CB approval be used as a mechanism for import approvals, primarily there might be fear of that a dominating CB in a country would abuse its “power” in three ways:

- refusing approval in order to protect its own producers. This is most likely to be the case for “national” certification bodies with little international engagement and strong links to the operators;
- using information gained in the process to snatch clients from other CBs. This is most likely to be an issue for the CBs working a lot internationally;
- getting insight in the work methods of other CBs thereby possibly “picking” up their methodologies, forms and procedures. Alternatively using the information collected for undermining the credibility of the other CB (“we have seen their work and it wasn’t impressive....”)

The first objection is also applicable for import approval by governments, as it might as well be in the interest of a government to protect its own producers<sup>15</sup>. The second objection has some relevance<sup>16</sup>, but it should be noted that the ISO 65 requires CBs to have public list of all those certified<sup>16</sup> and that therefore the “snatching of clients” can take place in any case. Seeing it more positively the operators benefit from competition between CBs and an increased offer of certification services. The third objection is probably quite relevant and would mean that this solution would be limited to certification bodies that anyway have a rather good level of cooperation.

It is hard to assess how big these risks really are or if they are rather based on perceptions

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<sup>15</sup> Such an application violates the TBT agreement.

<sup>16</sup> A rule that is frequently abused and apparently not enforced by the accreditation agencies

than on facts. Even if they are real, they constitute no strong reasons against the proposed uses of CBs for import approvals as long as these uses are not the only avenues for import approvals. If there are other better options, a foreign CB or an operator that is concerned about any of these issues would choose those options. Having more ways a product can get acceptance will not be a disadvantage compared to the status quo.

## Conclusion

The ITF seeks to facilitate international market access of organic products. It has recognized that active cooperation between government and private sector is important. It has developed criteria for judging proposed solutions. This paper proposed two mechanisms, *in addition to other mechanisms* identified by the ITF.

- Right of certification bodies to delegate certification decisions
- Giving certification bodies right to approve imports under import regulation regimes

The first mechanism would require a change in norms ruling organic certification, in the ITF perspective primarily the IROCB<sup>17</sup>, but preferably also the IFOAM Accreditation Criteria and the ISO 65. Under some import regulations, also the regulation might have to be amended to allow for this practise, under others not. Guidance for it exists in ISO Guide 68.

What the exact regulatory implications are of the adoption of the second mechanism depends on the regulatory framework of each country. In some cases it might be sufficient that a guidance note by the competent authority is issued stating that this is an accepted practise, in other cases some additional implementing ordinances might be required and in a few cases perhaps even the enabling act (law) would have to be modified.

The two mechanisms can contribute to the goals of the ITF and fulfill the criteria set by the ITF to assess solutions proposed. They are complementary to other mechanisms, such as equivalency agreements between countries and direct approval of certification bodies, particularly relevant for small trading volumes where the investment in the other mechanisms are too high compared to the value of traded goods. A clear acceptance of them will stimulate an intensified cooperation between certification bodies, something that is much needed. The impact of it will extend beyond regulated markets into the area of private marks where it gives certification bodies increased incentives to cooperate. It also has the potential to substantially reduce costs for operators that are currently faced with multiple certification (exporters) or costly re-certification procedures (importers). The disadvantages are small and manageable.

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<sup>17</sup> As this norm is suggested to reflect global consensus.

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