



Australian Government

Australian Quarantine and Inspection Service

RECEIVED
02 JUN 2010

BY:

28 May 2010

To Certified organic operators

Re: Extension of the phase out period for ceasing the use of the current regulatory mark

A letter dated 12 April 2010 (**Attachment A**) was sent to approved certifying organisations informing them that the current regulatory mark (reproduced in that letter) is to cease being used on certified organic products for export manufactured on or before 30 October 2010.

AQIS has received several submissions from operators surrounding this notification. AQIS provides the following further information to address these concerns.

1. At the November 2009 Organic Industry Export Consultative Committee (OIECC) Agenda Item 3e – Regulatory Mark was presented to the committee for discussion on amending the design of the current regulatory mark. Extracts from the OIECC Minutes are provided in **Attachment B**. This mark should have been approved under the *Export Control (Prescribed Goods General) Orders 2005* and AQIS was given the action item to locate the Instrument of Approval for this regulatory mark.
2. A signed Instrument of Approval (**Attachment C**) was found dated 14 March 2003, which approved 'official marks' that were different from the regulatory mark currently used by operators.
3. As there is no Instrument of Approval for the regulatory mark currently used by operators, AQIS has determined, for the reasons set out in the letter to Approved Certifying Organisations, that it is appropriate to cease the use of the current regulatory mark and revoke the '2003 Rules for the Use of the Varying Marks' immediately. Further, as the current regulatory mark is not an official mark, but resembles an existing 'official mark', continued use of this mark may constitute an offence under section 14 of the *Export Control Act 1982*.
4. AQIS consulted with industry through the approved certifying organisations and obtained information regarding the number of certified operators using the mark, what market they were accessing and the range of products the mark was used on. The information provided to AQIS formed part of the decision to cease the use of the current regulatory mark.
5. AQIS appreciates that certified operators may have label stock already printed displaying the current regulatory mark and therefore has agreed to allow the use of the regulatory mark on certified organic product labels manufactured on or before 30 June 2011.
6. AQIS also intends to consult with the organic industry via the Organic Industry Standards and Certification Council (OISCC) to consider modifying the existing 'official mark' so that it may be used to replace the regulatory mark.

I trust this clarifies any concerns you may have.

Yours sincerely


Colin Hunter
General Manager - Food Exports
Biosecurity Services Group



Australian Government

Australian Quarantine and Inspection Service

12 April 2010

NASAA Certified Organic
P O Box 768
STIRLING SA 5152

Dear AQIS Approved Certifying Organisations and Operators

Cessation of the Use of the Regulatory Mark used for Certifying Organic Products for Export

It has been determined by AQIS that use of the voluntary regulatory mark for certifying organic products for export is to cease. This mark is reproduced below:



This decision means that the permission provided to approved certifying organisations in the *2007 Rules for Design and Procedure governing the AQIS regulatory mark for certified produce (Rules)* to use the above mark is revoked, as are the Rules.

The above decision was made on the basis that:

- (a) the regulatory mark is no longer being used by a majority of operators, and the Approved Certifying Organisations' own marks are becoming increasingly recognised by importing countries;
- (b) the term 'Australian Government Certified' may be misleading, as it incorrectly implies that products with the mark are being directly certified by the Australian Government;
- (c) the regulatory mark does not specify the product being certified (e.g. organic or biodynamic produce); and
- (d) under export control legislation, the mark is not expressly required to be applied to organic produce.

Approved Certifying Organisations are to advise those operators using the regulatory mark that no further printing of packaging and/or labels containing the mark is to be undertaken.

Further, as an authorised officer under the *Export Control Act 1982 (Cth)*, this letter constitutes written approval under order 3.11(1) of the *Export Control (Organic Produce Certification) Orders* to modify your QM system to remove any requirements in relation to the Rules or the application of the above mark.

AQIS is aware that operators may have already printed packaging and/or labels displaying the regulatory mark for use on stock. As such, in order to minimise loss to those operators, a phase-out period of existing packaging and labels will be implemented by AQIS. Accordingly, the use of existing packaging and labels displaying the regulatory mark must cease **on or before 30 October 2010**. No organic products are to be packaged and/or labelled with the regulatory mark after this date.

Yours sincerely


Colin Hunter
General Manager - Food Exports
Biosecurity Services Group

Attachment B

Extract from the OIECC 24th November 2009 Minutes

1. Agenda Item 3e – Regulatory Mark

Through the process of reviewing the current Organic Orders, it was identified that consultation was required to establish whether there was a need for the regulatory mark for organic products, and if so, whether the mark itself should be amended. It was explained that if the mark was deemed required and it was added to the revised legislation, it may need to be classified as an 'official mark'. As an official mark under the current Export Control (Prescribed Goods General) Order (PGGO), use of the mark would be mandatory and the use on pre-printed labels approved by AQIS. The current mark is believed to be approved under the old PGGOs through an Instrument of Approval. As this is no longer a mechanism for approval, a copy of this document needs to be obtained to verify which Schedule in the old PGGOs it was approved under.

Discussion by the committee included:

1. Can the mark be used on domestic product labels as well as export product labels?
 - This would save on cost of having to produce two labels.
2. If the mark becomes mandatory, does that include products exported under a conformity assessment arrangement where it is not a requirement of the importing country?
 - This could be addressed in the review of the legislation.
3. Is it possible to maintain status quo with an amended mark?
 - Need to see what article the Instrument of Approval was made under to see the conditions attached to it.
4. Would the mandatory use of the mark be an overload on labelling space and the need to review the food labelling section would be required?
 - As the approved certifying organisation logo / details are a requirement for labelling, dependant on the size of the product this may not fit on the packaging also.

The committee were in support of keeping the voluntary 'regulatory mark' as opposed to moving to a mandatory 'official mark'. The committee were not against an amendment to the mark, but the establishment of the origin of the Instrument of Approval need to be known before considering this any further. Suggested word change from 'Australian Government Certified' to 'Australian Government Accredited' was put forward.

Action	By when
AQIS to continue its search for the Instrument of Approval for the regulatory mark.	As soon as possible

Attachment C (3 pages)

Instrument of Approval

COMMONWEALTH OF AUSTRALIA
EXPORT CONTROL ACT 1982
PRESCRIBED GOODS GENERAL ORDERS

INSTRUMENT OF APPROVAL

I, STEPHEN BARRY BAILEY, as delegate of the Secretary, in pursuance of clause 1 (Design C) of Schedule 4 of the Prescribed Goods (General) Orders 1985, hereby approve the marks specified in the schedules to this instrument.

SCHEDULE

The design and use of a regulatory mark will be in accordance with the requirements detailed in "Rules of Procedure Governing the Use of Australian Regulatory Marks for Certified Organic, Bio-dynamic or In conversion Produce (dated 14 March 2003).

DATED THIS *fourteenth* DAY OF *March* 2003

Stephen Barry Bailey
STEPHEN BARRY BAILEY

National Manager

Food Inspection Operations

Australian Quarantine and Inspection Service

Department of Agriculture, Fisheries and Forestry

Position Number 16749

FMS 488
FMS 118



AQIS Organic Logo Revisions: 03.03.02

14/3

PHS 425

PHS 116

AQIS Organic Logo Revisions



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