



Brussels, 5 April 2013
CG

EXPLANATORY NOTE TO SCOF DELEGATES

Subject: Update on the EU-Japan equivalence arrangements

1. BACKGROUND

Whilst the Japanese authorities recognise the EU organic production and control system as equivalent, they have so far required the Japanese organic logo to be affixed by the Japanese organic importer onto organic products imported from the EU. During the discussions with the Japanese competent authority in 2012, the objective was to ensure that EU operators could themselves in the future affix/print the Japanese organic logo onto packaged organic products. This required two steps from the Japanese authorities:

1. Accepting, in addition to EU governmental bodies, the certificates of EU semi-private and private Control Bodies designated by MAFF to guarantee the organic status of EU products and
2. Amending the technical criteria governing the requirements for certified Japanese importers

Furthermore, the recognition of the EU's equivalence by the Japanese authorities referred to individual Member States rather than the European Union, which needed to be corrected.

The Japanese competent authority had announced in 2012 that it would require EU operator and listed control bodies to complete a training programme on the requirements for affixing/printing the Japanese organic logo. During discussions with the Japanese authorities, the objective was to limit the burden linked to such training.

2. AMENDMENT OF MINISTERIAL ORDINANCE RECOGNISING THE EUROPEAN UNION AS EQUIVALENT

By Ministerial Ordinance No. 19 of 29 March 2013, the Japanese authorities have recognised directly the equivalence of the European Union with the Japanese Organic system and the names of individual Member States are replaced by "the Member States of the European Union" in the Enforcement Regulations for the Law Concerning Standardization and Proper Quality Labelling of Agricultural and Forestry Products (see Annex 1: Japanese Ministerial Ordinance No 19 of 29 March 2013).

3. LIST OF EU CBS/CAS ON THE JAPANESE MINISTRY'S WEBSITE

As discussed in the SCOF during meetings in 2012, the Japanese authorities agreed to accept, in addition to EU governmental bodies, the certificates of EU semi-private and private Control Bodies to guarantee the organic status of EU products. The list of CBs and CAs communicated by SCOF Delegates for listing in Japan have been consolidated by DG AGRI and transmitted to the Japanese Ministry MAFF, which has published the list in a bi-lingual document on its website: <http://www.maff.go.jp/j/press/syouan/hyoji/pdf/130329-01.pdf>

4. MODALITIES FOR EU OPERATORS TO AFFIX/PRINT THE JAPANESE ORGANIC LOGO

The Japanese Ministry MAFF has on 29 March 2013 published an amendment to the technical criteria governing the affixing of the Japanese organic logo which contains the requirements to be respected by EU operators exporting to Japan and their Japanese Importers (see Annex 2: Technical Criteria for certifying Importers as amended by revision No 975 dated 29 March 2013).

Contrary to the initially announced intention to require EU operators to complete an online training course, the Japanese competent authority announced during a videoconference held on 18 March 2013 that there would be no such obligation. Rather, EU operators, control bodies and control authorities would be informed of the requirements for affixing/printing the Japanese organic logo through three sets of documents: a contract between the EU Operator and the Japanese importer, a guidance document issued by MAFF relating to the obligations covered in such contracts and a frequently asked questions and answer document.

4.1. Contract between EU Operator and Japanese importer

A contract is required between the EU operator and the Japanese Importer in which the Japanese importer delegates the tasks related to affixing/printing the Japanese organic logo to the EU operator. MAFF has published an example of such contractual arrangements (see Annex 3: JP MAFF Contract example).

4.2. MAFF Guidance document

The Japanese Ministry also issued a guidance document which describes the obligations of the EU operator as regards affixing/printing the Japanese organic logo (see Annex 4: JP MAFF_20130321 Contents of curriculum). In discussions with the Japanese competent authority, we have sought to limit the administrative burden linked thereto such as the initially foreseen separate reporting requirements for EU operators. According to the revised version, the EU operator's invoice to the Japanese importer can fulfil the reporting requirements under certain conditions.

4.3. Frequently asked questions and answers on Japanese organic production and control system

The clarification questions received from SCOF Delegates in response to the email dated 14 March 2014 were raised with the Japanese competent authority. They are addressed in the attached very detailed Frequently Asked Questions and Answer in English (see Annex 5: JP MAFF Frequently asked questions and answers). As regards organic production outside Japan, so-called overseas production, please see in particular the replies to questions Q2-3, Q2-4 and Q4-1 to Q4-12.