



CH – U.S. Organic Equivalency Arrangement Frequently Asked Questions and Answers

Character of this note: The wording of the Equivalency Arrangement U.S – CH ([link](#)) defines the scope and conditions of this Equivalency Arrangement. The character of this questions and answers is explanatory only. No rights can be derived from this note.

1. Switzerland has an “equivalency arrangement” with the U.S. What does this mean?

This means that organic products certified to the U.S. or Swiss organic standards and meeting the terms of the arrangement (see below) may be sold and labeled as organic in both countries. This arrangement eliminates the need for organic operators to have separate organic certification to both U.S. and Swiss standards, which avoids a double set of fees, inspections, and paperwork.

Prior to establishing this arrangement, officials from each country had the opportunity to conduct an extensive review of the other side’s organic production rules and control systems under their respective regulations¹. Through a series of meetings and the comprehensive site audits of both programs, officials on both sides were able to ensure that while some of National program rules and approaches are not identical, they achieve an equivalent level of compliance and maintain the high organic standards important to both programs. This type of recognition is referred to as an “equivalency arrangement.”

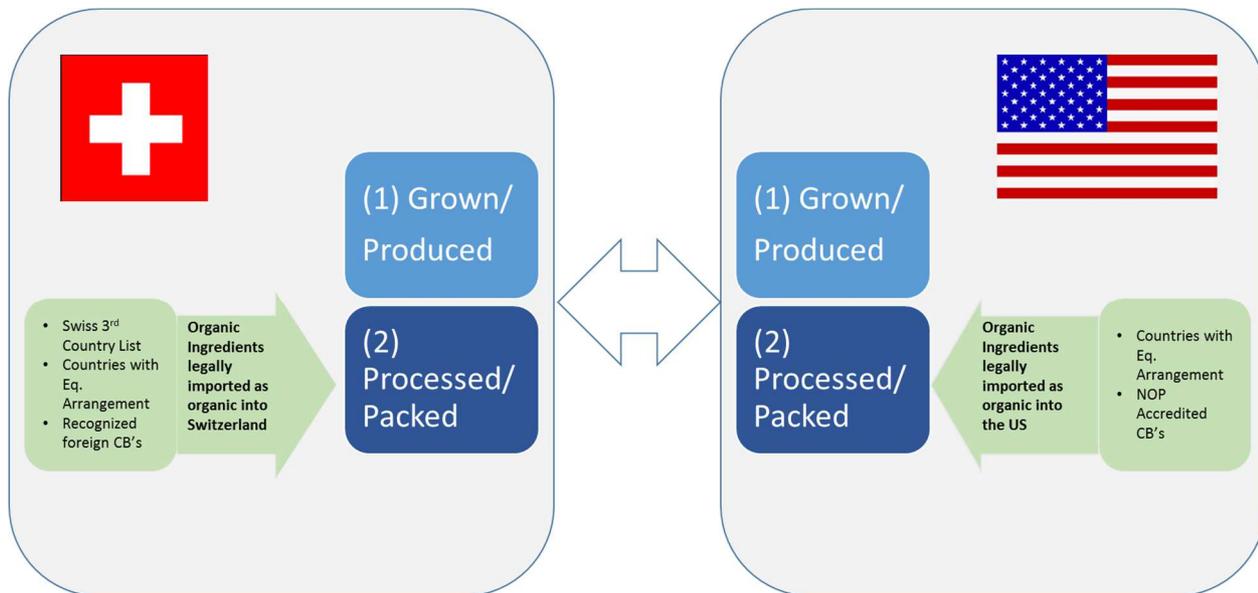
2. When does the equivalency arrangement take effect?

This equivalency arrangement, announced on July 9, 2015, becomes effective July 10, 2015. To ensure that organic equivalence is maintained, the USDA National Organic Program (NOP) and the Switzerland Federal Office of Agriculture (FOAG) will conduct regular assessments of each other’s organic certification systems.

¹ In the United States, all USDA organic standards, including prohibited practices, requirements, and the [National List of Allowed and Prohibited Materials](#) are set out within the U.S. Code of Federal Regulations, [7 CFR, Section 205](#). In Switzerland, organic ordinances, set out in the Swiss Ordinance on Organic Farming and the Labeling of Organically Produced Products and Foodstuffs (910.18) and Federal Department of Economic Affairs, Education and Research (EAER) Ordinance on Organic Farming of 22 September 1997 (910.181), can be found <http://bit.ly/FOAG-organic-farming>

3. What is the scope of the equivalency arrangement?

The arrangement is limited to organic products of Switzerland or the U.S. that have been either (1) grown or produced within the U.S. or in Switzerland or (2) that are products for which final processing or packaging occurred in the U.S. or in Switzerland. Products processed or packaged in the U.S. or Switzerland that contain organic ingredients from foreign sources that have been legally imported as organic into the U.S. or Switzerland are also covered by the arrangement (see chart).



Switzerland

The legal basis for the import of organic products to Switzerland is the [Swiss Organic Farming Ordinance](#), in particular Articles 22 to 24a and 26. The [Federal Department of Economic Affairs, Education and Research \(EAER\) Ordinance on Organic Farming](#) specifies in more detail the requirements of the Organic Farming Ordinance.

Switzerland recognizes the organic production rules and inspection systems that exist in a number of countries as being equivalent to those operating in Switzerland. These countries, the specifications and the respective products are listed in the Third Country List (see Annex 4 of the EAER Ordinance on Organic Farming).

The relations with some countries listed in the Third Country List are stronger, because Switzerland concluded reciprocal equivalency arrangements or agreements with these countries. The equivalency agreement with the EU is stated in Annex 9 of the *Bilateral Agreement between the EU and Switzerland on trade in agricultural products*, which was concluded in June 1999.

FOAG recognizes, on formal request, certification bodies and inspection authorities, if they can prove that the products in question meet the conditions laid down in Article 22 of the Organic Farming Ordinance. The list of recognized CBs (certification **bodies**) is regularly updated and published on the [FOAG-website](#).

United States

The US concluded reciprocal equivalency arrangements with a number of countries ([s. NOP homepage](#)).

In addition, around eighty certifying agents are USDA-accredited and authorized to certify operations to the USDA organic standards. Of these, more than half are based in the U.S. and around 30 are based in foreign countries (**Certifying Agents (CA) in other countries**). Most certifying agents are directly accredited by the USDA National Organic Program ([s. NOP homepage](#)).

4. Is organic wine covered by the Arrangement?

Organic wine exports must always follow the importing country's winemaking and labelling rules, which can include restrictions on substances and winemaking practices. The organic winemaker's control body will be able to certify that they meet these obligations without the need to obtain separate certifications.

5. Is organic aquaculture covered by the Arrangement?

The Swiss Organic Ordinances do not regulate aquaculture. Therefore organic aquaculture is not covered by the EA U.S. – CH. Organic aquaculture products can be sold in Switzerland as long as they are not misleading the consumer about the true nature of the product.

6. Does Switzerland accept the USDA organic seal? What is accepted in the U.S.?

The USDA organic seal may be used on products traded under the arrangement in the U.S. as well as in Switzerland. In Switzerland, where no official organic logo exists, additionally any other organic seal or logo can be used as long as it meets all the labelling requirements applicable in Switzerland.

The use of trademarks and private logos is not restricted by the Equivalency Arrangement.

7. Switzerland does not have a labeling category “made with organic...” like the U.S. does. How do the 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 refer to Art. 18 of the Swiss Organic Ordinance (SR 910.18).

8. Switzerland does not have a “100% organic” labelling category like the U.S. does. How do US operations label “100% organic” products for the EU sale?

These products – and any product above 95% organic ingredients – could be labelled “organic”.

9. What documentation is required for organic products traded between Switzerland and the U.S.?

All products traded under the partnership must be accompanied by an organic import certificate. The respective documents for imports to Switzerland ([Annex 9 of the EAER Ordinance on Organic Farming](#)) and to the US ([NOP Import Certificate](#)) must travel with products shipped from the U.S to Switzerland (and vice versa) under the equivalency arrangement.

10. What specific additional requirements must Swiss organic operators meet for organic animal products being shipped to the U.S.?

- Agricultural products or ingredients in organic products derived from animals treated with antibiotics shall not be marketed as organic in the United States. This means if a Swiss-authorized certification body wants to issue the NOP import certificate, it must ensure that the production of the operator's herd has been carried out without antibiotics.
1. The possibility to request the complementary evidence is limited to organic products of the CH, either produced within CH or where the final processing or packaging occurs within CH.

11. What are the consequences of this equivalency arrangement for a certification body based in Switzerland, whose clients are all located in Switzerland? Does it need to maintain its direct accreditation to the USDA organic standards?

No. However, if the Swiss control body certifies operators that are located outside Switzerland, 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.

12. What are the consequences of this equivalency arrangement for a certification body based in America, Europe, or Asia? If it wishes to continue to certify them to the USDA organic regulations, does it need to maintain its accreditation with the NOP?

Yes. The certification body must maintain its accreditation with the NOP in order to certify operators based outside Switzerland to the USDA organic regulations.

13. What are the consequences of this equivalency arrangement for a certification body based in a South American country? May it certify operators producing organic to the USDA organic regulations for direct shipment to Switzerland?

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 Switzerland.

14. 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, agricultural products derived from animals treated with antibiotics shall not be marketed as organic in the United States. Therefore, any use of antibiotics for animal products exported to the U.S. would be a violation of the applicable legislation and warrant enforcement action.