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## **Ordinance on Organic Farming and the Labelling of Organically Produced Products and Foodstuffs<sup>1</sup> (Organic Farming Ordinance)**

of 22 September 1997 (Status as of 1 January 2018)

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*The Swiss Federal Council,*

on the basis of Article 14 Paragraph 1 letter a, 15 and 177 of the Agriculture Act of 29 April 1998<sup>2</sup> (AgricA),  
of Article 13 paragraph 1 letter d of the Foodstuffs Act of 20 June 2014<sup>3</sup> (FoodA)  
and pursuant to the Federal Act of 6 October 1995<sup>4</sup> on Technical Barriers to Trade,  
(TBA)<sup>5</sup>,

*ordains:*

### **Chapter 1    General Provisions**

#### **Art. 1<sup>6</sup>        Scope**

<sup>1</sup>This Ordinance applies to the labelling of the following products as organic products:

- a. unprocessed agricultural crop and livestock products and production animals;
- b. processed agricultural crop and livestock products intended for human consumption, prepared essentially from ingredients of plant and/or animal origin;
- c.<sup>7</sup> feed materials<sup>8</sup>, compound feedingstuffs and feedingstuffs not covered under letter a. and which are used for the feeding of production animals.

AS 1997 2498

<sup>1</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

<sup>2</sup> SR 910.1

<sup>3</sup> SR 817.0

<sup>4</sup> SR 946.51

<sup>5</sup> Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 6083).

<sup>6</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

<sup>7</sup> Amended by No I of the O of 30 Oct. 2002, in force since 1 Jan. 2003 (AS 2002 3731).

<sup>8</sup> Term in accordance with No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS 2012 6353). This amendment has been made throughout the O.

<sup>2</sup> It also applies to yeasts used for foodstuffs or animal feedingstuffs.<sup>9</sup>

<sup>3</sup> It does not apply to insects as defined in the foodstuffs legislation and to products from hunting, fishing and aquaculture.<sup>10</sup>

#### **Art. 2<sup>11</sup>** Labelling

<sup>1</sup> Products under Article 1 may be labelled as organic products if they are produced or imported, prepared and marketed in accordance with this Ordinance.

<sup>2</sup> The following indications, their translations in all national languages or usual indications taken from them (such as bio-, eco-) shall be used for the labelling of organic products:

- a. German: biologisch, ökologisch;
- b. French: biologique;
- c. Italian: biologico;
- d. Romansh: biologic.<sup>12</sup>

<sup>3</sup> The Federal Department of Economic Affairs, Education and Research (EAER)<sup>13</sup> may prescribe a mark which can be used voluntarily for the labelling of products which comply with the provisions of this Ordinance. It may prescribe a special mark for products which are produced in Switzerland.

<sup>4</sup> Labelling, advertising material or commercial documents for products which have not been produced in accordance with this Ordinance may not suggest that such products have been produced organically unless such indications do not relate to the agricultural products in the foodstuffs or feedingstuffs or clearly have no connection with the method of production.<sup>14</sup>

<sup>5</sup> The labelling may only be used if compliance with the requirements for production, preparation, import, export, storage and marketing of the products has been certified.<sup>15</sup>

<sup>5bis</sup> The following do not require certification:

- a. the preparation of products of organic origin at the point of sale, provided that no comparable conventionally-prepared products are prepared in the same production unit and the prepared products are delivered to the consumers solely at the point of sale;
- b. the preparation of foodstuffs and dishes in restaurant and catering facilities;

<sup>9</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

<sup>10</sup> Inserted by No I of the O of 18 Nov. 2009 (AS **2009** 6317). Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS **2017** 6083).

<sup>11</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>12</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS **2004** 4891).

<sup>13</sup> The name of this administrative unit was modified pursuant to Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (AS **2004** 4937) on 1 Jan. 2013. This modification has been made throughout the text.

<sup>14</sup> Amended by No I of the O of 26 Nov. 2003, in force since 1 Jan. 2004 (AS **2003** 5347).

<sup>15</sup> Amended by No I of the O of 12 Nov. 2008, in force since 1 Jan. 2009 (AS **2008** 5823).

- c. the storage and marketing of products packaged ready for sale and labelled which are intended solely for Switzerland, provided they do not undergo further preparation before delivery to consumers;
  - d. the preparation of certified semi-finished products at the point of sale, provided that no further ingredients are required;
  - e. <sup>16</sup>the portioning of openly sold foodstuffs in front of the customer;
  - f. <sup>17</sup>the slaughter of animals in slaughterhouses;
  - g. <sup>18</sup>internal trade with animals of the bovine species.<sup>19</sup>
- <sup>6</sup> Trade marks with indications in accordance with paragraphs 2 and 4 may only be used if the product was produced in accordance with this Ordinance.<sup>20</sup>

### Art. 3 Principles<sup>21</sup>

The production, preparation and marketing of organic products is governed by the following principles:<sup>22</sup>

- a. natural cycles and processes are taken into consideration;
- b. the use of synthetic agrochemicals and ingredients is avoided;
- c.<sup>23</sup> genetically modified organisms and their secondary products may not be used. This does not apply to products for veterinary medicine.
- d. the products are not treated with ionizing radiation and no irradiated products are used.
- e.<sup>24</sup> the number of production animals must be adjusted in accordance with the holding's own or rented agricultural acreage suitable for the use of farmyard manure.
- f.<sup>25</sup> throughout their whole life on organic holdings, production animals are kept in accordance with the requirements of this Ordinance and are fed with feedstuffs which have been produced in accordance with this Ordinance.
- g.<sup>26</sup> The provisions of the Animal Protection Act of 9 March 1978<sup>27</sup>, Waters Protection Act of 24 January 1991<sup>28</sup>, Environmental Protection Act of October

<sup>16</sup> Amended by No I of the O of 14 Nov. 2007, in force since 1 Jan. 2008 (AS 2007 6181).

<sup>17</sup> Amended by No I of the O of 14 Nov. 2007, in force since 1 Jan. 2008 (AS 2007 6181).

<sup>18</sup> Amended by No I of the O of 14 Nov. 2007, in force since 1 Jan. 2008 (AS 2007 6181).

<sup>19</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS 2004 4891).

<sup>20</sup> See however Art. 39g below.

<sup>21</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

<sup>22</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

<sup>23</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

<sup>24</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

<sup>25</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

<sup>26</sup> Inserted by No I of the O of 8 Nov. 2006, in force since 1 Jan. 2007 (AS 2006 4831).

<sup>27</sup> [AS 1981 562, 1991 2345, 1995 1469 Art. 59 No 1, 2003 4181 4803 Annex No 3, 2003

4181, 2006 2197 Annex No 45. AS 2008 2965 Art. 43]. See now: the Federal Act of

16 Dec. 2005 (SR 455).

<sup>28</sup> SR 814.20

1983<sup>29</sup> and the Federal Act of 7 October 1983<sup>30</sup> on Nature and Cultural Heritage Act which are relevant for agricultural production are complied with.

#### Art. 4 Definitions

In this Ordinance:

- a.<sup>31</sup> products means agricultural crop and livestock products, and foodstuffs prepared essentially from such products.
- b. organic production means production carried out in accordance with Article 3 and Chapter 2;
- c.<sup>32</sup> preparation means the operations of preserving and/or processing agricultural products, including the slaughter and cutting of livestock products, and also packaging and/or alterations made to the labelling concerning the presentation of the organic production method of the fresh, preserved and/or processed products.
- d. marketing means holding for sale, selling or any other form of placing on the market, and delivery of a product.
- e.<sup>33</sup> secondary products of genetically modified organisms means substances which are produced from or by genetically modified organisms but which do not contain genetically modified organisms.
- f.<sup>34</sup> inspection dossier means all information and documentation relevant to the inspection and certification of an operator.

#### Art. 5<sup>35</sup> Organic holdings

<sup>1</sup> In this Ordinance, organic holdings are:

- a. holdings as defined in Articles 6 of the Agriculture Terminology Ordinance of 7 December 1998<sup>36</sup> (AgricTermO) where production is carried out in accordance with the requirements laid down in this Ordinance;
- b. summer pasture holdings as defined in Article 9 AgricTermO, where production is carried out in accordance with the requirements laid down in this Ordinance;
- c. operators that are not holdings as defined in Article 6 AgricTermO and which produce land-dependent products from plant or livestock production, where production is carried out in accordance with the requirements laid down in this Ordinance.

<sup>29</sup> SR **814.01**

<sup>30</sup> SR **814.01**

<sup>31</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>32</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>33</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>34</sup> Inserted by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS **2014** 3969).

<sup>35</sup> Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS **2017** 6083).

<sup>36</sup> SR **910.91**

<sup>2</sup> Operators that are not holdings as defined in Article 6 AgricTermO and which produce non-land-dependent products where production is carried out in accordance with the requirements laid down in this Ordinance are deemed equivalent to organic holdings.

## **Chapter 2 Requirements for Organic Production**

### **Section 1 General Provisions**

**Art. 6** Principle of total organic production

Organic farming methods must be used throughout the entire organic holding.

**Art. 7<sup>37</sup>** Exceptions to the principle of total organic production

<sup>1</sup> Areas where permanent crops are not grown organically is permitted on an organic holding provided that proof of ecological performance in accordance with Articles 11–25 of the Direct Payments Ordinance of 23 October 2013<sup>38</sup> (DPO) is provided for these areas.<sup>39</sup>

<sup>2</sup> Areas where permanent crops are grown organically is permitted on a non-organic holding provided that proof of ecological performance in accordance with Articles 11–25 of the DPO is provided for the part of the holding which is not farmed organically.<sup>40</sup>

<sup>3</sup> Areas where permanent crops are grown in accordance with paragraphs 1 and 2 must remain the same for a minimum of five years.

<sup>4</sup> Production of a permanent crop described in letters a–i of Article 22 paragraph 1 of the Agriculture Terminology Ordinance of 7 December 1998<sup>41</sup> on a holding must be either totally organic or totally non-organic.

<sup>5</sup> The certification body may on application recognise a production facility in a non-organic agricultural holding as an independent organic holding if the production facility:

- a. is recognisable spatially as a unit of land, buildings and facilities and is separate from other production facilities;
- b. has its own operations centre;
- c. is farmed organically throughout the year and employs one or more persons;
- d. has its own operating income;

<sup>37</sup> Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS **2014** 3969).

<sup>38</sup> SR **910.13**

<sup>39</sup> Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>40</sup> Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>41</sup> SR **910.91**

- e. has a flow of goods that is independent and separate in space and time from the rest of the holding at all levels of production, preparation, processing, storage and marketing; and
- f. ensures that there is no crossover between the flow of goods from its part of operations and that from the non-organic part.<sup>42</sup>

<sup>6</sup> Before granting recognition, the certification body shall obtain a written opinion on paragraph 5 letters a–d from the canton where the holding is located.<sup>43</sup>

<sup>7</sup> Operators under Article 5 paragraph 2 may produce non-organically in parallel to organic production provided the two production areas have a separate flow of goods.<sup>44</sup>

<sup>8</sup> The EAER may authorise exceptions to the principle of total organic production in individual cases for research purposes.<sup>45</sup>

## Section 2 Conversion

### Art. 8 Normal conversion

<sup>1</sup> Holdings which have changed over to organic production are considered to be conversion holdings for two years. A conversion period of two years applies to agricultural acreage, including that which is added to the organic holding. 1 January applies as the conversion date.<sup>46</sup>

<sup>1bis</sup> The certification body may authorise a shorter conversion period for mushroom growing and the production of endives and sprouts.<sup>47</sup>

<sup>2</sup> The provisions of this Ordinance shall be complied with during conversion.

<sup>3</sup> At the start of conversion, the producer and certification body shall together lay down all the measures which must be taken to ensure that the provisions of this Ordinance can be permanently complied with and verified.

### Art. 9 Conversion in stages

<sup>1</sup> If immediate total conversion involves unacceptably high risks, an organic holding growing vines, fruit, vegetables or ornamental plants may convert to organic production in stages. The entire holding must be fully converted within five years, with the exception of holdings referred to in Article 7 paragraph 1.

<sup>2</sup> The certification body shall decide whether to authorise conversion in stages.<sup>48</sup>

<sup>42</sup> Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 6083).

<sup>43</sup> Inserted by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 6083).

<sup>44</sup> Inserted by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 6083).

<sup>45</sup> Inserted by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 6083).

<sup>46</sup> Amended by No I of the O of 14 Nov. 2007, in force since 1 Jan. 2008 (AS 2007 6181).

<sup>47</sup> Inserted by No I of the O of 7 Dec. 1998 (AS 1999 399). Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 6083).

<sup>48</sup> Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 6083).

<sup>3</sup> In particular, the following conditions must be met:

- a. a binding conversion plan is drawn up with a detailed description of the conversion stages and a timetable;
- b. any contamination of organic parcels with unauthorised agrochemicals is avoided;
- c. areas farmed in different ways are clearly marked out;
- d. products produced under different methods are harvested and stored separately;
- e.<sup>49</sup> proof of ecological performance in accordance with Articles 11-25 of the DPO<sup>50</sup> is provided for areas not farmed organically;
- f. a sample is taken each year for analysis of the residues in organically produced products;
- g.<sup>51</sup> the requirements laid down in the Annex are met.

<sup>4</sup> If immediate total conversion of livestock production is not reasonable, the certification body may allow the holding to convert livestock farming in stages according to animal categories within three years.<sup>52</sup>

<sup>5</sup> Parallel production of the following is not permitted:

- a. varieties which are not clearly distinguishable;
- b. animals of the same category of production animal.<sup>53</sup>

### Section 3 Plant Production

**Art. 10** Fertility and biological activity of the soil

The fertility and biological activity of the soil shall be maintained and, if possible, increased. To this end, the following measures in particular shall be taken:

- a. the soil shall be cultivated in such a way that it maintains sustainable productivity due to its physical, chemical and biological properties;
- b. biological diversity shall be encouraged;
- c. crop rotation, crop shares, use of grazing land and soil cultivation shall be planned in such a way that crop rotation problems, soil erosion, runoff and leaching of nutrients and plant protection products<sup>54</sup> are avoided;

<sup>49</sup> Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>50</sup> SR **910.13**

<sup>51</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>52</sup> Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS **2017** 6083).

<sup>53</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>54</sup> Term in accordance with Annex 2 No 6 of the Plant Protection Products Act of 23 June 1999, in force since 1 Aug. 1999 (AS **1999** 2045). This modification has been made throughout the text.

- d. in land cultivation, soil cover shall be sufficient to ensure that soil erosion, and losses of nutrients and plant protection products are kept to the minimum;
- e. the intensity of the production of fodder crops shall be varied and adapted to the location.

<sup>2</sup> Hydroculture is not permitted.<sup>55</sup>

#### **Art. 11** Plant protection

<sup>1</sup> Pests, diseases and weeds must be controlled by a combination of different measures, in particular the following:

- a. a choice of appropriate species and varieties;
- b. appropriate crop rotation;
- c. mechanical cultivation procedures;
- d. thermal procedures where steaming of the soil is restricted to market gardening under cover and production of seedlings;
- e. promotion and protection of natural enemies of pests through provisions favourable to them (e.g. hedges, nesting sites, release of predators).

<sup>2</sup> The Department shall specify authorised plant protection products and instructions for their use. Substances which are not of plant, animal, microbial or mineral origin and are not identical to their natural form shall only be authorised if their conditions of use preclude any contact with the edible parts of the plant. This applies without prejudice to the authorisation procedure laid down in the Plant Protection Products Ordinance of 18 May 2005<sup>56,57</sup>

<sup>3</sup> Plant protection products may only be used in the case of immediate danger threatening the crops.

<sup>4</sup> The use of growth regulators, wilting products and herbicides is not permitted.

#### **Art. 11a**<sup>58</sup> Spray test

The requirements on the spray test and the rinse water tank for power take-off or self-propelled equipment used for plant protection have to be accomplished according to Annex 1 figure 6.1 DPO<sup>59</sup>. Demeter holdings which only use their equipment to apply biodynamic preparations are exempt.

<sup>55</sup> Inserted by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

<sup>56</sup> [AS **2005** 3035 4097 5211, **2006** 4851, **2007** 821 No III 1469 Annex 4 No 54 1843 4541 6291, **2008** 2155 4377 Annex 5 No 11 5271, **2009** 401 Annex No 3 2845, **2010** 2101. AS **2010** 2331 Art. 84]. See now: the O of 12 May 2010 (SR **916.161**).

<sup>57</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

<sup>58</sup> Inserted by No I of the O of 26 Nov. 2003 (AS **2003** 5347). Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>59</sup> SR **910.13**



**Art. 12** Fertilisation

<sup>1</sup> Where possible, organic fertilisers such as farmyard manure and compost must come from the holding itself.

<sup>2</sup> The EAER shall specify the fertilisers that are authorised and the instructions for their use. Mineral nitrogen fertilisers may not be used.<sup>60</sup>

<sup>3</sup> Fertiliser requirements have to be proved on the basis of a nutrient balance according to Article 13 DPO<sup>61</sup> and the requirements according to Annex 1 number 2 DPO.<sup>62</sup>

<sup>4</sup> The quantity of nutrients applied per hectare (own farmyard manure and manure from other farms, bought fertilizers) may, under the most favourable valley conditions, correspond to no more than 2.5 livestock manure units (LMU). It shall be graded according to soil load capacity, altitude and topographical conditions. If maximum values laid down by the Canton under water pollution control legislation are lower, these apply.

<sup>5</sup> Suitable products based on microorganisms or plants such as biodynamic preparations, and mineral powders may be used to activate compost or soil.

<sup>6</sup> Farmyard manure may only be supplied by and to holdings which provide the ecological services laid down in the DPO.<sup>63</sup>

**Art. 13** Seeds, plants and plant propagating material

<sup>1</sup> Seeds, plants and plant propagating material must come from organic holdings.

<sup>2</sup> In the case of seeds, the mother plants, and in the case of plant propagating material, the parent plants must have been cultivated in accordance with the provisions of this Chapter for at least a generation or for the duration of two plant cycles in the case of perennial crops.

<sup>3</sup> In derogation from paragraph 1, plant material which has been propagated in-vitro and certified in accordance with the Seeds Ordinance of 7 December 1998<sup>64</sup> may be used.<sup>65</sup>

<sup>3bis</sup> The EAER shall establish a list of species or sub-species of which there are sufficient quantities of organically produced seeds and plant propagating material and a sufficient number of organically produced varieties in Switzerland.<sup>66</sup>

<sup>4</sup> This applies without prejudice to the requirements of the Seeds Ordinance.

<sup>60</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

<sup>61</sup> SR **910.13**

<sup>62</sup> Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>63</sup> Inserted by No I of the O of 23 Aug. 2000 (AS **2000** 2491). Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>64</sup> SR **916.151**

<sup>65</sup> Amended by No I of the O of 7 Dec. 1998, in force since 1 Jan. 1999 (AS **1999** 399).

<sup>66</sup> Inserted by No I of the O of 26 Nov. 2003 (AS **2003** 5347). Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

**Art. 13a<sup>67</sup>** Use of non-organic seeds and plant propagating material

<sup>1</sup> Any person who wishes to use non-organic seeds or plant propagating material must provide evidence that:

- a. no suitable organically produced seeds or plant propagating material are available which fulfil their requirements; or
- b. no supplier is able to deliver the seeds or propagating material before sowing or planting, although they were ordered by the user in good time.

<sup>2</sup> A printout of available material taken from the information system described in Article 33a shall be deemed valid evidence under paragraph 1.

<sup>3</sup> Any person who uses non-organic seeds or plant propagating material must notify the operator of the information system described in Article 33a of the quantity of seed or plant propagating material used and the variety.

<sup>4</sup> In the case of species or sub-species for which there is no supply or only a very small supply of organically produced seeds or plant propagating material, non-organic seeds or plant propagating material may be used without the evidence required under paragraph 2 and without the notification required under paragraph 3. The operator of the information system shall indicate the relevant varieties and species in the information system in accordance with FOAG<sup>68</sup> instructions.

<sup>5</sup> In the case of species and sub-species referred to in Article 13 paragraph 3<sup>bis</sup>, non-organic seeds and plant propagating material may only be used if the FOAG authorises the use of non-organic seeds and plant propagating material. Authorisation shall only be issued if the seeds or plant propagating material are to be used for research purposes, for tests carried out as part of small-scale field trials or to preserve varieties.

<sup>6</sup> Non-organic seeds and non-organic seed potatoes may only be used if they have not been treated with plant protection products; this does not apply to treatment with plant protection products which are authorised for organic farming and chemical treatments which for reasons of plant health have been prescribed for all varieties of a particular species in the production area. <sup>69</sup>

**Art. 14** Collection of wild plants

<sup>1</sup> Collection of edible wild plants and plant parts which grow naturally in forests and on agricultural land are deemed to be production within the context of organic farming if:

- a. this land has not been treated with unauthorised products for three years preceding collection; and

<sup>67</sup> Inserted by No I of the O of 26 Nov. 2003, in force since 1 Jan. 2004 (AS 2003 5347).

<sup>68</sup> Name in accordance with No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969). This amendment has been made throughout the text.

<sup>69</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

- b. collection does not prejudice the stability of the natural environment and the conservation of species in the collection area.
- 2 The collection area must be geographically defined.
- 3 The collection process must be thoroughly documented.
- 4 The inspection procedure for organic holdings shall be applied as appropriate.

## Section 4 Livestock Production

### Art. 15<sup>70</sup> Requirements for livestock farming

<sup>1</sup> Bovine species, including bubalus and bison species, equine species, sheep, goats, porcine species and poultry shall be kept in accordance with the provisions on regular outdoor exercise of Article 75 DPO<sup>71</sup> and the requirements according to Annex 6 DPO. The provisions on particularly animal friendly housing systems of Article 74 DPO and the requirements of Annex 6 DPO apply to the keeping of rabbits.<sup>72</sup>

<sup>2</sup> The EAER may issue additional regulations for:

- a. livestock housing;
- b. stock-keeping and breeding;
- c. grazing and outdoor runs.

<sup>3</sup> Rules for stockfarming may also be issued for the other categories of livestock.<sup>73</sup>

### Art. 15a<sup>74</sup> Tethering

<sup>1</sup> It is not permitted to keep animals tethered.

<sup>2</sup> In agreement with the certification body, however, the following may be kept tethered:

- a. individual animals for a limited period for reasons of safety or animal welfare;
- b. <sup>75</sup> animals of the bovine species, provided the provisions on regular outdoor exercise laid down in Article 75 DPO<sup>76</sup> are complied with.

<sup>3</sup> ... <sup>77</sup>

<sup>70</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>71</sup> SR **910.13**

<sup>72</sup> Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>73</sup> Amended by No I of the O of 7 Nov. 2001, in force since 1 Jan. 2002 (AS **2001** 3542).

<sup>74</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>75</sup> Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>76</sup> SR **910.13**

<sup>77</sup> Repealed by No I of the O of 18 Nov. 2009, with effect from 1 Jan. 2010 (AS **2009** 6317).

**Art. 15b**<sup>78</sup> Summer pasture

If animals are put to summer pasture, the summer pasture must be on organic holdings. In special cases, the summer pasture may be on holdings which comply with the requirements of Articles 26-34 DPO<sup>79</sup>.

**Art. 16**<sup>80</sup> Principles of livestock feeding

<sup>1</sup> The fodder must meet the physiological nutritional requirements of the livestock at various stages of their development and must be intended to ensure quality production rather than maximising production.

<sup>2</sup> Force-feeding and keeping of livestock under conditions which could lead to anaemia is not permitted.

**Art. 16a**<sup>81</sup> Feedingstuffs

<sup>1</sup> The Department shall lay down which feedingstuffs are permitted and how feedingstuffs are used.

<sup>2</sup> It may prohibit the use of certain feed additives and technical aids, and certain processing methods.<sup>82</sup>

<sup>3</sup> In derogation from the principle laid down in Article 3 letter c, it may authorise feed additives and technical aids which have been produced using genetically modified organisms if:

- a. they cannot be replaced by other substances; and
- b. they are not available on the market manufactured in any other way<sup>83</sup>

<sup>4</sup> The purchase of feedingstuffs to supplement the holding's own feed stocks is permitted. Purchases must be from organically produced crops and if possible from the same region. For the purposes of harmonisation with the relevant EU legislation, the Department may make provision that a limited percentage of non-organic animal feedingstuffs may be purchased.<sup>84</sup>

<sup>5</sup> The addition of feedingstuffs from conversion holdings is permitted on average up to a maximum of 30 per cent of the ration of individual categories of production animal, as dry matter. If this feedingstuff is from the holding itself, the amount may be 60 per cent, and, where this is a conversion holding, 100 per cent.<sup>85</sup>

<sup>6</sup> In case of proven fodder yield losses, especially due to exceptional weather conditions, the directly affected livestock farmer may use non-organic fodder for a limited

<sup>78</sup> Inserted by No I of the O of 7 Nov. 2001 (AS **2001** 3542). Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>79</sup> SR **910.13**

<sup>80</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>81</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>82</sup> Amended by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>83</sup> Amended by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>84</sup> Amended by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>85</sup> Amended by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

period with the prior written agreement of the certification body, provided that the livestock farmer is able to satisfy the certification body that insufficient organic fodder is available. If whole areas are affected by fodder yield losses, the FOAG may also grant permission for the area.<sup>86</sup>

<sup>7</sup> Fodder ingredients must be left natural and fodder preparation methods used must be as natural and energy-saving as possible. Feedingstuffs may not contain any traces of genetically modified organisms or of secondary products of genetically modified organisms which proportionally are higher than the maximum levels for unavoidable impurities laid down in legislation on feedingstuffs.

<sup>8</sup> Animals in nomadic herds and animals put out to summer pasture may temporarily graze on non-organically farmed areas. The amount of fodder consumed, as dry matter, may not exceed 10 per cent of the total annual fodder intake.<sup>87</sup>

<sup>9</sup> The proportion of non-organically grown fodder may amount to 10 per cent of the total fodder consumption for retired horses.<sup>88</sup>

#### **Art. 16b<sup>89</sup>** Specific rules for nutrition

<sup>1</sup> Ruminants must receive at least 60 per cent of fodder dry matter in the form of roughage, fresh or dried fodder or silage.

<sup>2</sup> The feeding of young mammals must be based on natural milk, preferably maternal milk. All mammals must be fed for a minimum period on natural milk. The minimum period depends on the animal species. It shall be three months for bovines (including bubalus and bison species) and equines, 35 days for sheep and goats and 40 days for pigs.

<sup>3</sup> For poultry, the feed formula used in the fattening stage must consist of 65 percent grain and grain legumes (their products and by-products) as well as oil seeds (their products and by-products).

#### **Art. 16c<sup>90</sup>** Reproduction

<sup>1</sup> The health and productivity (life output) of livestock and the quality of livestock products must be promoted by the selection of suitable breeds and breeding methods.

<sup>2</sup> Reproduction of livestock must be based on natural methods.

<sup>3</sup> Artificial insemination is permitted. Other forms of artificial or otherwise influenced reproduction (e.g. embryo transfer) are not permitted. They may be used with the prior written agreement of the certification body if this is necessary to preserve endangered genetic resources. Affected animals and their products may not be marketed with any reference to organic farming.<sup>91</sup>

<sup>86</sup> Amended by No I of the O of 23 Nov. 2005, in force since 1 Jan. 2006 (AS 2005 5527).

<sup>87</sup> Inserted by No I of the O of 14 Nov. 2007, in force since 1 Jan. 2008 (AS 2007 6181).

<sup>88</sup> Inserted by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

<sup>89</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

<sup>90</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

<sup>91</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS 2004 4891).

<sup>4</sup>No livestock produced from embryo transfer shall be brought in, with the exception of animals of the bovine species in a rearing contract with a non-organic holding. In this case, the animals must return to the original holding after a period laid down in the contract. Animals from embryo transfer which were already kept on the holding before conversion of the holding may still be kept until their departure according to the provisions of this Ordinance.<sup>92</sup>

**Art. 16d<sup>93</sup>** Animal health

<sup>1</sup> Disease prevention must be based on the following principles:

- a. selection of suitable breeds or strains;
- b. application of animal husbandry practices appropriate to the requirements of each species, encouraging strong resistance to disease and the prevention of infections;
- c. the use of high-quality feed, together with regular exercise (pasture, outdoor run, outdoor climate area) to encourage the natural immunological defence of livestock;
- d. ensuring an appropriate density of livestock, thus avoiding overstocking and any resulting animal health problems.

<sup>2</sup> If an animal becomes sick or injured, it must be treated immediately, if necessary in isolation, and in suitable housing.

<sup>3</sup> The use of veterinary medicinal products in organic stockfarming shall comply with the following principles:

- a. Phytotherapeutic products (e.g. plant extracts, excluding antibiotics, or plant essences), homeopathic products (e.g. plant, animal and mineral substances) and trace elements and products laid down by the Department for this purpose shall be used in preference to chemically-synthesised allopathic veterinary medicinal products or antibiotics, provided that their therapeutic effect is shown to be effective for the species of animal and the condition for which the treatment is intended.
- b. If the use of the products listed in letter a should not prove to be effective in combating illness or injury, but treatment is essential to prevent suffering or distress to the animal, chemically-synthesised allopathic veterinary medicinal products or antibiotics may be used under the responsibility of a veterinarian.
- c.<sup>94</sup> The use of coccidiostats and the use of hormones or similar substances to control reproduction (e.g. induction or synchronisation of oestrus), or for other purposes, is not permitted. Nevertheless, hormones may be administered to an individual animal as a form of therapeutic veterinary treatment.

<sup>92</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS **2004** 4891).

<sup>93</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>94</sup> Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS **2014** 3969). <sup>94</sup>

- d. The use of chemically-synthesised allopathic veterinary medicinal products or antibiotics for preventive treatments is not permitted.

<sup>4</sup> The type of product (including an indication of the active pharmacological substances involved) together with details of the diagnosis, the method of administration, the duration of the treatment and the prescribed withdrawal period must be recorded clearly and indelibly in writing in the treatment book.

<sup>5</sup> Livestock treated must be clearly identified as such at all times – individually in the case of large animals, individually or as a group, in the case of poultry or small animals.

<sup>6</sup> Vaccination and worming is permitted where there is an existing animal health risk.

<sup>7</sup> ...<sup>95</sup>

<sup>8</sup> The withdrawal period between the last administration of a chemically-synthesised allopathic veterinary medicinal product under normal conditions of use, and the production of organically produced foodstuffs from such animals must be twice the legal withdrawal period. This does not apply to the use of products to dry up cows with udder problems.

<sup>9</sup> With the exception of vaccinations, treatments for parasites, anaesthetic agents, pain relief treatments and treatments as part of state livestock epidemic programmes, where an animal or group of animals receives more than three courses of treatments with chemically-synthesised allopathic veterinary medicinal products or antibiotics within one year (or more than one course of treatment if their production lifecycle is less than one year), the livestock concerned, or produce derived from them, shall not be sold as being produced in accordance with this Ordinance, and the livestock must undergo the conversion periods laid down in Article 16f paragraph 2.<sup>96</sup>

#### **Art. 16e<sup>97</sup>** Zootechnical measures

<sup>1</sup> Zootechnical procedures shall be kept to the minimum. They must be carried out by qualified personnel at the age most appropriate for the animal.

<sup>2</sup> Procedures such as docking tails, clipping teeth and, in the case of poultry, beaks, toes and wings, castration, the dehorning of adult animals and the use of nose rings and the fitting of clips and wires in the nose ring for pigs is not permitted.<sup>98</sup>

<sup>2bis</sup> In justified cases, the dehorning of adult animals for safety reasons is permitted, provided that it is conducted properly under anaesthetic by a veterinary surgeon and not during the months of May, June, July and August.<sup>99</sup>

<sup>3</sup> The following procedures may be carried out on individual animals:

<sup>95</sup> Repealed by No I of the O of 26 Oct. 2011, with effect from 1 Jan. 2012 (AS 2011 5309).

<sup>96</sup> Amended by No I of the O of 12 Nov. 2008, in force since 1 Jan. 2009 (AS 2008 5823).

<sup>97</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

<sup>98</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

<sup>99</sup> Inserted by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

- a. attaching elastic bands to the tails of sheep, if this is necessary to improve the health, welfare or hygiene of the livestock;
- b.<sup>100</sup> dehorning of young animals, except for yaks, water buffalo and bison, under anaesthetic, if this is necessary for reasons of safety;
- c.<sup>101</sup> castration in order to maintain the quality of products.

**Art. 16<sup>e</sup>bis<sup>102</sup> Practical trials relating to vaccination against sexual odour**

<sup>1</sup> For the period up to 31 December 2012, the FOAG may authorise limited practical trials on organic holdings for vaccination against sexual odour, particularly for the purpose of researching questions relating to ethology, efficiency, profitability and product quality.

<sup>2</sup> Applications for trials may be made by an independent scientific institution which has responsibility for the trial. The application shall set out the aims of the trial and the test methods together with the organic holdings and number of animals taking part.

<sup>3</sup> The marketing history of the vaccinated animals must be fully documented through to the final vendor. The products concerned shall not be exported.

<sup>4</sup> The FOAG may lay down further requirements and conditions for the practical trials.

**Art. 16<sup>f</sup><sup>103</sup> Origin of production animals**

<sup>1</sup> Only production animals which come from organic holdings may be kept. This does not apply to horses for riding and draught horses, hobby animals, and animals of the bovine species in rearing contract with a non-organic holding. In this case, the animals must return to the original holding after a period laid down in the contract.<sup>104</sup>

<sup>2</sup> Production animals which do not come from organic holdings, and which are brought in after conversion has begun, must be reared for the following periods in accordance with the rules of this Ordinance:

- a. equine and bovine species (including bubalus and bison species) for meat production for 12 months and at least three quarters of their lives;
- b. small ruminants and pigs for at least 6 months;
- c. milk-producing animals for at least 6 months;
- d. poultry for meat production, brought in when less than three days old, for at least 56 days;
- e. poultry for egg production for at least 6 weeks.

<sup>100</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

<sup>101</sup> Amended by No I of the O of 27 Oct. 2010, in force since 1 Jan. 2011 (AS 2010 5859).

<sup>102</sup> Inserted by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

<sup>103</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

<sup>104</sup> Amended by No I of the O of 7 Nov. 2001, in force since 1 Jan. 2002 (AS 2001 3542).



<sup>3</sup> ...<sup>105</sup>

<sup>4</sup> When insufficient numbers of organically reared animals are available for supplementing natural growth or for the renewal of the herd or flock, in agreement with the certification body, female nulliparous young animals from non-organic-production stockfarms may be brought in throughout the year subject to a maximum of 10 per cent of the adult equine or bovine livestock, including bubalus and bison species, or 20 per cent of the adult porcine, ovine or caprine livestock. For organic holdings with fewer than 10 bovine or equine animals or with fewer than five porcine, ovine or caprine animals, renewal shall be limited to one animal per year.

<sup>5</sup> With the prior written agreement of the certification body, a holding may house animals from non-organic holdings up to a maximum of 40 per cent of the total number when animals from organic holdings are not available in the following cases:

- a. major expansion of stock keeping;
- b. change of breed;
- c. development of a new branch of animal production;
- d. necessity of a substitute calf for a mother or fester cow;
- e. danger that a particular breed will be lost to agriculture.<sup>106</sup>

<sup>6</sup> In the case of a high mortality rate caused by an epidemic or catastrophic circumstances, with the prior written agreement of the certification body, livestock numbers may be renewed or reconstituted with animals from non-organic holdings, when animals from organic holdings are not available.<sup>107</sup>

<sup>7</sup> Males for breeding may be bought in from non-organic-production holdings at any time.

<sup>8</sup> If insufficient numbers of birds from organic holdings are available, poultry from non-organic holdings may be purchased in order to reconstitute livestock numbers, provided that the chicks are installed no later than three days after birth.<sup>108</sup>

**Art. 16g<sup>109</sup>** Minimum age at slaughter for poultry

<sup>1</sup> For poultry, the minimum age at slaughter shall be:

- a. 81 days for broilers;
- b. 49 days for Peking ducks;
- c. 70 days for female Muscovy ducks;
- d. 84 days for male Muscovy ducks;
- e. 92 days for mallards;

<sup>105</sup> Repealed by No I of the O of 10 Nov. 2004, with effect from 1 Jan. 2005 (AS 2004 4891).

<sup>106</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS 2004 4891).

<sup>107</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS 2004 4891).

<sup>108</sup> Inserted by No I of the O of 23 Nov. 2005 (AS 2005 5527). Amended by No I of the O of 14 Nov. 2007, in force since 1 Jan. 2008 (AS 2007 6181).

<sup>109</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS 2000 2491).

- f. 94 days for guineafowl;
- g. 140 days for turkeys and geese.

<sup>2</sup> Producers who do not apply these minimum slaughter ages must use slow-growing strains.

**Art. 16h<sup>110</sup>** Beekeeping and beekeeping products

<sup>1</sup> The EAER may allow exceptions to the principle of total organic production and total organic conversion for beekeeping.

<sup>2</sup> It may lay down further provisions regarding the feeding of bees, the siting of apiaries, animal health, the origin of the bees, identification and inspection, extraction, processing and storage of beekeeping products.

<sup>3</sup> It may require that products produced in certain areas or regions may not be marketed with the reference to organic farming.

## **Chapter 2a<sup>111</sup>** **Requirements for the Processing of Foodstuffs and Animal Feedingstuffs**

**Art. 16i** Specific principles for the production of processed organic foodstuffs

In addition to the general principles laid down in Article 3, the following principles apply to the production of processed organic foodstuffs:

- a. Organic foodstuffs must be made from organically produced ingredients, unless an ingredient is not available on the market as an organic product.
- b. The use of foodstuff additives, non-organic ingredients with primarily technical and sensory functions, micronutrients and technical aids must be kept to a minimum and limited to cases where this is a major technological requirement or is for particular nutritional purposes.
- c. Substances and production processes which could be misleading with regard to the actual nature of the product are not permitted.
- d. The foodstuffs must be processed with care, preferably using organic, mechanical and physical methods.

**Art. 16j** Provisions for the production of processed organic foodstuffs

<sup>1</sup> The production of processed organic foodstuffs must be carried out separately in time or space from that of non-organic foodstuffs.

<sup>2</sup> Processed organic foodstuffs must meet the following requirements:

<sup>110</sup> Inserted by No I of the O of 7 Nov. 2001, in force since 1 Jan. 2002 (AS **2001** 3542).

<sup>111</sup> Inserted by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

- a. The product must be made predominantly from ingredients of agricultural origin; added water and sodium chloride are not taken into account when deciding whether a product is made predominantly from ingredients of agricultural origin. Yeast and yeast products shall be included as ingredients of agricultural origin.
- b.<sup>112</sup> Additives, technical aids, flavourings, water, salt, preparations of microorganisms and enzymes, minerals, trace elements, vitamins and amino acids, and other micronutrients in foodstuffs which are intended for specific nutritional purposes shall only be used if they have been authorised for use in organic production in accordance with Article 16k.
- c. Only non-organically produced ingredients<sup>113</sup> which have been authorised according to Article 16k are used.
- d. An organic ingredient may not be used together with the same non-organic ingredient or one produced during conversion.
- e.<sup>114</sup> With regard to genetically modified organisms, the product and its ingredients must comply with the requirements laid down in Article 7 paragraph 8 of the FDHA Ordinance on Genetically Modified Foodstuffs of 23 November 2005<sup>115</sup>; this does not apply to substances which are permitted under Article 16k letter 2<sup>bis</sup>.
- f. the product or its ingredients have not been treated with ionizing radiation.

<sup>2</sup>No substances may be used and no processes applied which restore properties lost in the processing and storage of organic foodstuffs or correct the result of negligent processing, or could otherwise be misleading with regard to the actual quality of these products.

**Art. 16k** Criteria for the authorization of products and substances under Article 16j paragraph 2 letters b and c for processing

<sup>1</sup> In agreement with the Federal Department of Home Affairs (FDHA), the EAER shall lay down which products and substances under Article 16j paragraph 2 letters b and c are authorised for processing. Products and substances shall be authorised if the following conditions are met:

- a. No permitted alternatives according to this ordinance are available.
- b. Without these substances and ingredients the foodstuff cannot be produced, or preserved, or specific nutritional requirements cannot be met.

<sup>2</sup> Products and substances under Article 16j paragraph 2 letter b must occur in nature and have undergone only mechanical, physical, biological, enzyme or microbiological processes, unless the products and substances concerned are not available on the market in sufficient quantity or quality from such sources.

<sup>112</sup> Amended by No I of the O of 27 Oct. 2010, in force since 1 Jan. 2011 (AS **2010** 5859).

<sup>113</sup> Term in accordance with No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>114</sup> Amended by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>115</sup> SR **817.022.51**

<sup>2bis</sup> In derogation from the principle laid down in Article 3 letter c, the EAER may authorise substances under Article 16j paragraph 2 letter b which have been produced using genetically modified organisms if:

- a. they cannot be replaced by other substances; and
- b. they are not available on the market manufactured in any other way.<sup>116</sup>

<sup>3</sup> Where an ingredient of agricultural origin has not been authorised by the Department under Article 16j paragraph 2 letter c, the FOAG may authorise its use for a limited period or quantity on application if the provisions of the legislation on foodstuffs are complied with and there is a shortage. The application must show

- a. that a shortage exists;
- b. that the end product cannot be manufactured in any other way;
- c. details of the probable duration of the shortage;
- d. what measures are to be taken to remedy it.

**Art. 16k<sup>bis</sup>**<sup>117</sup> Specific principles for the production of processed organic animal feedingstuffs

In addition to the general principles laid down in Article 3, the following principles apply to the production of processed organic animal feedingstuffs:

- a. The use of feed additives and technical aids must be kept to the minimum and limited to cases where this is an essential technological or zootechnical imperative or serves particular nutritional purposes.
- b. Substances and production methods which could be misleading with regard to the actual quality of the product are not permitted.
- c. Animal feedingstuffs must be processed with care, if possible using organic, mechanical and physical methods

**Art. 16l** Provisions for the production of processed organic animal feedingstuffs<sup>118</sup>

<sup>1</sup> The production of processed organic animal feedingstuffs must be carried out separately in time or space from the production of non-organic feedingstuffs.

<sup>2</sup> An organic animal feed material may not be used together with the same non-organically produced animal feed material.

<sup>2bis</sup> Animal feed materials which are used or further processed in the production of organic animal feedingstuffs must not have been produced using chemically synthesised solvents.<sup>119</sup>

<sup>116</sup> Inserted by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>117</sup> Inserted by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>118</sup> Amended by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>119</sup> Inserted by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>3</sup> No substances may be used and no processes employed which restore properties lost in the processing and storage of organic feedingstuffs or correct the result of careless processing, or could otherwise be misleading with regard to the actual nature of these products.

**Art. 16m** Provisions for the production of organic yeast

Only organically produced substrates may be used for the production of organic yeast. Other products and substances shall only be used if they are authorised under Article 16k for use in organic processing.

**Art. 16n**<sup>120</sup> Provisions for the production of organic wine

<sup>1</sup> The Department shall lay down which methods, practices and processes are authorised for the production of organic wine.

<sup>2</sup> The FOAG may lay down that the use of sulphur dioxide is permitted for certain geographical areas, up to the maximum values laid down in the legislation on foodstuffs, if abnormal weather conditions in a particular crop year affect the health of organic grapes in these areas due to serious bacterial or fungal infestation and if this means that more sulphur dioxide than in previous years has to be used in order to obtain a comparable end product.<sup>121</sup>

### Chapter 3<sup>122</sup> Labelling

**Art. 17** Products not intended for human consumption<sup>123</sup>

<sup>1</sup> Products which are not intended for human consumption may only be labelled as organic products if:

- a. the labelling clearly refers to the agricultural production;
- b. they were organically produced or prepared or imported in accordance with Article 22;
- c.<sup>124</sup>they were produced, prepared, imported, stored or marketed by an operator who is subject to an inspection system laid down in Chapter 5;
- d.<sup>125</sup>...

<sup>2</sup> The Department may lay down additional rules for feedingstuffs, plant propagating material and seeds for cultivation.<sup>126</sup>

<sup>120</sup> Inserted by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS 2012 6353).

<sup>121</sup> Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

<sup>122</sup> Title of Sections 1–5 removed by No I of the O of 18 Nov. 2009, with effect from 1 Jan. 2010 (AS 2009 6317).

<sup>123</sup> Inserted by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

<sup>124</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS 2004 4891).

<sup>125</sup> Repealed by No I of the O of 18 Nov. 2009, with effect from 1 Jan. 2010 (AS 2009 6317).

<sup>126</sup> Inserted by No I of the O of 23 Aug. 2000 (AS 2000 2491). Amended by No I of the O of 12 Nov. 2008, in force since 1 Jan. 2009 (AS 2008 5823).

<sup>3</sup> ...127

**Art. 18**<sup>128</sup> Processed foodstuffs

<sup>1</sup> The indications laid down in Article 2 paragraph 2 may be used in the product description for processed foodstuffs provided that:

- a. the foodstuff meets the requirements laid down in Article 16j ;
- b. at least 95 per cent by weight of the ingredients of agricultural origin were organically produced;

<sup>2</sup> The indications laid down in Article 2 paragraph 2 may be used in the list of ingredients, provided that the foodstuff meets the requirements laid down in Article 16j paragraph 1 and paragraph 2 letters a, b and d–f.

<sup>3</sup> The indications laid down in Article 2 paragraph 2 may be used in the list of ingredients and in the same field of vision as the product description provided that:

- a. the main ingredient is a game or fishing product;
- b. all other ingredients of agricultural origin are purely organic;
- c. the foodstuff meets the requirements laid down in Article 16j paragraph 1 and paragraph 2 letters a, b and d–f.

<sup>4</sup> An indication is given in the list of ingredients which ingredients are organically produced.

<sup>5</sup> If an indication is used in accordance with paragraph 2 or 3, the reference to organic production may only be made in connection with the organic ingredients. The total percentage of organic ingredients in the ingredients of agricultural origin must be given in the list of ingredients.

<sup>6</sup> The indications and percentage information laid down in paragraph 5 must appear in the same colour and in the same size and style of lettering as the other information in the list of ingredients.

**Art. 19**<sup>129</sup>

**Art. 20** Products from holdings under conversion<sup>130</sup>

<sup>1</sup> Products labelled in accordance with Articles 17 or 18 paragraph 1 which were produced in holdings under conversion must also be marked with the indication “produced under the terms of conversion to organic farming”.<sup>131</sup>

<sup>2</sup> Products from holdings under conversion may not be labelled as organic products until four months after the date of conversion.

<sup>127</sup> Inserted by No I of the O of 7 Nov. 2001 (AS **2001** 3542). Repealed by No I of the O of 26 Nov. 2003, with effect from 1 Jan. 2004 (AS **2003** 5347).

<sup>128</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

<sup>129</sup> Repealed by No I of the O of 18 Nov. 2009, with effect from 1 Jan. 2010 (AS **2009** 6317).

<sup>130</sup> Inserted by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

<sup>131</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

<sup>3</sup> Such products must not give the impression that they come from fully converted holdings.

<sup>4</sup> The colour, size and style of lettering of the reference to conversion may not be more prominent than the product description. The words “organic farming” may not stand out more than the words “produced under the terms of conversion to”; the colour, size and style of lettering of references to organic farming may not be more prominent than the reference to conversion.

<sup>5</sup> Ingredients of agricultural origin produced in holdings under conversion may be indicated as such by reference to the conversion in the other indications laid down in Article 18 paragraphs 2 and 3. They may not be included in the total percentage of organic ingredients laid down in Article 18 paragraph 5.<sup>132</sup>

<sup>6</sup> A reference to organic farming shall only appear in the product description if the product contains no more than one ingredient of agricultural origin.<sup>133</sup>

<sup>7</sup> Products from holdings undergoing conversion in stages may omit the reference to conversion in their labelling once the relevant parcels have been under conversion for two years, provided that all sectors of the holding are under conversion.

#### **Art. 21**<sup>134</sup>

##### **Art. 21a**<sup>135</sup> Labelling of feedingstuffs

<sup>1</sup> The indications laid down in Article 2 paragraph 2 may be used on processed animal feedingstuffs provided the following requirements are met:

- a. The processed animal feedingstuff complies with the provisions of this Ordinance, in particular Articles 16a, 16<sup>bis</sup> and 16l and their implementing provisions.
- b. All ingredients of plant or animal origin contained in the processed animal feedingstuff consist of organic animal feed materials.
- c. At least 95 per cent of the dry matter of the product consists of animal feed materials of organic origin.

<sup>2</sup> In the case of processed animal feedingstuffs which do not comply with one of the requirements laid down in paragraph 1 letters b or c, only the indication “may be used in organic farming in accordance with the Organic Farming Ordinance” may be used.

##### **Art. 21b**<sup>136</sup> Further labelling requirements of feedingstuffs<sup>137</sup>

The indications referred to in Article 21a must meet the following requirements:

<sup>132</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

<sup>133</sup> Amended by No I of the O of 7 Dec. 1998, in force since 1 Jan. 1999 (AS **1999** 399).

<sup>134</sup> Repealed by No I of the O of 18 Nov. 2009, with effect from 1 Jan. 2010 (AS **2009** 6317).

<sup>135</sup> Inserted by No I of the O of 26 Nov. 2003 (AS **2003** 5347). Amended by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>136</sup> Inserted by No I of the O of 26 Nov. 2003, in force since 1 July 2004 (AS **2003** 5347).

<sup>137</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

- a. they must not be more prominent than the description or name of the animal feedingstuff due to their colour, format or style of lettering;
- b. with reference to the organic matter, they must indicate in the same field of vision the percentage of animal feedingstuffs which were produced on organic land and the percentage of animal feedingstuffs which were produced on land under conversion;
- c.<sup>138</sup> ...
- d. they must give a list of the names of the animal feed materials produced organically or under conversion to organic farming.

**Art. 21**<sup>c139</sup> Common labelling provisions

<sup>1</sup> The code number of the certification body responsible for the operator who carried out the most recent production or processing operation must be given. The code number must meet the following requirements:

- a. It must begin with the abbreviation for the country laid down in the international standard for two-letter country codes ISO 3166.
- b. It must contain an indication referring to organic production.
- c. It must contain a reference number issued by the Swiss accreditation body or by the competent authority in the case of products certified by bodies abroad.

<sup>2</sup> The FOAG may issue instructions regarding the format of code numbers<sup>140</sup>.

## Chapter 4 Imported Products

**Art. 22** Principles

Imported products may be labelled as organic products if:

- a.<sup>141</sup> they have been produced and prepared in accordance with rules which are equivalent to those laid down in Chapters 2, 2a and 3;
- b. production is subject to an inspection procedure which is equivalent to that laid down in Chapter 5.

**Art. 23** List of countries

<sup>1</sup> The Department shall draw up a list of countries which are able to guarantee that their products meet the conditions laid down in Article 22.

<sup>138</sup> Repealed by No I of the O of 18 Nov. 2009, with effect from 1 Jan. 2010 (AS 2009 6317).

<sup>139</sup> Inserted by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).

<sup>140</sup> Inserted by No I of the O of 27 Oct. 2010, in force since 1 Jan. 2011 (AS 2010 5859).

<sup>141</sup> Amended by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS 2009 6317).



<sup>2</sup> The list shall indicate for each country the competent authority and the recognised certification bodies. The products, regions or operators may also be specified.

**Art. 23a**<sup>142</sup> Recognition of certification bodies and inspection authorities not on the list of countries

<sup>1</sup> On request, the EAER may recognise certification bodies and inspection authorities working in countries not included in the list referred to in Article 23 by including them on a list provided the certification bodies and inspection authorities can prove that the products in question meet the conditions laid down in Article 22.

<sup>2</sup> Requests must be submitted to the FOAG. The documentation must contain all the information required to verify whether the certification bodies and inspection authorities fulfil the conditions of Article 22.

<sup>3</sup> For each certification body and inspection authority, the EAER shall detail in the list the relevant countries, code numbers, product categories and exceptions and any restriction on the term of validity.

<sup>4</sup> The FOAG may remove certification bodies and inspection authorities from the list and amend or place time limits on entries.

<sup>5</sup> The recognised certification bodies and inspection authorities are obliged:

- a. to send the FOAG on request any additional information that it deems necessary;
- b. to inform the FOAG immediately of any changes in organisation, activities, procedure or measures;
- c. to inform the FOAG of any irregularities or suspicions of unlawful conduct.

<sup>6</sup> The FOAG may carry out random checks on the certification bodies and inspection authorities.

<sup>7</sup> The certification bodies and inspection authorities must allow interested parties access to a list in electronic form of all the operators and certified products that they inspect, and they must update this list regularly.

<sup>8</sup> They must submit an annual report to the FOAG by 31 March of each year.

**Art. 24**<sup>143</sup> Certificate of Inspection

<sup>1</sup> For imports, a certificate of inspection must be issued in the EU system for the electronic certification of the import of organic products (Traces) in accordance with Regulation (EC) 1235/2008<sup>144</sup>. Where a consignment is to be split into several

<sup>142</sup> Inserted by No I of the O of 18 Nov. 2009 (AS **2009** 6317). Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS **2017** 6083).

<sup>143</sup> Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS **2017** 6083).

<sup>144</sup> Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries, OJ L 334 of 12.12.2008, p. 25; last amended by Commission Implementing Regulation (EU) 2017/1473, OJ L 210 of 15.8.2017, p. 4.

batches before assessment, an extract from the certificate of inspection in Traces must be issued for each batch resulting from the split.

<sup>2</sup> Switzerland uses the EU's Traces information system.

<sup>3</sup> The FOAG shall grant certification bodies and operators in Switzerland access rights to Traces. It bases its decision on the check that the certification bodies have carried out in relation to the identity of the operators that they have under contract. It may grant access rights to Traces to other federal and cantonal authorities if this is required to fulfil its duties.

<sup>4</sup> In cases in which the Traces information system does not work, certificates of inspection and extracts from certificates of inspection may be issued and endorsed without using Traces.

<sup>5</sup> The EAER may facilitate or cancel the obligation to issue the certificate of inspection for imports from countries under Article 23 or for imports that have been certified by bodies under Article 23a.

<sup>6</sup> It shall regulate the certificates of inspection and the extracts from certificates of inspection in Traces as well as the procedure.

**Art. 24a**<sup>145</sup>

## **Chapter 5 Inspection Procedure**

### **Section 1 Obligations of Operators**

**Art. 24a**<sup>bis 146</sup> General obligations

<sup>1</sup> The operator is obliged:

- a. to conduct all operations in accordance with the provisions of this Ordinance;
- b. in the case of an infringement or irregularities, to accept implementation of the measures laid down for organic production;
- c. in the case of an infringement or irregularities, to inform the purchasers of the product in writing in order to ensure that the references to organic production are removed from the products;
- d. where the operator or his sub-contractor is inspected by different certification bodies, to accept an exchange of information between these bodies;
- e. where the operator or his sub-contractor change certification body, to accept transfer of inspection documents to the new certification body;

<sup>145</sup> Inserted by No I of the O of 26 June 2002 (AS **2002** 1939). Repealed by No I of the O of 18 Oct. 2017, with effect from 1 Jan. 2018 (AS **2017** 6083).

<sup>146</sup> Inserted by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS **2014** 3969).

- f. where the operator or his sub-contractor withdraw from the inspection system, to immediately inform the relevant competent authority and the certification body;
- g. where the operator or his sub-contractor withdraw from the inspection system, to accept that his inspection dossier will be kept for at least five years;
- h. to inform the relevant certification body immediately of any irregularities or infringements which affect the organic status of his products or of organic products which he has obtained from other operators or sub-contractors.

<sup>2</sup> The operator must declare in writing that he complies with the obligations laid down in paragraph 1. The declaration must also record the description and measures laid down in Annex 1 No 1.1. paragraph 1.

#### **Art. 25** Producers

<sup>1</sup> Producers shall be obliged:

- a. to keep accounts;
- b.<sup>147</sup> to keep detailed records of plant production, livestock production and use of fodder and agrochemicals;
- c. to store only production agents which are authorised for use in organic farming on the organic holding or, in the case of fruit- and vine-growing holdings, on the organic production unit;
- d. to grant certification body inspectors access to all production areas and parcels, to allow them to see farm accounts and relevant documentation and to provide them with all information necessary for inspection purposes.

<sup>2</sup> The conditions laid down in the Annex also apply.<sup>148</sup>

#### **Art. 26**<sup>149</sup> Preparation, import and export operators

<sup>1</sup> Preparation, import and export operators shall be obliged:

- a. to keep company accounts which can be examined by the certification body as necessary for the inspection;
- b. to store products which are not subject to this Ordinance separately;
- c. to take all measures necessary to identify batches of goods and to prevent confusion with products which have not been produced in accordance with this Ordinance;
- d. to carry out production operations in a closed sequence and separated in time or space from similar production operations for products which are not subject to this Ordinance;

<sup>147</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>148</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>149</sup> Amended by No I of the O of 12 Nov. 2008, in force since 1 Jan. 2009 (AS **2008** 5823).

- e. to grant certification body inspectors access to all production areas, to allow them to see company accounts, relevant documentation and import certificates and to provide them with all information necessary for inspection purposes.

<sup>2</sup> Import or export operators must be able to show the certification body evidence of every imported or exported consignment.

<sup>3</sup> The conditions laid down in Annex 1 also apply.

**Art. 27** Marketing operators and storage operators<sup>150</sup>

<sup>1</sup> Marketing operators and storage operators are obliged:<sup>151</sup>

- a.<sup>152</sup> to be able to provide documentation from a certified production, preparation, marketing, storage or import operator for all products which are subject to this Ordinance;
- b. to store products which are not subject to this Ordinance separately;
- c. to take all measures necessary to identify batches of goods and to prevent confusion with products which have not been produced in accordance with this Ordinance.
- d.<sup>153</sup>for inspection purposes, to grant the certification body access to business premises and to allow them to inspect accounts and relevant documents and provide all information pertinent to the inspection.

<sup>2</sup> The conditions laid down in the Annex also apply.<sup>154</sup>

**Art. 27a<sup>155</sup>** Special requirements for the inspection of animal products

<sup>1</sup> For meat production, all necessary inspections must be carried out at all stages of production, slaughter, cutting and any other preparation up to the sale to the consumer, to ensure that, as far as technically possible, the origin and position of the animal products in the production, processing and preparation chain can be certified from the unit of production of the livestock to the final packaging and/or labelling unit.

<sup>2</sup> For products other than meat, the special certification measures are laid down in the Annex.

<sup>150</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS **2004** 4891).

<sup>151</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS **2004** 4891).

<sup>152</sup> Amended by No I of the O of 10 Nov. 2004, in force since 1 Jan. 2005 (AS **2004** 4891).

<sup>153</sup> Inserted by No I of the O of 8 Nov. 2006, in force since 1 Jan. 2007 (AS **2006** 4831).

<sup>154</sup> Amended by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>155</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

## Section 2 Requirements for Certification Bodies<sup>156</sup>

### Art. 28<sup>157</sup> Requirements and conditions

<sup>1</sup> Certification bodies must apply to be licensed by the FOAG for their activities under this Ordinance. In order to be licensed, the certification bodies must:

- a. be accredited for their activities in accordance with the Ordinance on Accreditation and Designation of 17 June 1996<sup>158</sup>.
- b. have an established organisation and certification and inspection procedures (standard inspection programme) which, in particular, establish criteria that are binding on the operators subject to inspection, and a suitable programme of measures applicable if irregularities are noted.
- c. have the expertise, equipment and infrastructure necessary to undertake the inspection and certification activities in accordance with this Ordinance.
- d. have a sufficient number of employees who have sufficient expertise and knowledge of the elements affecting the organic status of products.
- e. ensure that their employees have the necessary qualifications, education and experience in the area of organic production in general and of the provisions of this Ordinance in particular.
- f. be independent and free of any conflict of interests with regard to the inspection and certification activities laid down in this Ordinance.

<sup>2</sup> They must also carry out the tasks set out in Annex 1 and fulfil the obligations in Articles 30–30e.

<sup>3</sup> The certification bodies must grant the FOAG access to their premises and facilities and provide the information and support that the FOAG deems necessary to carry out its duties. This includes cooperation with the inspection under the Swiss control system or with the peer review by foreign authorities.

<sup>4</sup> The FOAG may suspend or revoke the licence of a certification body if the certification body does not fulfil the requirements and conditions. The FOAG shall notify the Swiss Accreditation Service (SAS) immediately of its decision.

### Art. 29<sup>159</sup> Certification bodies of other states

<sup>1</sup> After consultation with the SAS, the FOAG shall approve certification bodies of other states so they may carry out their activities on Swiss territory if these are able to prove they hold a qualification equivalent to that required in Switzerland.<sup>160</sup>

<sup>2</sup> In particular, the certification bodies must:

- a.<sup>161</sup> fulfil the requirements and conditions laid down in Article 28;

<sup>156</sup> Amended by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>157</sup> Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS **2017** 6083).

<sup>158</sup> SR **946.512**

<sup>159</sup> Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS **2014** 3969).

<sup>160</sup> Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS **2017** 6083).

b.<sup>162</sup>...

c. be familiar with the relevant Swiss legislation.

<sup>3</sup> The application for approval must include confirmation that the requirements laid down in paragraphs 1 and 2 are fulfilled.

<sup>4</sup> Article 18 paragraph 3 TBA is reserved.

<sup>5</sup> The FOAG may place a time limit on approval and make it subject to conditions. In particular, it may impose the following conditions on the certification body:

- a. that it accepts and supports the FOAG's supervision of activities carried out in Switzerland, in particular the measures laid down in Articles 32–33a;
- b. that it submits a detailed report of its activities in Switzerland to the FOAG in accordance with Article 30d (3);
- c. that it uses data and information obtained during its inspections solely for inspection purposes and that it complies with the Swiss regulations on data protection;
- d. that any planned modification of facts which have a bearing on approval are agreed with the FOAG first;
- e. that it takes out appropriate liability insurance or builds sufficient reserves.

<sup>6</sup> The FOAG may withdraw approval if the requirements, obligations and conditions are not fulfilled.

### Section 3 Obligations of Certification Bodies<sup>163</sup>

#### Art. 30<sup>164</sup> Inspections

<sup>1</sup> The certification body shall carry out one inspection per operator at least once a year, or at least twice a year in the case of conversion in stages. It shall check to ensure that all operators subject to certification obligations fully comply with the provisions of this Ordinance.

<sup>2</sup> In addition, the certification body shall carry out spot checks. The frequency of the spot checks depends on the risk assessment of the operators as laid down in Article 30a<sup>bis</sup>; they must be carried out on at least 10 per cent of the operators subject to certification under paragraph 1.

<sup>3</sup> At least 10 per cent of all inspection visits carried out under paragraphs 1 and 2 must be unannounced.

<sup>161</sup> Amended by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 6083).

<sup>162</sup> Repealed by No I of the O of 18 Oct. 2017, with effect from 1 Jan. 2018 (AS 2017 6083).

<sup>163</sup> Inserted by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS 2012 6353).

<sup>164</sup> Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

**Art. 30a**<sup>165</sup> Sampling

<sup>1</sup> The certification body must take samples and test them for production materials or production methods or traces thereof which are not permitted in organic production, if there is any suspicion that such production materials or methods are being used.

<sup>2</sup> The certification body may also take and test samples in any other circumstances.

<sup>3</sup> The number of samples which the certification body must take and test each year must amount to at least 5 per cent of the number of operators subject to its inspection. The selection of operators from whom samples are to be taken shall be in accordance with the general risk assessment for non-compliance with the provisions governing organic production. The general risk assessment shall include all stages of production, preparation and sale.

**Art. 30a<sup>bis</sup>**<sup>166</sup> Risk assessment of operators

The certification bodies shall submit to the FOAG documentation concerning their risk assessment procedure for operators subject to their inspection. The risk assessment shall take account of the results of earlier inspections, the quantity of affected products and the risk of mixing organic with non-organic goods. The risk assessment shall be the basis for establishing:

- a. the scope of the unannounced or announced annual inspections;
- b. the contracted operators on whom additional spot checks are carried out under Article 30 paragraph 2;
- c. the inspection visits carried out under Article 30 (3) which are unannounced;
- d. the operators on whom unannounced inspections and visits are to be carried out.

**Art. 30a<sup>ter</sup>**<sup>167</sup> Certificate

<sup>1</sup> The certification body under Articles 23a, 28 or 29 or, if appropriate, the inspection authority under Article 23a shall issue a relevant certificate to each operator subject to its inspections which meets the requirements of this Ordinance in its areas of operations. The certificate must provide details of the identity of the operator, the type or range of products and the expiry date of the certificate.

<sup>2</sup> The certificate may also be issued in electronic form provided that its authenticity is guaranteed by a recognised electronic method which is proof against forgery.

<sup>3</sup> The certification bodies have a duty to publish a general, up-to-date list of valid certificates. The FOAG may specify where the certificates must be published.

<sup>165</sup> Inserted by No I of the O of 27 Oct. 2010 (AS 2010 5859). Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

<sup>166</sup> Inserted by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

<sup>167</sup> Inserted by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

**Art. 30b**<sup>168</sup> Inspection measures

<sup>1</sup> The certification body shall take appropriate inspection measures, particularly with regard to flows of goods and residues of unauthorised agrochemicals, if:

- a. in accordance with Article 7 or 9, organic farming methods are not being used on the entire holding; or
- b. in accordance with Article 13a, non-organic plant propagating material is being used.

<sup>2</sup> The Department may lay down minimum requirements for these inspection measures.

**Art. 30c**<sup>169</sup> Report

A report on every inspection or control shall be drawn up and countersigned by the person responsible for the operator.

**Art. 30d**<sup>170</sup> List of inspected operators

<sup>1</sup> The certification bodies shall keep an updated list of operators subject to their inspection. The list shall contain in particular, the following information:

- a. name and address of the operator;
- b. type of activity and products;
- c. in the case of organic holdings, all parcels of land and the date when unauthorised agrochemicals were last used on them.

<sup>2</sup> The certification bodies shall send to the FOAG and cantonal food inspection agencies by 31 January each year a list of operators who have undergone an inspection as at 31 December of the previous year and those which are newly listed for the current year, and shall present a concise annual report, in particular on the agreements in connection with the exemptions under Article 16a paragraph 6, 16c paragraph 3, 16e paragraph 2, 16f paragraphs 5 and 6. The FOAG may issue instructions relating to this.

<sup>3</sup> The Federal Department of Economic Affairs, Education and Research (EAER) may enact regulations concerning the transmission of data referred to in paragraphs 1 and 2.<sup>171</sup>

**Art. 30e**<sup>172</sup> Obligation to notify and exchange of information

<sup>1</sup> If the operator or his contractors are inspected by different certification bodies, or by a third party commissioned by them, then the participating certification bodies

<sup>168</sup> Inserted by No I of the O of 27 Oct. 2010, in force since 1 Jan. 2011 (AS 2010 5859).

<sup>169</sup> Inserted by No I of the O of 27 Oct. 2010, in force since 1 Jan. 2011 (AS 2010 5859).

<sup>170</sup> Inserted by No I of the O of 27 Oct. 2010, in force since 1 Jan. 2011 (AS 2010 5859).

<sup>171</sup> Inserted by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

<sup>172</sup> Inserted by No I of the O of 27 Oct. 2010 (AS 2010 5859). Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).



shall exchange the relevant information concerning the operations which they have inspected among themselves or with the third parties commissioned by them.

<sup>2</sup> The certification body shall notify the FOAG and the competent cantonal food inspection agencies immediately if an operator or his contractor subject to its inspections changes to another certification body.

<sup>3</sup> The previous certification body shall hand over to the new certification body the relevant parts of the inspection dossier of the operator in question and the reports laid down in 1.1.4 of Annex 1.

<sup>4</sup> The new certification body shall ensure that the operator has rectified any non-conformities noted in the report of the previous certification body or is in the process of doing so.

<sup>4bis</sup> The certification body shall notify the FOAG and the competent cantonal executive authority of its decisions under Articles 7–9 of this Ordinance.<sup>173</sup>

<sup>5</sup> In the following cases, the certification body shall notify the FOAG and the competent cantonal food inspection agency immediately:

- a. if an operator withdraws from the inspection system;
- b. if it notes irregularities or infringements which affect the organic status of products;
- c. if it notes irregularities or infringements relating to products which are subject to inspection by other certification bodies.

<sup>6</sup> The FOAG and the competent cantonal food inspection agency may require the certification body to provide any other information concerning irregularities or infringements. The certification body shall transmit this information immediately.

## Chapters 6 and 7<sup>174</sup>

### Chapter 8 Final Provisions

#### Section 1 Enforcement

##### Art. 31<sup>175</sup> FOAG

<sup>1</sup> The FOAG shall implement this Ordinance subject to Article 34. If no foodstuffs are involved, the FOAG shall implement this Ordinance in accordance with the legislation on agriculture.

<sup>173</sup> Inserted by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS 2017 6083).

<sup>174</sup> Repealed by No I of the O of 7 Dec. 1998, with effect from 1 Jan. 1999 (AS 1999 399).

<sup>175</sup> Originally in Chapter 6. Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

<sup>2</sup> The FOAG:

- a. shall keep a list of names and addresses of the operators subject to the inspection procedure;
- b. shall keep a list of certification bodies accredited or approved within the scope of this Ordinance;
- c. shall keep a record of any infringements found and penalties applied;
- d. shall inform the cantonal authorities concerned and the certification bodies of measures taken under Article 169 of the Agriculture Act;
- e. shall supervise the certification bodies (Art. 32 and 33).

<sup>3</sup> It may call in experts.

**Art. 32**<sup>176</sup> Supervision of the certification bodies

<sup>1</sup> The supervisory activities of the FOAG shall include in particular:

- a. an assessment of whether the internal procedures of the certification bodies for inspections, administration and examination of inspection dossiers comply with the requirements of this Ordinance;
- b. checking the procedure in cases of non-conformity and for objections and complaints.

<sup>2</sup> The FOAG shall coordinate its supervisory activities with the activities of the Swiss Accreditation Agency (SAA).

<sup>3</sup> In terms of its supervisory activities, the FOAG shall ensure that the requirements laid down in Articles 28 and 29 paragraph 2 are fulfilled.

<sup>4</sup> ...<sup>177</sup>

<sup>5</sup> It may draw up instructions for the certification bodies. The instructions shall also include a catalogue to harmonise action taken by the certification bodies in the event of irregularities.

**Art. 33**<sup>178</sup> Annual inspection of the certification bodies

The FOAG shall conduct an annual inspection of the certification bodies authorised in Switzerland under Articles 28 and 29 if this is not provided for as part of accreditation. The FOAG shall check in particular:

- a. whether the certification body's standard inspection programme laid down in Article 28 paragraph 2 is complied with;
- b. whether the certification body fulfils the requirements laid down in Article 28 (3);

<sup>176</sup> Originally in Chapter 7. Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

<sup>177</sup> Repealed by No I of the O of 18 Oct. 2017, with effect from 1 Jan. 2018 (AS 2017 6083).

<sup>178</sup> Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

- c. whether the certification body has written methods and procedures for the following tasks and applies them:
  1. annual risk assessment under Article 30a<sup>bis</sup> paragraph 1,
  2. establishment of a risk-based sampling strategy, sample taking and laboratory analysis of samples,
  3. information exchange with other certification bodies or third parties commissioned by them and with the authorities responsible for enforcement,
  4. conduct of initial and follow-up inspections of the operators subject to their inspections,
  5. application and pursuance of measures taken under Article 32 (6) in case of irregularities or infringements,
  6. compliance with the provisions of the Federal Act of 19 June 1992<sup>179</sup> on Data Protection.

**Art. 33a**<sup>180</sup> Information system for organic seeds and plant propagating material

<sup>1</sup> The Research Institute of Organic Farming (FiBL) Frick operates an information system “OrganicXseeds” for organic seeds and plant propagating material. This information system:

- a. makes it possible to register organically produced propagating material; new registrations must be applied for by the supplier;
- b. provides evidence of current availability of organically produced propagating material.

<sup>2</sup> Access to the information system and downloading of information on the current availability of organically produced propagating material are free of charge to users.

<sup>3</sup> The Department shall also regulate in particular:

- a. the conditions for entry of a variety in the information system;
- b. access to the data.

**Art. 34**<sup>181</sup> Cantons

<sup>1</sup> The cantonal food inspection agencies shall implement this Ordinance in accordance with the legislation on foodstuffs.

<sup>2</sup> The cantonal veterinary agencies shall check compliance with the provisions of this Ordinance in slaughterhouses and abattoirs as part of inspections laid down under veterinary law.

<sup>3</sup> If the cantonal food inspection agencies or the cantonal veterinary agencies note infringements, they shall inform the FOAG and the certification bodies.

<sup>179</sup> SR 235.1

<sup>180</sup> Inserted by No I of the O of 26 Nov. 2003, in force since 1 Jan. 2004 (AS 2003 5347).

<sup>181</sup> Amended by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS 2014 3969).

<sup>4</sup> The relevant enforcement agencies shall inform the certification bodies and the cantonal food inspection agencies of any infringements of the provisions of the legislation on animal protection, waters protection, environmental protection and nature and cultural heritage.

<sup>5</sup> Failure to comply with the provisions of the legislation on animal protection, waters protection, environmental protection and nature and cultural heritage must be established by means of a legally-binding decision.

**Art. 34<sup>a182</sup>** Enforcement for animal feedingstuffs

<sup>1</sup> The FOAG shall be responsible for enforcing the provisions of this Ordinance with regard to animal feedingstuffs at all stages of animal feedingstuffs production, processing and marketing as part of regulation under Article 70 of the Ordinance on Animal Feedingstuffs of 26 October 2011<sup>183</sup>.

<sup>2</sup> If the FOAG notes infringements with regard to animal feedingstuffs, it shall take the necessary administrative measures. It shall inform the competent cantonal food inspection agency and the certification bodies.

## **Section 2 Amendment of Current Legislation**

**Art. 35**

...<sup>184</sup>

<sup>182</sup> Inserted by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS **2014** 3969).

<sup>183</sup> SR **916.307**

<sup>184</sup> The amendments may be consulted under AS **1997** 2498.

### Section 3 Transitional Provisions

**Art. 36**<sup>185</sup>

**Art. 36a**<sup>186</sup>

**Art. 37**<sup>187</sup>

**Art. 38** Wine growing and plant production<sup>188</sup>

<sup>1</sup> Individual parcels of land devoted to wine growing may be managed organically independently from the rest of the holding until 31 December 2008, provided proof of ecological performance in according with Articles 11-25 DPO<sup>189</sup> is provided for the rest of the holding.<sup>190</sup>

<sup>1bis</sup> Holdings which, on the basis of paragraph 1 of the transitional provisions, managed individual wine-growing parcels organically independently of the rest of the holding in 2008, may continue to manage these parcels organically on the same conditions until 31 December 2011.<sup>191</sup>

<sup>2</sup> ...<sup>192</sup>

<sup>3</sup> The certification body shall take appropriate inspection measures, particularly with regard to flows of goods and residues of unauthorised agrochemicals. The Department may lay down minimum requirements for these inspection measures.

<sup>4</sup> The certification body shall notify the FOAG of the holdings under paragraph 1 immediately following initiation of the inspection procedure.<sup>193</sup>

**Art. 39**<sup>194</sup> Seeds and vegetative reproduction material

Seeds and plant propagating material which were ordered before 1 January 2004 in derogation from Article 13a may still be used after this date.

<sup>185</sup> Repealed by No I of the O of 26 Nov. 2003, with effect from 1 Jan. 2004 (AS **2003** 5347).

<sup>186</sup> Inserted by No I of the O of 23 Aug. 2000 (AS **2000** 2491). Repealed by No I of the O of 26 Nov. 2003, with effect from 1 Jan. 2004 (AS **2003** 5347).

<sup>187</sup> Repealed by No I of the O of 26 Nov. 2003, with effect from 1 Jan. 2004 (AS **2003** 5347).

<sup>188</sup> Amended by No IV 59 of the O of 22 Aug. 2007 on the Formal Revision of Federal Legislation, in force since 1 Jan. 2008 (AS **2007** 4477).

<sup>189</sup> SR **910.13**

<sup>190</sup> Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>191</sup> Inserted by No I of the O of 14 Nov. 2007, in force since 1 Jan. 2008 (AS **2007** 6181).

<sup>192</sup> Repealed by No IV 59 of the O of 22 Aug. 2007 on the Formal Revision of Federal Legislation, with effect from 1 Jan. 2008 (AS **2007** 4477).

<sup>193</sup> Inserted by No I of the O of 7 Dec. 1998, in force since 1 Jan. 1999 (AS **1999** 399).

<sup>194</sup> Amended by No I of the O of 26 Nov. 2003, in force since 1 Jan. 2004 (AS **2003** 5347).

**Art. 39a** and **39b**<sup>195</sup>**Art. 39c**<sup>196</sup> Compliance with generally recognised rules of stockfarming

Until stockfarming regulations laid down in Article 15 (3) are enacted, the generally recognised rules of organic farming shall be complied with.

**Art. 39d**<sup>197</sup> Tethering

<sup>1</sup> In agreement with the certification body, goats may be tethered in buildings already existing before 1 January 2001 until 31 December 2018 provided that:<sup>198</sup>

- a. the regulations governing regular outdoor exercise are complied with; and
- b. animals are kept in comfortably littered areas and individually managed.

<sup>2</sup> ...<sup>199</sup>

**Art. 39e**<sup>200</sup>**Art. 39f**<sup>201</sup>**Art. 39g**<sup>202</sup>**Art. 39h**<sup>203</sup> Animals from embryo transfer

Animals from embryo transfer which were already kept on the holding before 1 January 2001 may still be kept until their departure according to the provisions of this Ordinance.

<sup>195</sup> Inserted by No I of the O of 23 Aug. 2000 (AS **2000** 2491). Repealed by No I of the O of 26 Nov. 2003, with effect from 1 Jan. 2004 (AS **2003** 5347).

<sup>196</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>197</sup> Inserted by No I of the O of 23 Aug. 2000, in force since 1 Jan. 2001 (AS **2000** 2491).

<sup>198</sup> Amended by Annex 9 No 14 of the Direct Payments Ordinance of 23 Oct. 2013, in force since 1 Jan. 2014 (AS **2013** 4145).

<sup>199</sup> Inserted by No I of the O of 7 Nov. 2001 (AS **2001** 3542). Repealed by No I of the O of 30 Oct. 2002, with effect from 1 Jan. 2003 (AS **2002** 3731).

<sup>200</sup> Inserted by No I of the O of 23 Aug. 2000 (AS **2000** 2491). Repealed by No IV 59 of the O of 22 Aug. 2007 on the Formal Revision of Federal Legislation, with effect from 1 Jan. 2008 (AS **2007** 4477).

<sup>201</sup> Inserted by No I of the O of 23 Aug. 2000 (AS **2000** 2491). Repealed by No I of the O of 23 Nov. 2005, with effect from 1 Jan. 2006 (AS **2005** 5527).

<sup>202</sup> Inserted by No I of the O of 23 Aug. 2000 (AS **2000** 2491). Repealed by No IV 59 of the O of 22 Aug. 2007 on the Formal Revision of Federal Legislation, with effect from 1 Jan. 2008 (AS **2007** 4477).

<sup>203</sup> Inserted by No I of the O of 7 Nov. 2001, in force since 1 Jan. 2002 (AS **2001** 3542).

**Art. 39<sup>j</sup>**<sup>204</sup>**Art. 39<sup>j</sup>**<sup>205</sup>      Labelling

The following transitional periods apply to the labelling of products:

- a.<sup>206</sup> Until 31 December 2012, the code number for the certification body under the previous law may be given. Products and packaging may continue to be supplied to consumers from 1 January 2013 until stocks run out.
- b. Yeast and yeast products may be counted as ingredients of non-agricultural origin until 31 December 2013.

**Art. 39<sup>k</sup>**<sup>207</sup>      Labelling of animal feedingstuffs

<sup>1</sup> Animal feedingstuffs may be labelled in accordance with existing legislation until 31 December 2014.

<sup>2</sup> Existing stocks of animal feedingstuffs on 1 January 2015 which are labelled in accordance with existing legislation may continue to be sold until stocks run out or may be fed to animals until the expiry date.

**Art. 39<sup>l</sup>**<sup>208</sup>      Transitional provisions to the Amendment of 29 October 2014

If the FOAG has issued an individual authorisation under Article 24 of the current legislation, the products may continue to be marketed as organic products until the individual authorisation expires. Applications for an individual authorisation which were received before 31 December 2014 shall be processed under the terms of the current legislation.

**Art. 39<sup>m</sup>**<sup>209</sup>      Transitional provision to the Amendment of 18 October 2017

<sup>1</sup> Until 31 December 2018, certificates of inspection may be issued under the previous law.

<sup>2</sup> Entry on the list of recognised certification bodies and inspection authorities in accordance with Article 23a replaces the previous recognition by ruling.

<sup>3</sup> The Swiss certification bodies that were already operating under this Ordinance before the Amendment of 18 October 2017 comes into force and which are accredited under Article 28 paragraph 1 letter a are deemed to be licensed as certification bodies under Article 28 paragraph 1.

<sup>204</sup> Inserted by No I of the O of 23 Nov. 2005 (AS **2005** 5527). Repealed by No I of the O of 26 Oct. 2011, with effect from 1 Jan. 2012 (AS **2011** 5309).

<sup>205</sup> Inserted by No I of the O of 18 Nov. 2009, in force since 1 Jan. 2010 (AS **2009** 6317).

<sup>206</sup> Amended by No I of the O of 27 Oct. 2010, in force since 1 Jan. 2011 (AS **2010** 5859).

<sup>207</sup> Inserted by No I of the O of 31 Oct. 2012, in force since 1 Jan. 2013 (AS **2012** 6353).

<sup>208</sup> Inserted by No I of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS **2014** 3969).

<sup>209</sup> Inserted by No I of the O of 18 Oct. 2017, in force since 1 Jan. 2018 (AS **2017** 6083).

**Section 4 Commencement**

**Art. 40**

This Ordinance comes into force on 1 January 1998.



*Annex I*<sup>210</sup>(Art. 9 para.3, 24a<sup>bis</sup>, 25 para. 2, 26 para. 3, 27 para. 2, 27a para. 2 and 28 para. 2)

## **1 General provisions relating to the inspection procedure**

### **1.1 Precautionary measures taken by operators**

1. When an inspection procedure is implemented, the operator shall draw up:
  - a. a full description of the holding or unit and its activities;
  - b. the measures to be taken to ensure compliance with this Ordinance;
  - c. precautionary measures to be taken to reduce the risk of contamination by unauthorised products or substances and the cleaning measures to be taken in storage areas and throughout the operator's production chain.
2. The description and the measures laid down in paragraph 1 may be part of a quality assurance system as set up by the operator.
3. The operator shall regularly update this information.
4. The information referred to in paragraph 1 shall be verified by the certification body. The certification body shall keep a record of any irregularities and infringements of the provisions governing organic production. The operator shall countersign the report and take all measures necessary to rectify the irregularities and to comply with the provisions.
5. The operator shall inform the certification body of:
  - a. its name and address;
  - b. location of the holding and the parcels of land (land register data), where operating processes are carried out;
  - c. nature of operating processes and products;
  - d. undertaking to carry out the operating processes in accordance with this Ordinance;
  - e. in the case of an agricultural holding: the date on which the producer ceased to apply products not authorised for organic production on the parcels concerned.
6. The operator shall notify the certification body of any change in the description or in the measures and precautionary measures in due time.

<sup>210</sup> Amended by No II of the O of 18 Nov. 2009 (AS **2009** 6317). Revised by No II of the O of 26 Oct. 2011 (AS **2011** 5309), Annex 9 No 14 of the Direct Payments' Ordinance of 23 Oct. 2013 (AS **2013** 4145) und No II of the O of 29 Oct. 2014, in force since 1 Jan. 2015 (AS **2014** 3969).

## 1.2 Documentary accounts

1. The unit or holding is required to keep documentary accounts. These must contain the documentation necessary to enable the operator to identify and the certification body to verify the following:

- a. the supplier and the vendor or the exporter of the products;
- b. the nature and the quantities of organic products delivered to the unit and of all materials bought and the use of such materials, and the composition of the compound feedingstuffs;
- c. the nature and the quantities of organic products held in storage at the premises;
- d. the nature, the quantities and the consignees or buyers, other than the final consumers, of all products which have left the unit or the first consignee's premises or storage facilities;
- e. in the case of operators who do not store or physically handle such organic products: the nature and the quantities of organic products bought and sold, and the suppliers or vendors, or the exporters or consignees;
- f. the certificates of inspection referred to in Article 24a or the certificates referred to in Article 30 paragraph 1<sup>bis</sup>;
- g. details of the composition and method of production of the processed products and foodstuffs.

2. The documentary accounts shall also comprise the results of the verification at reception of organic products and any other information required by the certification body for the purpose of proper control. The data in the accounts shall be supported with appropriate documentation. The accounts shall demonstrate the balance between the input and the output.

## 1.3 Production units

Where an operator runs several production units, the units for non-organic products, together with storage premises for input products, shall also be subject to the inspection provisions laid down in this Annex.

## 2 Plant production, plant products and collection of wild plants

### 2.1 Control arrangements

1. The full description laid down in 1.1 paragraph 1 letter a must:

- a. indicate the storage and production premises, the land parcels or collection areas and premises where certain processing or packaging operations take place; and

- b. specify the date of the last application on the parcels or collection areas concerned of products, the use of which is not compatible with the rules laid down for organic production.
2. The description shall be drawn up even where the operator limits his activity to the collection of wild plants.
3. In the case of the collection of wild plants, the producer – or, where relevant, third parties – shall guarantee that no unauthorised products have been used on the areas in question for at least three years.
4. Each year, before the date indicated by the certification body, the operator shall notify that body of its cultivation schedule, giving a breakdown by parcel.
5. If a holding does not farm all parts of the holding according to the production rules laid down in this Ordinance, the parcels on which plants are not produced in accordance with this Ordinance and the storage areas for production materials (such as fertilizers, plant protection products, seeds) shall also be subject to the inspection regulations laid down in Numbers 1–4 of this Annex. Only products which are clearly distinguishable shall be produced on these parcels.
6. If fruit- or wine-growing conversion takes place in stages, or a wine-growing holding only carries out organic production on individual parcels independently from the rest of the holding, or in the case of areas authorised for agricultural research, by way of exception, the same varieties may be cultivated on the same holding according to different production rules, if:
  - a. suitable precautions have been taken to ensure that products from different units are always kept separate from each other; the precautions must have been approved by the certification body;
  - b. the certification body is able to make an estimate of the crop in good time;
  - c. immediately the crop is harvested, the certification body is informed of the precise crop yield of the units in question and of all the characteristics which allow identification of each crop (e.g. quality, colour, average weight etc.).

## **2.2 Plant production records**

A plant production record shall be compiled in the form of a register. The register shall be kept available to the competent certification body at the premises of the holding. These records shall provide at least the following information:

- a. as regards the use of plant protection products: the reason for and date of treatment, type of product and method of treatment;
- b. as regards purchase of farm inputs: the date, type and amount of purchased product;
- c. as regards harvest: the date, type and amount of organic or in conversion crop production.

### **3 Livestock and livestock products**

#### **3.1 Control arrangements**

1. When the inspection procedure applying specifically to livestock production is first implemented, the full description of the unit referred to in 1.1 paragraph 1 letter a shall include the following:

- a. a full description of the livestock buildings, pasturage, open air areas and premises for the storage, packaging and processing of livestock, livestock products, raw materials and inputs;
- b. a full description of the installations for the storage of livestock manure.

2. The measures referred to in 1.1 paragraph 1 letter b shall include the following:

- a. the record laid down in Annex 1 figure 1 DPO<sup>211</sup>;
- b. as regards the spreading of livestock manure, the purchase contracts for farmyard manure referred to in Article 12 paragraphs 4 and 6 with other holdings which provide the ecological services laid down in the DPO;
- c. a management plan for the organic-production livestock unit.

3. The inspection requirements shall correspond mutatis mutandis to the provisions of this Annex for holdings which only keep animals of one livestock category:

- a. which have no commercial character;
- b. which are not notified for contributions under Article 62 paragraph 2 DPO or, in the case of rabbits, Article 62 paragraph 1 DPO; and
- c. whose products are not marketed.

#### **3.2 Identification of livestock**

The livestock shall be identified permanently using techniques adapted to each species, individually in the case of large mammals and individually or by batch in the case of poultry and small mammals.

#### **3.3 Records**

Under the Ordinance on the Trade in Livestock Database of 26 October 2011<sup>212</sup>, every stockfarmer shall keep a list of animals of the bovine and pig species and equidae which are kept on the holding. An inventory in the form of a register shall be kept for all other livestock; it must be kept available to the certification body at all times at the address of the holding. The following records, which are to provide a full description of the herd or flock management system, apply to all species of livestock and shall comprise at least the following information:

<sup>211</sup> SR 910.13

<sup>212</sup> SR 916.404.1

- a. as regards livestock arriving at the holding: origin and date of arrival, conversion period, identification mark, veterinary record;
- b. as regards livestock leaving the holding: age, number of head, weight in case of slaughter, identification mark and destination;
- c. details of any animals lost and reasons therefor;
- d. as regards feed: type, including feed supplements, proportions of various ingredients of rations and periods of access to free-range areas, periods of transhumance where restrictions apply;
- e. treatment book in accordance with Article 16*d* paragraph 4.

#### **4 Preparation of plant and livestock products and foodstuffs**

1. In the case of units which prepare organic products on their own account or for a third party, the description of the unit referred to in 1.1 paragraph 1 letter a shall show the facilities used for the reception, processing, packaging, labelling and storage of agricultural products before and after the operations concerning them, as well as the procedures for the transport of the products.

2. Holdings which prepare their own products or products from other holdings may be inspected by the certification body during the course of the ordinary factory inspection procedure. They must meet the relevant inspection requirements. In particular, the complete traceability of the products from other holdings must be guaranteed.

#### **5 Control requirements for imports**

##### **5.1 Scope**

This Chapter applies to any operator involved, as importer or as first consignee, in the import or reception, on its own account or for another operator, of organic products.

##### **5.2 Control arrangements**

1. In the case of the importer, the description of the unit referred to in 1.1 paragraph 1 letter a shall include the importer's premises and his import activities and shall indicate the frontier customs offices and storage facilities. The record referred to in 1.1 paragraphs 1 letter a and 4 shall include an undertaking by the importer that any storage facilities used by him are submitted to control either by the certification body or, when these facilities are situated in another country, by a control authority or body approved for control in that country.

2. In the case of the first consignee, the description of the unit referred to in 1.1 paragraph 1 letter a shall show the facilities used for reception and storage.

### **5.3 Documentary accounts**

1. The importer and the first consignee shall keep separate stock and financial records unless they are operating in one single unit.
2. At the request of the certification body, full details of the transport arrangements from the exporter in the third country to the first consignee, and from the first consignee's premises or storage facilities to the consignees shall be provided.

### **5.4 Control visits**

The certification body shall check the documentary accounts referred to in 5.3 and the certificate referred to in Article 30 paragraph 1<sup>bis</sup> or the certificate of inspection referred to in Article 24a.

## **6 Control requirements for units which have contracted out operations to third parties**

Units which contract out operations to third parties shall be legally and financially responsible for ensuring compliance with the requirements of organic production and processing. With regard to the operations which are contracted out to third parties, with the exception of harvesting operations, the description of the unit referred to in 1.1 paragraph 1 letter a shall include the following:

- a. a list of the subcontractors with a description of their activities and an indication of the inspection bodies or authorities to which they are subject;
- b. written agreement by the subcontractors that their holding will be subject to the inspection procedure laid down in this Ordinance;
- c. all the practical measures to be taken by the unit to ensure that the products the operator places on the market can be traced to, as appropriate, their suppliers, vendors, consignees and buyers.

## **7 Control requirements for animal feed producers**

### **7.1 Scope**

This Chapter applies to any unit involved in the preparation of products under Article 1 paragraph 1 letter c of this Ordinance on its own account or on behalf of a third party. Food processing units where individual animal feed materials occur as by-products, and cereal collection centres shall be exempt.

### **7.2 Control arrangements**

1. The description of the unit referred to in 1.1 paragraph 1 letter a shall include the following:

- a. details of the facilities used for the reception, preparation and storage of the products intended for animal feedingstuffs before and after the relevant processes;
  - b. details of the facilities in which other products used to prepare animal feedingstuffs are stored;
  - c. details of the facilities used to store products for cleaning and disinfection;
  - d. a description of the compound feedingstuffs which the operator intends to produce, and the livestock species or class for which the compound feedingstuff is intended;
  - e. an indication of the animal feed materials which the operator intends to prepare.
2. The measures to be taken by operators, as referred to in 1.1 paragraph 1 letter b, shall include in particular the following measures:
- a. organic and conversion animal feed materials or animal feedingstuffs produced from them are kept physically separate from non-organic animal feedingstuffs.
  - b. where not all units in the installations used for preparation of compound feedingstuffs covered by this Ordinance are separate from installations for compound feedingstuffs not covered by this Ordinance:
    1. before beginning preparation of animal feedingstuffs covered by this Ordinance, the production line undergoes a suitable cleaning process whose effectiveness has been checked;
    2. the operator documents the relevant operating processes.
3. The certification body shall assess the risks attendant on each of the preparation units, and shall draw up an inspection plan. This plan must provide for a minimum number of spot checks in accordance with the potential risks.

### **7.3 Documentary accounts**

For the purposes of proper control of the operations, the documentary accounts shall include information on the origin, nature and quantities of animal feed materials, additives, sales and finished products.

### **7.4 Control visits**

1. The control visit shall comprise a full physical inspection of all premises. Moreover, the certification body shall make targeted visits based on a general evaluation of the potential risks of non-compliance with the organic production rules.
2. Organic holdings which prepare their own products or products from other holdings may be inspected by the certification body in the course of the ordinary factory inspection procedure. They must meet the relevant inspection requirements. In

particular, the complete traceability of the products from other holdings must be guaranteed.

## **8 Collection, packaging, transport and storage of products**

### **8.1 Collection and transport to preparation units**

Operators shall only collect organic and non-organic products at the same time for bulk transport together if suitable precautions are taken to prevent any possible mixing or confusion of organic with non-organic products, and if identification of the organic products is assured. The operator shall provide the certification body with details of the date and time of the collection, the collection round and the date and time of reception of the products.

### **8.2 Packaging and transport to other operators or units**

1. Operators shall ensure that organic products are transported to other units, including wholesalers and retailers, only in appropriate packaging, containers or means of transport which are closed in such a way that their contents cannot be substituted without manipulating or destroying the seal, and whose label indicates the following:

- a. name and address of the operator, owner or vendor of the product;
- b. an indication on the product or, in the case of compound feedingstuffs, a description including a reference to organic farming;
- c. code number of the certification body responsible for the operator;
- d. an indication on the batch or lot from which the batch or lot can be traced to the entry in the records.

This information may also be entered in an accompanying document if this document can be clearly linked to the packaging, container or means of transport of the product. The accompanying document shall give details of the supplier and the transport operator.

2. The packaging, containers or means of transport shall not be closed if:

- a. the products are transported directly from one operator to another operator and they are both subject to the organic inspection system;
- b. the products are accompanied by a document containing the information laid down in 8.2 paragraph 1;
- c. both consignor and consignee keep a record of these transport operations and make the records available to the competent certification body.



### **8.3 Transport of animal feedingstuffs**

In addition to the provisions laid down in 8.2, where animal feedingstuffs are transported to other production/preparation units or storage facilities, operators shall ensure that the following requirements are met:

- a. Organically produced and conversion animal feedingstuffs must be kept physically separate from non-organic feedingstuffs.
- b. The means of transport and containers used to transport non-organic products shall only be used to transport organic products if:
  1. a suitable cleaning process, whose effectiveness has been checked, has been carried out before transport of organic products; operators must keep a record of cleaning processes,
  2. depending on the risk assessment referred to in 7.2 paragraph 3, all necessary precautionary measures have been taken and the operator guarantees that non-organic products cannot be placed on the market with a reference to organic farming,
  3. the operator keeps a record of the transport operations and makes the records available to the certification body.
- c. Organic finished animal feedingstuffs are transported separately in space or time from other finished products.
- d. When transported, product quantities delivered at the beginning of the delivery round and all individual product quantities delivered during the delivery round are recorded.

### **8.4 Taking delivery of products**

When taking delivery of an organic product, the operator shall check the closure of the packaging or container, where this is prescribed, and that the information laid down in 8.2 is provided.

The operator shall cross check the information on the label referred to in 8.2 with the information contained in the accompanying documents. The result of this check shall be explicitly noted in the documentary accounts referred to in 1.2.

### **8.5 Taking delivery of products from third countries**

Organic products from third countries shall be imported in appropriate packaging or containers which are closed in such a way that their contents cannot be substituted, are provided with data to identify the exporter and other marks and numbers which can be used to identify the batch or lot, and which have the necessary import certificate.

When taking delivery of an organic product imported from a third country, the first consignee shall check the closure of the packaging or container and that the infor-

mation on the certificate corresponds to the nature of the products in the consignment. The result of this check shall be expressly noted in the documentary accounts.

### **8.6 Storage of products**

1. Areas in which products are stored shall be managed in such a way that the stored batches or lots can be identified and any mixing with and contamination by products or substances which do not comply with the rules of organic production is prevented. Organic products must be clearly identifiable at all times.
2. The storage in the production unit of inputs other than those authorised under this Ordinance shall be prohibited. Holdings which farm in accordance with an exemption rule laid down in Articles 7, 9 or 38 are exempt.
3. The storage of allopathic veterinary medical products and antibiotics is permitted on holdings provided that they have been prescribed by a veterinarian as part of treatment.
4. Where operators handle both non-organic and organic products and the latter are kept in storage facilities which are also used to store other agricultural products or foodstuffs, the following applies:
  - a. the organic products shall be stored separately from the other agricultural products and foodstuffs;
  - b. all necessary measures shall be taken to ensure identification of the consignments and to prevent any mixing or confusion with non-organic products;
  - c. before organic products are stored, a suitable cleaning process whose effectiveness has been checked shall be carried out; operators shall keep a record of such cleaning processes.

*Annex 2*<sup>213</sup>

<sup>213</sup> Repealed by No II of the O of 7 Dec. 1998, with effect from 1 Jan. 1999 (AS **1999** 399).

