ORGANIC FARMING
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U.S. – European Union Organic Equivalence Arrangement
Frequently Asked Questions and Answers

The EU has an "equivalence arrangement" with the U.S. What does this mean?

The EU and U.S. have recognised each other's organic production rules and control systems as equivalent under their respective rules*. This type of recognition is also referred to as an "equivalence arrangement".

It means that organic products certified to the USDA organic or European Union (EU) organic standards may be sold and labelled as organic in both the U.S. and the EU. As long as the operation is certified by a USDA-accredited certifying agent or an EU Member State recognised control body or control authority, this recognition eliminates the need for EU organic operators to have a separate certification to the U.S. standards and vice versa.

Does the EU accept the USDA organic seal? Does the U.S. accept the EU organic logo?

Yes. As a result of the recognition of the U.S. organic legislation as equivalent under the EU rules and the recognition of the EU organic legislation as equivalent under the U.S. rules both the EU organic logo and the USDA organic seal may be used on products traded under the arrangement. When using the other country's logos, the exported products must meet all labelling requirements applicable in the destination country.

When does this equivalence arrangement take effect? Is there a transition period for its implementation?

The equivalence arrangement will take effect on 1 June 2012**. There is no further transition period foreseen.

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*) In the EU, these rules are set out in Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1–23) and Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1–84)

**) Regulation (EU) 126/2012 of 14 February 2012 amending Regulation (EC) No 889/2008 as regards documentary evidence and amending Regulation (EC) No 1235/2008 as regards the arrangements for imports of organic products from the United States of America. (O.J. L 41, 15.02.2012, p. 5) which includes the United States in the list set out in Annex III of Regulation (EC) 1235/2008 starts to apply as of 1 June 2012

What is the scope of the equivalence arrangement?

The arrangement is limited to organic products of EU or U.S. origin. This includes products that have been either (1) produced within the U.S. or EU or (2) products whose final processing or packaging occurs within the U.S. or EU. Products processed or packaged in the U.S. or EU that contain organic ingredients from foreign sources that have been legally imported as organic into the U.S. or into the EU are also covered by the arrangement.

Only products from aquaculture were specifically excluded from the scope of the arrangement.

The equivalence arrangement was finalised before the EU had finalised its organic wine rules. For that reason the EU and the U.S. will assess each others' organic wine standards in the coming months and determine how EU and U.S. organic wines may fit into the equivalency arrangement. In the interim, organic wine exports must respect the winemaking and labelling rules of the destination market. The organic winemaker's control body will be able to certify that they meet these obligations, without the need to obtain separate certifications.

How does the equivalence arrangement contribute to cut costs and administrative burden for organic operators?

For operators who wish to sell organic products both in the EU and the U.S., it will no longer be necessary to pay for two separate certifications and abide by two separate organic production standards. Each operator's control body or control authority on either side of the Atlantic will be able to provide the certificates necessary for placing the organic products on the market in the EU and the U.S.

In the past, the cost for an EU control body to be accredited by the USDA was on average $10,000 per year - an expenditure the control body would pass on to the operators it certified for export to the U.S..

What are the next steps that the U.S. and EU will take to implement the arrangement?

The U.S. (USDA National Organic Program) and EU (European Commission) will conduct regular assessments of each other’s organic regulatory system to ensure that the terms of the equivalency recognition are being met.

They will also exchange information on organic production strategies on animal welfare, alternatives to antibiotics and mitigating the adventitious presence of GMOs. Following these assessments and discussions, U.S. and EU will review the arrangement. They will also evaluate whether import certificates can be replaced by electronic certificates or whether they can be eliminated in the future.
In addition to facilitating trade between the two largest organic markets in the world, this unique partnership between the EU and U.S. will include collaboration to promote organic agriculture and protect organic integrity. Both programs will share technical information and best practices on an ongoing basis to further enhance the integrity of organic crops and livestock production systems. They will also seek common practices for the assessment and recognition of other countries to facilitate new trade opportunities.

What requirements must EU organic operators meet for products being shipped to the U.S. from 1 June 2012?

1. Agricultural products derived from animals treated with antibiotics shall not be marketed as organic in the United States. For animal products, the control body or control authority will have to provide the complementary documentary evidence foreseen in Annex XIIa of Regulation (EC) No 889/2008 upon request.
2. The possibility to request the complementary evidence is limited to organic products of the EU, either produced within the EU or where the final processing or packaging occurs within the EU.

What requirements must U.S. producers and handlers meet for products being shipped to the EU from 1 June 2012?

1. Crops produced using antibiotics (streptomycin for fire blight control in apples and pears) must not be shipped to the EU under the arrangement. For apple and pears, the U.S. certifying agent will have to provide additional certification that no antibiotics have been used.
2. This arrangement is limited to organic products of the U.S., either produced within the U.S. or where the final processing or packaging occurs within the U.S.

What happens if an organic operator or control body or control authority violates the applicable legislation?
Significant non-compliances will be reported to both countries and appropriate enforcement actions may be pursued under the respective countries' regulations. For example, antibiotics may not be used to produce any products traded under the equivalency arrangement. Therefore, any use of these substances (e.g. tetracycline or streptomycin) for products exported to the U.S. or the EU would be a violation of the applicable legislation and warrant enforcement action.

The EU does not have a labelling category "made with organic…" like the U.S. does. How do U.S. operations label products in this 70-95% category for EU sale?
For products containing less than 95% organic ingredients, the reference to organic may only appear in the list of ingredients. For more information on labelling, please see the EU organic regulations, available at: http://ec.europa.eu/agriculture/organic/eu-policy/legislation_en#regulation

The EU does not have a "100% organic" labelling category like the U.S. does. How do U.S. operations label "100% organic" products for the EU sale?
These products—and any product above 95% organic ingredients—could be labelled "organic."

Can EU operators use the USDA organic seal on products shipped to the U.S.?
Yes, operators can use the USDA organic seal in accordance with U.S. regulations.

Can U.S. operator use the EU organic logo on products being shipped to the EU?
Yes, operators can use the EU organic logo in accordance with EU regulations.

What documentation is required for organic products traded between the EU and U.S.?
All products traded under the partnership must be accompanied by an organic import certificate. This document must travel with products shipped from the U.S to the EU (and vice versa) under the equivalency arrangement.

Import certificates are included in the arrangement in order to verify that the organic product complies with the terms of the arrangement. Import certificates are utilized by U.S. and EU port of entry officials and control bodies and control authorities to verify compliance with the applicable legislation.

What is required to ship EU organic products to the U.S.?

First, the requirements fixed by the EU legislation and in particular Regulation (EU) No 1235/2008 as amended by Regulation 126/2012*** must be met. This includes a prohibition on the use of antibiotics in organic livestock production. Second, organic products must travel with a U.S. import certificate, which must be signed by an EU control body or control authority. The list of control bodies and control authorities is available at http://ec.europa.eu/agriculture/organic/files/consumer-confidence/inspection-certification/EU_control_bodies_authorities_en.pdf. Fore more detailed information, please see the National Organic Program's webpage on how to access the U.S. market

How do EU operators obtain a U.S. import certificate?

EU operators should inform their control body or control authority that they wish to ship products to the U.S. The control body will provide a certificate of inspection for import into the U.S. following the procedures applicable for the issuance of such certificates. For more information on the U.S. Import Certificate, please visit the U.S. National Organic Program's website.

What is required to ship U.S. organic products to the EU?

First, the terms of the U.S. National Organic Program must be met. This includes a prohibition on the use of antibiotics in U.S. crops (specifically, the use of streptomycin for fire blight control in apples and pears). Second, organic products must travel with an EU import certificate, which must be signed by an U.S. certifying agent. The list of USDA-accredited certifying agents authorised to issue EU import certificates is available at www.ams.usda.gov/NOPACAs. See also the U.S. National Organic Program's webpage on accessing the European Union Organic Market.

***) see footnote **

I am a control body based in the EU, and all of my clients are in the EU. Do I need to maintain my direct accreditation to the USDA organic standards?
No. However, if the EU control body certifies operators that are located outside the EU Member States, then the control body should maintain its direct accreditation with the USDA/NOP if products are to be marketed or sold in the U.S.

I am a control body based in the EU, but I have clients based in South America, Europe, or Asia. If I wish to continue to certify them to the USDA organic regulations, do I need to maintain my accreditation with the NOP?
Yes. You must maintain your accreditation with the NOP in order to certify operators based outside the European Union to the USDA organic regulations.

I am a certifying body based in a South American country. May I certify operators producing organic to the USDA organic regulations for direct shipment to EU?
No. Only products that were produced in the U.S. or products with respect to which the final processing/packaging was conducted within the U.S. can be shipped to the EU.