

**Guidelines for equivalency recognition and Conformity Assessment
Recognition with trading partner countries**

1. Aim

These Guidelines provide policy and procedure for equivalency recognition or conformity assessment recognition between National Programme for Organic Production (NPOP) of India and foreign country organic regulation/standards and conformity assessment system for accreditation of organic certification bodies.

2. Definitions

The terms used in these Guidelines are defined as follows:

- i. "Equivalency recognition" means, the official recognition of the foreign country, organic regulation and standards as equivalent to National Programme for Organic Production (NPOP) of India based on the principle of reciprocity subject to verification of the relevant program;
- ii. "Conformity Assessment Recognition" for accreditation of organic certification bodies means the official recognition that specified requirements of the accreditation process and specified requirements relating to a product, process, system, person or body are fulfilled.
- iii. "Equivalency verification" means a series of activities of comparing equivalency of standards, procedure for accreditation, certification and surveillance between National Programme for organic production and foreign country organic regulation and control programme.
- iv. "Equivalency recognition standards" means legal and procedural requirements relating to the production, manufacture, processing, or handling of organic food, in compliance of the procedure and standards prescribed under National Programme for Organic Production.
- v. "Compliance evaluation system" means a series of activities taken up by the NAB of India and foreign government authority having jurisdiction over regulation and control of organic food to confirm the compliance of relevant standards of production, manufacture, processing or handling of organic food in respect of the two country regulations
- vi. "Restriction in equivalency recognition" means the conditions set by the National Accreditation Body of NPOP, India in consultation with the government of an applicant country participating in the negotiation for equivalency recognition in order to restrict the equivalency recognition to the products satisfying the equivalency recognition standards of the National Programme for Organic Production, if some of the standards of the applicant country are different from those of the NPOP of India.

3. Scope

These Guidelines shall apply to the equivalency recognition, conformity assessment for accreditation of organic certification bodies between NPOP of India and foreign country organic regulations in respect of organic agricultural certification process and certification of organic agricultural production and processing process and products.

4. Procedure for Equivalence and Conformity Assessment Determination Request

A) Application for Equivalency and Conformity Assessment Recognition

A foreign government control authority or accreditation authority seeking equivalence determination or conformity assessment to NPOP shall send a formal request letter on 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 should be signed by the Department 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:
 - a. Legal authority
 - b. Documented specifications or procedures; and

- c. Compliance and enforcement process and procedures.
- b. The documentation shall be sufficient to demonstrate the foreign government's ability to:
 - a. Identify and evaluate the degree of non-compliance related to the technical requirements;
 - b. Investigate non-compliances to determine what corrective or enforcement action are necessary;
 - c. Issue corrective or enforcement actions in cases of violations;
 - d. Monitor implementation/ closure of corrective or enforcement actions; and
 - e. 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 determine the compliance of the foreign country's standards with NPOP regulation for determination of the equivalence arrangement or conformity assessment of accreditation procedures.

5. 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
				Equivalent (E)	Not Equivalent (N)	Additional (A)	Omitted (O)	Undecided (U)	

- (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", write "E," "N," "A," "O," or "U" in the applicable space provided.

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

- i. The application of the foreign government for equivalency and/or conformity assessment recognition and the document review conducted by APEDA will be placed before NAB for determination of the recognition agreement
- ii. 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.
- iii. APEDA will prepare the assessment report of the document review and the onsite audit and place it before NAB.
- iv. 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.
- v. The applicant authority shall be provided with 60 days time to submit their responses to APEDA's findings for determination of the recognition agreement.
- 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 on the restriction/ conditions required for the recognition agreement.

Following approval of the NAB, Chairman APEDA will communicate the equivalency determination of NPOP to the foreign government by letter.

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

- i. The scope of agricultural products covered under the determination;
- ii. 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;
- iii. The obligation to provide APEDA with information regarding corrective or enforcement actions imposed on certifying agents by competent authority;
- iv. The obligation to cooperate with APEDA to the extent possible, when notified in advance, with any NPOP inspections and audits' and
- v. 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.

The equivalence determination may include additional obligations on a case by case basis.

APEDA may discuss with the applicant foreign government authorities on the following issues:

- i. Fulfilment of obligations by the governments of the two countries specified in the equivalency agreement;
- ii. Modifications of the equivalency agreement, following the revision of the equivalency recognition standards of the two countries;
- iii. Other matters which are deemed necessary by APEDA and the foreign government authority that has signed an equivalency agreement;

7. Peer Evaluation for continuance of the Recognition Agreement

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

8. 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. 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