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Customer Newsletter

bio.inspecta AG

International Division (I/2009)

Dear Customer,

The bio.inspecta International Division would like to inform you of important legal changes for 2009.

Among the services offered by bio.inspecta, those most frequently requested by customers outside of Switzerland are inspections and certifications in accordance with the EU Organic Regulation. This regulation is the legal basis for imports into the European Union.

For our foreign customers we will therefore outline changes to the EU Organic Regulation below. In late 2007, the new regulation, Council Regulation (EC) No 834/2007, which repeals the former EU Organic Regulation, was adopted. It will come into force on 1 January 2009.

The detailed rules setting out how to implement the new EU Organic Regulation were only adopted very recently, in September 2008, with Commission Regulation (EC) No 889/2008. In December, Commission Regulation (EC) No 1235/2008 was published, adding new rules for imports.

Please be advised that the official text of the Regulation will always be the decisive document and that this newsletter can not give legally binding advice. We will be happy to answer more detailed questions on the new regulations at any time.

At the end of this newsletter you will find, as an aid, a list of links to sources for the original texts of the regulations and standards.

The new EU Organic Regulation

Important changes

Extension of scope

(Art. 1, Reg. 834/2007)

The scope of the EU Organic Regulation now also includes rules on yeast, wine production, pet food, seaweed and aquaculture. However, detailed rules have not yet been included in the implementation regulation for most of these areas. Shortly before the editorial deadline the requirements for the production of organic yeast were included by way of the amending Regulation (EC) No 1254/2008.

Uniform certificates

(Annex XII, Reg. 889/2008)

EU Organic Certificates issued from inspection year 2009 onwards must conform to a uniform model certificate. On account of the new mandatory statements to be included, bio.inspecta will issue its EU certificates separately from other certification services from now on.

Confirmation of freedom from GMOs (Vendor declaration)

(Art. 69 and Annex XIII, Reg. 889/2008)

For all non-organic ingredients used in food processing operators must obtain confirmation (vendor declarations) that the products have not been produced from or by GMOs.

This requirement applies to permitted substances in accordance with the positive lists of Annex VIII, Reg. 889/2008 and Annex IX, Reg. 889/2008.

The vendor declaration confirming freedom from GMOs has to conform to a new model including mandatory statements.

Transport

Transports of bulk organic products

(Art. 31, Reg. 889/2008)

Mandatory sealing and authorization of transports of bulk organic products will be abolished with the coming into force of the new regulation from 1 January 2009. The prerequisite for the abolition is that both the sender and the recipient of the goods are subject to the inspection arrangements. Complete accompanying documents must be kept available for inspection as documentary evidence of transports.

Group shipments

(Art. 30, Reg. 889/2008)

Mandatory authorization of group shipments by the inspection body has also been abolished. Group shipments must be documented by the operators involved. That documentation will be checked for completeness during the annual inspection.

Labelling

New rules on labelling

(Art. 23, Reg. 834/2007)

The present 70% - 95% rule of the old Reg. 2092/91, Art. 5a has been abolished. This rule has been replaced with the possibility of indications in the list of ingredients.

Organic labelling of individual ingredients in the list of ingredients

(Art. 23, (4) c, Reg. 834/2007)

Individual organic ingredients can be so indicated in the list of ingredients without there having to be a minimum proportion of organic ingredients. However, the list of ingredients must also include an indication of the total percentage of organic ingredients in proportion to the total quantity of ingredients of agricultural origin (excluding water and salt).

The indication of individual ingredients is subject to the positive lists of Annex VIII, Reg. 889/2008 listing the permitted additives and processing aids.

Organic labelling of individual ingredients even where products are prominently labelled organic

Even where a product is labelled organic in the sales description (organic ...) and exclusively contains organic ingredients, these ingredients must be individually indicated as being organic in the list of ingredients ("asterisk mark").

Deadline for using up stocks of packaging material

(Art. 95, Reg. 889/2008)

Remaining stocks of packaging material in accordance with Reg. 2092/91 may continue to be used up until 1 January 2012.

System for calculating the percentage of organic ingredients of food

(Art. 27 (2), Reg. 889/2008)

For the purpose of calculating the permitted 5% non-organic ingredients, the calculation must include, in addition to the ingredients in accordance with the positive list in Annex IX of Reg. 889/2008 (permitted non-organic ingredients of agricultural origin), the substances listed in Annex VIII of Reg. 889/2008 and marked with an asterisk (e.g. pectin, lecithin, guar gum etc.).

Labelling of in-conversion products

(Art. 62, Reg. 889/2008)

A new mandatory indication for the labelling of in-conversion products of agricultural origin has been introduced. This indication reads "product under conversion to organic farming".

Community organic production logo

(Art. 25, Reg. 834/2007)

The Community logo can only be used in the case of products containing at least 95% organic ingredients of agricultural origin.

The Community logo can not be used in the case of in-conversion products.

Introduction of the new Community logo

(Reg. 967/08)

After the first draft of a new Community organic production logo was rejected, compulsory use of the Community logo was postponed to 1 July 2010. The EU Commission has launched a design competition for the new logo.

Compulsory indications in connection with the new Community logo

(Art. 24, Reg. 834/2007)

From 1 July 2010 further labelling elements in the immediate visual field of the new Community logo will become compulsory. These include the code number of the inspection body and an indication of geographical origin (EU Agriculture, non-EU Agriculture, EU/non-EU Agriculture).

The use of the Community logo is optional for products imported from third countries. However, where the Community logo is used, the indications referred to above must also appear in the labelling.

The use of additional national or private logos continues to be permitted.

Agriculture

Plant production

Hydroponic production

(Art. 4, Reg. 889/2008)

Hydroponic production, where the plants root exclusively in a mineral nutrient solution or an inert medium such as perlite, gravel or rockwool to which a nutrient solution is added, is prohibited.

Use of non-organic seed or vegetative propagating material

(Art. 45, Reg. 889/2008)

If organic seed or vegetative propagating material is not available in sufficient organic quality, in-conversion seed or vegetative propagating material may be used. The use of in-conversion seed no longer requires a derogation from the inspection body.

The authorities in charge/inspection bodies may under certain circumstances allow the use of untreated (non-dressed) seed and vegetative propagating material, provided proof of the non-availability of organic or in-conversion seed or vegetative propagating material has been furnished.

Fertilizer use and plant protection

(Art. 3.1, Art. 5.1, Reg. 889/2008)

Permitted fertilizers and soil conditioners (Annex I) as well as permitted plant protection products (Annex II) can be used without the need for their use having to be recognized by the inspection body.

However, a precondition to the use of these substances is detailed recording of usage (reason, date of use, type and quantity used, application method). We will be happy to provide you with the relevant record sheets for documenting the use of fertilizers and plant protection products.

Thermal processes for plant protection

(Art. 12, 1d, Reg. 834/2007)

In plant production, thermal processes are permitted as plant protection methods.

Storage

Mandatory cleaning of storage facilities

(Art. 35, 4c, Reg. 889/2008)

In cases where operators handle non-organic products prior to storing organic products, the storage facilities must be cleaned and the effectiveness of the cleaning measures must be checked and documented.

Livestock production

We will provide separate information on this issue upon request.

New rules for imports into the EU

Different import procedures

(Art. 32 and 33, Reg. 834/2007; Reg. 1235/2008)

In its general rules the new EU Organic Regulation differentiates three import procedures.

Apart from the existing process of third country approval (third country list) there are to be two additional processes in the future for the importation of "compliant" and "equivalent" organic products.

The detailed rules for carrying out imports were adopted in early December 2008 with the new implementation rules for imports of organic products from third countries (Commission Regulation (EC) No 1235/2008) and these will come into effect on 1 January 2009.

Until the new implementation rules are fully operational, especially with regard to the publication of the list of inspection bodies for the "compliant" and "equivalent" processes, the old rules will remain in force. Until further notice, marketing authorizations and individual authorizations for imports from third countries (except for countries on the third country list) must continue to be obtained from the competent national authorities. This is not expected to change within the coming three years.

List of third countries

(Annex III, Reg. 1235/2008)

The current third country list was adopted unamended. This notwithstanding, simplified procedures apply to imports into the EU from the following countries: Argentina, Australia, Costa Rica, India, Israel, Switzerland, New Zealand. Preconditions for this procedure are the specific requirements regarding product categories, origin, production standards, and certification by listed, authorized inspection bodies.

Further detailed information on imports and exports of organic products into and from Switzerland can be obtained from the Swiss Federal Office for Agriculture (FOAG) at:

www.blw.admin.ch > Topics > Ein- und Ausfuhr > Biologische Produkte (in German)

We will be happy to assist you with any queries you may have regarding rules on imports and exports.

Comings and goings at the International Division

Changes in the bio.inspecta International Team:

Head of Division: Heike Renner (M.Sc. Organic Food, Dipl. oec. troph.)

In August 2008 Heike Renner joined bio.inspecta. Following her position as deputy director of the *Prüfverein Verarbeitung e.V.* inspection body in Germany, she took over from Ralph Langholz as Head of Division.

Deputy Head of Division: Martina Rösch (Dipl.-Ing. sc. agr.)

Martina Rösch joined the International Team in July 2008. Thanks to her years of experience in the area of international audits and accreditation of seed laboratories she was able to swiftly and competently familiarize herself with her new tasks.

Staff: Ralph Langholz (M.Sc. Int. agr. Science)

Due to parenthood and parental leave Ralph Langholz reduced his work time from September and left his position as Head of Division. We are

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delighted that he will continue to support the team which will benefit from his years of accumulated experience.

Staff: Monika Zimmermeier (Dipl.-Ing. agr.)

Following her longstanding involvement, Monika Zimmermeier will leave the team in January 2009 in order to pursue a new career path. We would like to take this opportunity to express our gratitude for her committed work.

Staff: Simon von Arx (Administration)

Since October 2008 Simon von Arx took over the work of the Secretary International from Maria Scheidegger-Zaccardo who went in maternity leave.

Biofach 2009 - World Organic Trade Fair

Biofach 2009 from 19 to 22 February 2009 in Nuremberg (Germany)

bio.inspecta AG will be represented at the Biofach 2009 World Organic Trade Fair at a joint stand with its partners SQS and the Austrian inspection body Austria Bio Garantie (ABG).

We will be delighted to welcome you at our stand No 1-110. Do look us up in Hall 1.

Texts of the Organic Regulation

EU Organic Regulation

The original texts of the Regulation can be viewed and downloaded in all EU languages from the following links.

EU Law Portal: EUR-Lex

<http://eur-lex.europa.eu/>

Official European Commission website on organic farming

http://ec.europa.eu/agriculture/organic/splash_en

Swiss Ordinance on Organic Farming

The texts of the Swiss Ordinance on Organic Farming (in German, French and Italian) can be found at:

http://www.admin.ch/ch/d/sr/c910_18.html

SR 910.18

http://www.admin.ch/ch/d/sr/c910_181.html

SR 910.181 of the DEA

Bio Suisse

Bio Suisse Standards and Instructions

<http://www.bio-suisse.ch/en/library/standardsdirectives.php>

Bio Suisse import requirements

<http://www.bio-suisse.ch/en/im-export.php>

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