

Brief introduction to requirements for trade with organic products

according to the European Regulation (EU) 2018/848, the US National Organic Program (NOP), and JAS

1. Organic traders:

- ❖ Must assure traceability and transparency
- ❖ Need a good documentation system
- ❖ Must have a good risk management
- ❖ Should look for long lasting business partnerships, instead of just buying and selling on the spot market.

2. Who needs to be certified as organic trader:

Different interpretations exist in this regard:

| | Certification required according to... | | |
|---|--|-----|---|
| | EU-Regulation | NOP | JAS |
| Customs agents who do not become owners of the product | No | No | No |
| Brokers who only establish business contacts, but do not become owners of the product | No | No | No |
| Traders of packed products who buy and sell the product, without repacking or relabelling it | Yes | No | Only if they perform the "grading" on behalf of the final processor |
| Traders of unpacked bulk products | Yes | Yes | |
| Handlers who (re)pack or label the product | Yes | Yes | Yes |


3. Origin of organic products:

- ✓ Exporters must be sure to hold copies of **valid organic certificates** and other relevant documentation from all their suppliers (for details, please refer to CERES "Brief Info Reception Procedure")
- ✓ Only products from **EU** certified suppliers can be sold to the organic EU market, while products for the US market must be **NOP** certified, for Japan JAS certified
- ✓ Risk management: if you suspect that a product that you intend to buy and/or sell as "organic", might actually not comply with organic production rules, then it is your obligation as a trader to double check, e.g. through:
 - Cross checking with CERES and the supplier's certifier
 - Residue testing
 - Additional supplier audits, etc.

If your doubts persist, you should refrain from buying/selling the product as "organic". Please inform your certifier about your findings regarding the supplier!
- ✓ Co-operation with suppliers who are not trustworthy, should be discontinued
- ✓ It is good practice to always ask for a transaction certificate for any purchase of organic products, even inside your country.

4. Traders who (re)pack or label:

- ✓ Actually, **packing or labelling** are considered as "preparation" operations (NOP calls this "handling"); to ensure the organic integrity of the product, traders in this category should also refer to our "short information for processors".

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- ✓ In cases where the preparation is done via a subcontractor and not by the owner and seller of the product directly (Please refer to CERES "Brief Info Contracting in Organic Production"), CERES considers that "the exporter" on the EU/GB-COI shall be the owner of the product who employs the subcontractor for the last step of preparation before export. This is based on the definition of "operator" as "the natural or legal person responsible for ensuring that this Regulation is complied with at every stage of production, preparation and distribution that are under that person's control" (Regulation (EU) 2018/848, Article 3 (13).

5. Traders who do not pack or label:

- ✓ Traders in this category must fulfil all requirements under points (5), (6), and (7) of our "short information for processors", concerning documentation, traceability, and labelling.

6. Export from third countries to the European Union:

- ✓ **Certifiers** for all entities involved in the supply chain (farmers, processors, traders), must be **listed** by the European Union in Annex II of Reg. (EU) 2021/ 2325 for the respective country.
- ✓ A "certificate of inspection" (**transaction certificate**) must be issued by the certifier of the operator who carries out the last preparation of the goods for **each shipment** (consignment) to the EU (+ European Economic Area (EEA, Switzerland (CH), Northern Ireland (NI)) and Great Britain (GB). This document must be presented in original to the customs control at the point of entry to the EU. Please refer to "Brief Info 3-2-8-1 on COIs for EU-Imports (+ EEA, CH, NI) via TRACES" and "Brief Info 3-2-8-3 on COIs for GB-Imports after Brexit.
- ✓ The CERES certifier code "**Countrycode-BIO-140**" (for Chile also: CL-BIO-005) should be used on all labels, delivery notes, invoices and other relevant documents related to organic sales.

! Please be aware that this is only a selection of essential requirements of the organic standards, meant as an introduction. The operator, of course, must learn about and meet all requirements of the respective standard.