

PROCEDURE FOR EQUIVALENCY RECOGNITION AND CONFORMITY ASSESSMENT RECOGNITION WITH TRADING PARTNER COUNTRIES

1. Scope

These procedures shall apply to the process of equivalency recognition, and conformity assessment for accreditation of organic certification bodies between the National Programme for Organic Production (NPOP) of India and the organic regulations of foreign countries. This includes the certification of organic agricultural production, processing systems, and related products.

2. Procedure for Equivalency Determination Request and Conformity Assessment

A. Application for Equivalency and Conformity Assessment Recognition

A foreign government's competent authority or accreditation body, seeking equivalency determination or conformity assessment with the NPOP, shall send a formal request letter on the official letterhead of the foreign Government's Competent Authority to:

The Chairman

Agricultural and Processed Food Products Export Development Authority (APEDA)

NCUI Building, 3 Siri Institutional Area, August Kranti Marg New Delhi-110016

Email: chairman@apeda.gov.in

The formal request letter shall be signed by the Departmental head of the applicant Authority. The language of the application shall be English.

The application shall include the following information:

- 1) The competent authority's contact person(s) and contact information.
- 2) The legal basis for the foreign government's technical requirement(s), and -
conformity assessment system.

- 3) The scope of the requested determination (eg. All agricultural products, livestock products, crop products).
- 4) A detailed side-by-side comparison between the foreign government's technical requirements and those set forth in the NPOP organic regulations.
- 5) Detailed documentation supporting the foreign government's position, where the technical requirements differ, its technical requirements meet or exceed the NPOP organic regulations, and
- 6) Detailed documentation explaining the foreign government's conformity assessment program:
 - a. The documentation should address the conformity assessment program's:
 - i. Legal authority
 - ii. Documented specifications or procedures; and
 - iii. Compliance and enforcement process and procedures.
 - b. The documentation shall also demonstrate the foreign government's ability to:
 - i. Identify and evaluate the degree of non-compliance related to the technical requirements.
 - ii. Investigate non-compliances to determine what corrective or enforcement action are necessary.
 - iii. Issue corrective or enforcement actions in cases of violations.
 - iv. Monitor implementation/ closure of corrective or enforcement actions; and
 - v. Accurately and in a timely manner communicate with its regulated entities.

B. Review of the request of the foreign government for equivalency and conformity assessment recognition

- i. APEDA shall examine the documentation for completeness of the application and inform the applicant in case additional information is required.

ii. Once the application is complete along with the supporting documents, APEDA shall conduct a detailed document review to evaluate compliance of the foreign country's standards with NPOP regulation for the purpose of establishing an equivalency arrangement or conformity assessment.

3. Procedure for standards comparison

The applicant country shall fill out the comparative table in accordance with the following instructions:

S. No.	Item	Standard of NPOP	Equivalent Provision of Applicant Country	Assessment	Remarks, if any.
				<input type="checkbox"/> Equivalent <input type="checkbox"/> Not Equivalent <input type="checkbox"/> Additional <input type="checkbox"/> Omitted <input type="checkbox"/> Undecided	

Instructions:

- a) For "Equivalency Recognition Standards", use published document of National Programme for Organic Production of India chapter-wise and clause wise and compare with the corresponding clause in the regulation of the applicant country.
- b) For "Equivalency Recognition Standards (Applicant Country)", use the latest Acts and subordinate Statutes of the applicant country.
- c) For "Assessment", may tick the applicable option and provide additional comments (if required) under remarks.

4. Determination of the equivalency and/or conformity assessment recognition

- i. Upon completion of the desk review and determination of compliance of both the regulations, APEDA will constitute an audit team comprising of members from APEDA and FSSAI to conduct an onsite audit of the applicant authority of the foreign government, their certification bodies and certified operators to verify the compliance of the conformity assessment system to that of NPOP for equivalency recognition.

- ii. Observations of the onsite audit and draft report/outcome of the audit are communicated to the trading partner.
- iii. The NAB will review the compliance report. Thereafter, APEDA will notify the findings of the onsite audit to the applicant authority of the foreign government
- iv. The applicant authority shall be provided with a period of 60 days to submit their responses to APEDA's findings for determination of the recognition agreement.
- v. After finalization of the onsite audit report, the same shall be placed before the NAB.
- vi. In case NAB is of the view that restriction or conditions for equivalency recognition are deemed necessary after the verification process, APEDA will inform the applicant authority regarding the restriction/ conditions required for the recognition agreement.
- vii. Following approval of the NAB, the text of Mutual Recognition Agreement shall be finalized and intimated to Department of Commerce (DoC) for concurrence and for obtaining political clearance of MEA.
- viii. Chairman APEDA will communicate the equivalency determination of NPOP to the foreign government by letter.

The letter will recognize the foreign system and will include, at a minimum, the following:

- a. The scope of agricultural products covered under the determination;
- b. The obligation to notify APEDA of any changes in the technical requirements and/or conformity assessment system that may affect the original determination of equivalence;
- c. The obligation to provide APEDA with information regarding corrective or enforcement actions imposed on certifying agents by competent authority,
- d. The obligation to cooperate with APEDA to the extent possible, when notified in advance, with any NPOP inspections and audits' and
- e. In the case of a limited equivalence determination, the obligation to adhere to any limitations or restrictions regarding the use of certain methods,

procedures, processes, or substances in products to be sold, labelled, or represented as organic in India.

- ix. The equivalence determination may include additional obligations on a case-by-case basis.
- x. APEDA may discuss with the applicant foreign government authorities on the following issues:
 - a. Fulfilment of obligations by the governments of the two countries as specified in the equivalency agreement;
 - b. Modifications of the equivalency agreement, following the revision of the equivalency recognition standards of the two countries;
 - c. Other matters which are deemed necessary by APEDA and the foreign government authority that has signed an equivalency agreement.

5. Peer Evaluation for Continuance of the Recognition Agreement

Continuance of the recognition agreement will be based on the peer evaluation of the applicant authority of the foreign government, with prior intimation, to determine continued compliance with the scope and obligation of the recognition agreement. The frequency of the peer evaluation shall be determined during mutual agreement between the two countries.

6. Exemptions/exceptions in Equivalency Recognition Standards

Where any differences arise in respect of equivalency recognition standards during the course of equivalency verification, the relevant standards may be assessed as equivalent,

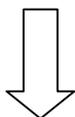
- i. Where a difference arises in a specific item of the equivalency recognition standards of NPOP set to maintain and conserve domestic agricultural conditions, in consideration of the characteristics of the domestic agricultural conditions, such as water, soil, husbandry practices, and use of some inputs, additives or processing aids.

- ii. The equivalency recognition standards of the applicant country correspond to the equivalency recognition standards generally adopted in the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods of the Codex Alimentarius Commission (CAC) or the standards of the European Commission and/or USDA.

STEPS FOR MUTUAL RECOGNITION AGREEMENT (MRA) WITH TRADING PARTNERS

Application for MRA

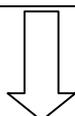
Mutual recognition of Organic System can be initiated from either side preferably simultaneously.
APEDA may initiate the process by applying to an importing country for mutual recognition of the organic system.
A country, seeking mutual recognition of its Organic System with India's National Program for Organic Productions (NPOP) applies to APEDA (Secretariat of NPOP).



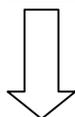
Desk assessment of documents and comparison of standards (within 90 days of receipt of the application).



Upon completion of the desk review and determination of the compliance of both the regulations, onsite audits are carried out by both the countries to verify the organic system. The onsite audit can be initiated by any of the negotiating countries.



Observations of the onsite audit and draft report/outcome of the audit are communicated to the trading partner. (within sixty days of completion of the audit).



Trading partner country to provide comments **within 60 days of receipt of the onsite audit report.**

**Review
&
Assessment**

Finalization of the onsite audit report incorporating comments of the trading partner (30 days from receipt of the comments).



Corrective action on the observation of the onsite audit, follow up and compliance. (60 days from final report).



Placing the report before the National Accreditation Body (NAB India).

**Review
&
Assessment**



The Agreement Process

- The text for the Mutual Recognition Agreement (MRA) is mutually finalised.
- Intimation to the DoC for concurrence and political clearance from MEA.
- Official communication through the Embassy, exchange of approved letters & Memorandum of Understanding for mutual recognition.
- Signing of the MRA.



Implementation of the MRA

- Drafting of the notification procedures for initiation of trade based on MRA.
- Agreement on the procedures by both the trading partners.
- Notification of the procedures by both the trading partners for the commencement of commercial trade under the MRA.



Peer evaluation for continuance of the recognition agreement.

- Continuance of the recognition agreement will be based on the peer evaluation conducted by both the trading partners, with prior intimation, to determine continued compliance with the scope and obligation of the Recognition agreement.
- The frequency of the peer evaluation shall be determined through mutual agreement between the two countries.