

CERES Policy

Policy on Certification equivalent to (EC) 834/07 in Third Countries

1	Aim	<p>Since 01.01.2022: For EU-Member Countries applies Reg (EU) 2018/848. For third countries, there is a transitional period until January 1st, 2025.</p> <p>Therefore, in third countries, Reg (EC) 834/07 and (EC) 889/08 equivalent for third countries still apply until December 31, 2024.</p>
2	Background	<p>Regulations (EC) 834/07 and (EC) 889/08 were made basically for EU countries. Technical issues are based mainly on European experiences, and many procedures are meant for EU conditions. Different interpretation needs to be defined.</p>
3	Normative framework	<p>Regulation (EC) 834/07: Art. 33: "Import of products providing equivalent guarantees" <i>1. A product imported from a third country may also be placed on the Community market as organic provided that:</i> <i>(a) the product has been produced in accordance with production rules equivalent to those referred to in Titles III and IV;</i> <i>(b) the operators have been subject to control measures of equivalent effectiveness to those referred to in Title V and such control measures have been permanently and effectively applied;</i> <i>(c) the operators at all stages of production, preparation and distribution in the third country have submitted their activities to a control system recognised in accordance with paragraph 2 or to a control authority or control body recognised in accordance with paragraph 3;</i> <i>(d) the product is covered by a certificate of inspection issued by the competent authorities, control authorities or control bodies of the third country recognised in accordance with paragraph 2, or by a control authority or control body recognised in accordance with paragraph 3, which confirms that the product satisfies the conditions set out in this paragraph.</i> <i>The original of the certificate referred to in this paragraph shall accompany the goods to the premises of the first consignee; thereafter the importer must keep the certificate at the disposal of the control authority or the control body for not less than two years.</i> <i>2. The Commission may, in accordance with the procedure referred to in Article 37(2), recognise the third countries whose system of production complies with principles and production rules equivalent to those laid down in Titles II, III and IV and whose control measures are of equivalent effectiveness to those laid down in Title V, and establish a list of these countries. The assessment of equivalency shall take into account Codex Alimentarius guidelines CAC/GL 32.</i> <i>(...)</i> <i>3. For products not imported under Article 32 and not imported from a third country which is recognised under paragraph 2 of this Article, the Commission may, in accordance with the procedure referred to in Article 37(2), recognise the control authorities and control bodies, including control authorities and control bodies as referred to in Article 27, competent to carry out controls and issue certificates in third countries for the purpose of paragraph 1, and establish a list of these control authorities and control bodies. The assessment of equivalency shall take into account Codex Alimentarius guidelines CAC/GL 32."</i> </p>
4	Terms, clarifications, abbreviations	<ul style="list-style-type: none"> • EU-Regulation: Regulations (EC) 834/07 and (EC) 889/08 equivalent for third countries, including their annexes • Third country: countries, which are not members of the European Union, and, in the present context, are <u>not</u> included in the "List of Third Countries" annexed to Regulation (EEC) 94/92. • Equivalent third country standard: The CERES equivalent standard for third countries is composed of the present policy, combined with other relevant policies quoted below. Whenever no specific provisions are defined in the document, Regulation (EC) 834/2007 respectively (EC) 889/2008 apply.

		<ul style="list-style-type: none"> • Codex: Codex Alimentarius Guidelines CAC/GL 32 from 2001, amended in 2008. • Ann. = Annex; Art. = Article; Sect. = Section; § = Paragraph
5	Interpretation	<p>In its Articles 32 and 33, (EC) 834 offers three possibilities for imports from third countries:</p> <p>a. "Compliant products": Production, processing and control procedures must comply entirely with the Regulation and with the implementation rules established in (EC) 889/08. For the time being, this remains a theoretical option for third countries because the EU Commission has not yet established a procedure for import of compliant products</p> <p>b. "Equivalent products" proceeding from third countries whose control systems are considered to be "of equivalent effectiveness" (the so called "third country list"). The present policy does not address these cases.</p> <p>c. "Equivalent products" proceeding from third countries not recognised by the Commission. For these products, the certifiers working in each of these countries are expected to present their respective "equivalent standards". The present document is CERES "equivalent standard".</p>
6	Policy	
6.1	General definitions and provisions	<p>Wherever the EU-Regulation reads "control authority", "competent authority" or "control authority or body", we understand "control body", when referring to third countries not listed as "equivalent" in Reg. 1235/08. We avoid having an entire "equivalent standard" as CERES. Below, we basically refer to those points in which we handle things differently in third countries as compared to EU member countries. To have a complete picture of the "CERES equivalent standard for third countries", the present document must be seen in combination with Regulations (EC) 834/2007 and (EC) 889/2008, as well as the different organic certification policies published on the CERES website.</p>
6.2	Details of compliant vs. equivalent	In the following, we define the borderline between "compliant" and "equivalent".

834/07	889/08	Codex	Issue	Compliant	Equivalent
Art. 10			Prohibition of ionising radiation	At least in some member countries, ionizing radiation for detection of foreign particles in food is allowed (e.g. Germany)	CERES accepts equipment for detection of foreign particles in organic food, if the radiation limits defined in Directive 1999/2/EC, Art. 2(a) are not exceeded.
	Art. 7		Livestock species covered (scope)	Only the species mentioned here	Upon request, and after internal discussion, CERES offers certification also for other mammal species not listed here, e.g. camelids. Normally such species are raised under extensive systems, and therefore can be considered "equivalent" to herbivores such as sheep. Conditions for housing, maximum stocking density, etc. will be determined based on the size / weight of the respective animals. In case of specific technical questions coming up in relation to animal species not listed here, CERES will ask specialists for advice. When it comes to bird species such as quail, guinea fowl, and pigeons, CERES will apply the respective Bio-land guidelines, as published at http://www.bio-land.de/ueber-uns/richtlinien.html
	Art. 36 (2)(a)		Retroactive recognition of conversion period		See Policy 4.1.2

834/07	889/08	Codex	Issue	Compliant	Equivalent
Art. 12(1) (d)	Art. 45, Art. 48	Ann. 1.A (§ 8)	Use of conventional (untreated) seeds and potatoes in case of non-availability of organic material	Databases about organic seeds do not exist in third countries. CERES requires extensive investigation about availability of organic seeds or propagation material at a national and possibly even international level, before recognising the use of non-organic material as "compliant". For further details, see CERES Policy 4.1.17.	Please refer to Policy 4.1.17, Section 5.2
	Art. 45(2)	Ann. 1.A (§ 8)	Use of chemically treated seeds	Possible in EU Member states; in case there is a national law proscribing chemical seed disinfection due to phytosanitary reasons (see Council Directive 2000/29/EC). Not applicable to third countries.	Please refer to Policy 4.1.17, Section 5.1(h)
Art. 13	Art. 6a - 63	Not covered	Seaweed and micro-algae	(We do not offer this certification under a "compliant" scheme currently)	Please refer to Policy 4.1.14
	Art. 9 (4)		Non-organic adult male and nulliparous female mammals, for the renewal of a herd or flock	Only under very specific conditions	CERES verifies the availability in the respective country. Case-to-case approval necessary.
	Art. 17 (3) b		Non-organic animals grazing on organic common land	Only under very specific conditions	Case by Case decision based on the principle that only animals from non-industrial management systems are eligible to graze on common organic land.
	Art. 13 (4), Art. 38 (5)	Ann. 1.B (§ 67)	Origin of bees-wax	Only certified organic or new wax only from the caps.	No difference. However, in countries where organic beekeeping is just starting, it may be impossible for beekeepers to replace their wax by organic wax, while it would last several years to build up a new wax stock using only the caps. In such cases: <ul style="list-style-type: none"> • Small beekeepers can apply in writing for a derogation for using conventional wax which is free of pesticide residues and paraffin. Evidence must be provided through laboratory testing • While larger companies are requested to search for sources of organic wax even outside the country.
Art. 19(3)			Ion exchangers, adsorber resins	Not defined	See Brief Info 3.2.25

834/07	889/08	Codex	Issue	Compliant	Equivalent
	889 Art. 34		Procedures for import of organic products	Certificates of inspection for each import	No such obligation for imports from other countries to third countries, but normally CERES requests transaction certificates also in such circumstances, to ensure the integrity of the product. The same applies for purchases from other operations inside the country when these suppliers are not certified by CERES. Products from recognised third countries (Reg. EC 1235/2008, Annex III), can be imported to other third countries, and then re-exported, or used as ingredients in organic products – provided the product is within the scope of Annex III.
	Ann. I		Alkaline extracts of humic acids	Listed in Reg. (EU) 2019/2164	See Policy 4.1.22
	Ann. I		Hydrolysed proteins from plant or animal origin	Listed in Reg. (EC) 354/2014	CERES allows hydrolysed proteins up to a maximum of 20% of the crop's total N demand – provided the producer makes sufficient efforts to maintain and increase soil organic matter and plant leguminous crops.
	Ann. I		Silicates, silicic acid	Not listed	Silicates and silicic acids may be used in small quantities as plant growth stimulants. Such substances are allowed e.g. in Germany as "plant growth promoters" in organic farming.
	Ann. II	Ann. 2, Table 2	Potassium permanganate as fungicide and bactericide	Only allowed for fruit trees, olive trees and vines	"Fruit trees" to include also bananas, although these are not really "trees".
	Ann. II	Not listed	Use of substances for crop protection: from agricultural origin, commonly used as food (e.g. vinegar, sugar); or allowed as food additives or processing aids per Annex VIII.	Now allowed per the new Annex II (Reg. EU 2016/673)	Allowed Among others, CERES considers that grapefruit (and other citrus) seed extracts belong to this category. Such extracts are used for different purposes in crop protection. Unintentionally, grapefruit seeds often end up in food, and can therefore be considered as allowed under this clause.
	Ann. II	Table 2 (III)	Microorganisms for pest control	Products as specified in the Annex to Implementing Regulation (EU) No 540/2011. This annex is limited to particular strains of certain microorganisms.	Also, other strains may be used if they are approved by national authorities in the respective country or multiplied at farm level. Conditions of use described in the national authorisation of the specific third country must be in line with the conditions of use in the EU. Exceptions: <ul style="list-style-type: none"> • Pathogens that (intentionally or not) affect vertebrate animals • Entomopathogenic microorganism having a very broad spectrum of hosts and posing a high risk to beneficial insects. • Microorganisms that might leave residues in the final product.
	Ann. II	Table 2 (V)	Pheromones	Products as specified in the Annex to Implementing Regulation (EU) No	Also, other types of pheromones, against Lepidoptera and other insect taxa, can be used. Use is limited to traps and dispensers.

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				540/2011. This annex is limited to particular pheromones against Lepidoptera pests	
	Ann. VIII B	Ann. 2, Table 4	Positive list of allowed processing aids	Use of K ₂ CO ₃ is restricted to "drying of grapes".	Annex VIII lists sodium carbonate without any restrictions. Potassium carbonate and sodium carbonate can be used as substitutes. There is no logical reason for not allowing potassium carbonate in the same way. Potassium and sodium are similar cations, but modern processed food contains too much sodium. Therefore, substituting sodium by potassium is rather beneficial for consumers.
	Ann. VIII B	Ann. 2, Table 4	Positive list of allowed processing aids	Tannic acid	CERES allows the use of plants containing tannic acids, provided that: <ul style="list-style-type: none"> a. The species is not toxic b. The plant is not contained in the final product c. There is no risk of pesticide contamination through the plant
Art. 28	Art. 65 (1)		At least once a year a physical inspection of all operators	Producer group certification based on internal control systems cannot be considered compliant.	See Policy 4.1.3 on group certification
	Art. 91 (1)		Description of procedure for operators who "suspect" their product not to be compliant		When we find that for certain crops or for certain types of operations in certain countries, there is a generalised lack of will or lack of capacity to co-operate with the certification body for assuring compliance with the Regulation, we will not accept applications for organic (equivalent) certification of that crop or type of operation.
-	Art. 26 (2)(a)	-	Substances for pest control and disinfection in post-harvest handling and processing	(Clear provisions for this area are missing in Reg. (EC) 889/2008. This has always been a gap in the Regulation.)	<p><u>Use on, or in contact with, organic products:</u></p> <ul style="list-style-type: none"> a. When it comes to storage pest or disease control, substances, which are listed in Annex II and approved for storage pest control either in Reg. (EU) 540/2011, or by member states, can be used. For the moment, based on approval by the German competent authority (https://apps2.bvl.bund.de/psm/jsp/index.jsp), this applies to CO₂ (fumigation), pyrethrin, kieselgur, and quartz sand only. Also grapefruit seed extracts (see above) may be used for this purpose. If other member states approve other substances from Annex II for the same purpose, these can as well be considered as equivalent. b. When it comes to biocides or disinfectants used on or in organic products, we consider that only substances from Annex VIII may be used. Annex VIII includes several substances classified in Reg. (EU) 528/2012 as "biocides" (e.g. ascorbic acid, acetic acid, tartaric

834/07	889/08	Codex	Issue	Compliant	Equivalent
					<p>acid, lactic acid). Therefore, we conclude that substances not listed here (or considered equivalent to Annex VIII), may not be used for washing, cleaning, disinfecting or preserving organic products. Water must comply, as a minimum, with drinking water requirements in the country of production, also in what refers to chlorine concentration. Ozone may be used for making water potable, because this is a treatment of the water, not of the organic product.</p> <p>II. <u>Use on contact surfaces or in rooms:</u></p> <p>a. In what refers to pest control, please see our Policy 4.1.12.</p> <p>b. When it comes to food contact surfaces, general EU legislation as laid down in Regulation (EC) 1935/2004 applies. The operator must ensure that cleaning agents, detergents and disinfectants are rinsed with clear water, or otherwise removed, so that they do not constitute a source of contamination. This applies e.g. to quaternary ammonium compounds (QACs). In case of doubt, the organic product must be tested for residues.</p> <p>c. When it comes to cleaning or disinfection of rooms in the absence of organic products, general provisions of good manufacturing practice apply, as laid down e.g. in ISO 22000, BRC or IFS standards.</p>