United States
Trade Representative

United States
Department of Agriculture

February 15, 2012

Dacian Cioloş
Member of the European Commission
Rue de la Loi 200
B-1049 Brussels
Belgium

Dear Mr. Cioloş:

The United States Department of Agriculture (USDA), in coordination with the United States Trade Representative (USTR), has reviewed the European Union's (EU) organic system for agricultural products produced and handled in accordance with Council Regulation (EC) No 834/2007 and Commission Regulations (EC) No 889/2008 and 1235/2008. Based on that review, USDA has determined pursuant to the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. Sec. 6501 et seq.), under authority delegated to the Secretary of Agriculture by the President, that agricultural products produced and handled in accordance with the EU's organic system, as in effect on June 1, 2012, are produced and handled under an organic certification program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of OFPA.

Accordingly, except as provided in Appendix 1 to this letter, and subject to the conditions set forth in Appendix 2 to this letter, agricultural products produced and handled in conformity with the EU's organic system, as in effect on June 1, 2012, are deemed by USDA to have been produced and handled in accordance with the OFPA and USDA's organic regulations under the National Organic Program (NOP) (7 CFR part 205). These products may be sold, labeled, or represented in the United States as organically produced, including by display of the USDA organic seal as well as the EU organic logo.

The United States is also pleased to acknowledge the EU's recognition of the United States' organic system. USDA's Agricultural Marketing Service and Foreign Agricultural Service and USTR are committed to working with the European Commission's Directorate General for Agriculture and Rural Development to carry out the terms of the determination as described in this cover letter and Appendices 1 and 2 and the arrangement regarding an Organics Working Group described in Appendix 3.

Sincerely,

Kathleen Merrigan
Deputy Secretary
U.S. Department of Agriculture

Islam Siddiqui
Chief Agricultural Negotiator
Office of the U. S. Trade Representative

Appendix 1

USDA grants this equivalence determination with the following exceptions:

1. Agricultural products derived from animals treated with antibiotics cannot be marketed as organic in the United States.

2. Aquatic animals (*e.g.,* fish, shellfish) are not included within the scope of this determination.

3. This determination is limited to organic products certified under the EU organic system as described in this determination and either grown in the EU, produced in the EU, or where the final processing or packaging occurs in the EU.

Appendix 2

USDA grants this equivalence determination under the following conditions:

1. Organic products must be labeled according to the USDA's organic labeling requirements.

2. Each shipment of product classified as organic pursuant to this determination must be accompanied by a certificate from control bodies recognized or control authorities designated by an EU Member State that attests to compliance with the terms of this determination.

3. The European Commission Directorate General for Agriculture and Rural Development must notify USDA and USTR in a timely manner of any:

   a. Changes with respect to the control bodies and control authorities in the Member States of the European Union, as referred to in Article 35(b) of Council Regulation (EC) No 834/2007; or

   b. Proposed EU legislation that would modify any of the EU regulations referred to in this determination.

4. Following advance notice from the United States, the European Commission Directorate General for Agriculture and Rural Development must permit U.S. officials to conduct on site evaluations in the EU to verify that the competent authorities and certification bodies of the EU's organic system are carrying out the requirements of the organic system, including through visits to competent authority offices, certification body offices, production facilities, and farms that certification bodies have certified in the EU Member States. The Commission must cooperate and assist USDA, to the extent permitted, in carrying out such evaluations.

Appendix 3

1. The United States is committed to working with the EU in an Organics Working Group consisting of representatives of USDA and USTR on the U.S. side and representatives of the European Commission on the EU side.

2. The Organics Working Group is to meet at least once a year in any manner that the representatives of the United States and EU decide and may meet more frequently as decided by the United States and the EU.

3. The task of the Organics Working Group is to enhance regulatory and standards co-operation between the EU and the United States on issues related to organics. The Organics Working Group is to:

    a. evaluate the use of veterinary drugs in organic production;

    b. monitor conversion practices;

    c. implement import certification programs to facilitate trade and promote electronic certification programs;

    d. establish cooperation arrangements on recognition of new third country arrangements;

    e. initiate a common assessment exercise for third country evaluations;

    f. exchange information regarding animal welfare, antibiotic-free dairy and other animal production issues, and cleaners and disinfectants;

    g. exchange information on methods to avoid contamination of organic products from genetically modified organisms and other activities to enhance the integrity of organic production systems;

    h. review instances of significant non-compliance with organic certification program requirements; and

    i. review operation of the Organics Working Group and the operation of our mutual recognitions of each other's respective organic standards and control systems, no later than January 1, 2015.