

## SOE\_Question and Answers CERES (28 Feb. 2024)

**Q 1:** Will customs agents have to be certified?

**A 1:** No, customs brokers are exempt from certification. See <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205> §205.101(g);19 CFR 111.1)

**Q 2:** Is it necessary to certify the transportation of frozen organic product or raw material from the orchard to the processing plant?

**2.1:** Does the shipping company that transports containers have to be certified?

**2.2:** Does a transportation (freight) company that handles both organic and agroecological products need certification?

**A 2:** Transportation of agricultural products is not a handling activity and does not require certification (See definition of handling in *7 CFR 205.2 and 7 U.S.C. 2502(8)*). “Transportation generally refers to the movement of products in commerce. Examples of activities that are transportation and do not require certification include: moving organic hay or milk from a certified producer to a certified organic buyer or to a certified processing facility, moving organic grain or livestock from certified organic farms to a certified handling or slaughter facility, and food delivery services that transport prepared foods from a retail establishment to a consumer.”

**Q 3:** We only package coffee in cups (within equipment that is only used for this) we must be certified It does need to be certified since packaging is included in the definition of handling.

**A 3:** See §205.2 *Handle: Sell, process, or package agricultural products, including, but not limited to, trading, facilitating sale or trade on behalf of a seller or oneself, importing into the United States, exporting for sale in the United States United, combine, add, select, condition, treat, package, containerize, repackage, label, store, receive or load. 7 CFR Part 205 -- National Organic Program*

**Q 4:** Does a company that buys and then sells fully packaged products need to be certified?

**4.1:** In the past we had to be inspected as subcontractors in external cold storage warehouses that only stored our product and did not handle it. Will we have to continue receiving these inspection visits?

**4.2.** Do I need to ensure that the warehouse where I am going to consolidate my organic product before distributing it internally to different states in the United States is certified according to recent regulatory updates?

**A 4:** An operation that only receives, stores and/or prepares for shipment, but does not otherwise handle, organic agricultural products that:

- Are enclosed in sealed, tamper-proof packages or containers before being received or acquired by the operation;
- They remain in the same containers or containers sealed to proof of adulterations (alterations) and are not manipulated in any other way while they are under the control of the operation. [https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205 §205.101](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205%205.101)

**Q 5:** If a trader buying from another country stores and sells packaged product in the U.S. to industrial customers, at no time does he remove the product from its packaging, is he required to be certified?

**A 5:** Exporters to the U.S. and importers into the U.S. need to be certified (eCFR§205.100).

**Q 6:** What entity controls that the "handlers" in the chain are certified?

**A 6:** Certified operators must ensure that they only receive products from certified suppliers (producers/processors/handlers) or check whether suppliers are exempt.

**Q 7:** If the exporter sells to an intermediary (which does not transform the product and only takes economic possession) and this intermediary sells to a company in the USA, it must be certified. This intermediate company only pays for the fruit and is in Europe and sells to the company in the USA (which is certified).

**A 7:** Intermediaries that sell or facilitate the sale of organic products must be certified if they handle organic products. See definition of Handling eCFR § 205.2

**Q 8:** Do I have to ensure traceability of all transporters of raw materials (agricultural and process) ?

The certified organic operation is responsible for the organic products being transported and must:

- Maintain records, for traceability auditing that are sufficiently detailed to be easily understandable and auditable;

-Demonstrate prevention of commingling and contamination during transportation  
(*ecfr* § 205.272);

**Q 9:** Is the processing company obliged to carry out traceability exercises on a regular basis, and does this mean that we have to carry out internal organic audits of the whole chain of our manufactured product?

**A 9:** Certified organic operations must:

-Keep records of their activities ranging from purchase or procurement, through production, to sale or transport.

-Maintain records that allow products to be traced back to the last certified operation in their supply chain;

Certified operations will need records that demonstrate that the non-certified intermediary has maintained ecological integrity.

-Maintain documentation of supply chain traceability (Audit Trail), including the identification of agricultural products as organic in traceability documents; and

-Describe in your organic system plan (OSP = Ceres: Organic Management Plan/OMP) the control practices and procedures used to prevent organic fraud and verify suppliers and organic status.

*§ 205.103 (b) Such records must:*

*(2) Fully disclose all activities and transactions of the certified operation, in sufficient detail as to be readily understood and audited; records must span the time of purchase or acquisition, through production, to sale or transport and be traceable back to the last certified operation;*

*(3) Include audit trail documentation for agricultural products handled or produced by the certified operation and identify agricultural products on these records as “100% organic,” “organic,” or “made with organic (specified ingredients or food group(s)),” or similar terms, as applicable;*

**Q 10:** When is an Import Certificate required?

**10.1:** do products which are only entering the US to be transferred to e.g. Canada need an import certificate?

**A 10:** A NOP import certificate is required for any product imported into the U.S., regardless of the country of origin. Each shipment of organic product to the U.S. must be associated with an NOP import certificate.

**A 10.1:** no, only products with the US as final destination need an import certificate.

Exports of NOP certified products to any other country do not need an export certification.

<https://www.ecfr.gov/current/title-7/section-205.273>

**Q 11: Must the importer be certified as an organic importer?**

A 11: All Organic importers (in the US) must be certified. Importers must verify the integrity of imported products, verifying that the import matches the import certificate.

*§ 205.100 What has to be certified.*

*(a) Except for the exempt operations described in § 205.101, each operation or portion of an operation that produces or handles agricultural products intended to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be certified according to the provisions of subpart E of this part and must meet all other applicable requirements of this part.*

**Q 12: Should the import certificate be issued before the container is shipped, before the vessel departs the port of origin?**

**12.1. Does the import certificate have to be requested before export?**

A 12: Import certificates must be issued by the certifier BEFORE the organic product is exported (before the organic product leaves the country of export).

**Q 13: What documents will be required for the issuance of the import certificate?**

A 13: CERES will send an informative letter to all operators in the coming weeks and will upload respective Brief Info the CERES website.

**Q 14: What is an addendum? For what purpose may a certifier issue an addendum to a NOP certificate?**

A 14: Addenda (attachments) are documents that may provide useful additional information about the operation that is not included in the operator's certificate.

**Q 15: Will the certification bodies update the certificate formats, or will it be at annual renewal?**

A 15: NOP will publish a new certificate for all operations in OID on March 20<sup>th</sup> 2024, from then on certificates will be issued from the Organic Integrity Database by the certifier *§ 205.404.404(b)*

**Q 16. What is the critical information that must be on the labeling?**

A 16: Non-retail packages must include the organic identification and information linking the package to the audit trail documentation. *§ 205.307*