

**Implementing Arrangement on Mutual Recognition
of Organic Products Certification to the Agreement
between
the Separate Customs Territory of Taiwan, Penghu, Kinmen, and
Matsu
and
New Zealand
on Economic Cooperation**

In accordance with Chapter 7 (Technical Barriers to Trade), Articles 10 and 11 the Agreement between the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu (TPKM) on Economic Cooperation (ANZTEC), and New Zealand, the Ministry for Primary Industries of New Zealand (MPI) as represented by the New Zealand Commerce and Industry Office and the Council of Agriculture (COA) as represented by the Taipei Economic and Cultural Office in New Zealand, hereinafter referred to as "the Participants", through friendly negotiations, have decided on the following Implementing Arrangement for organic products for human or animal use (hereinafter referred to as "*Organic Product*") to be traded between New Zealand and the TPKM.

Paragraph 1: Scope

This Arrangement covers the understandings reached by the Participants as it applies to those organic claims jointly controlled by both Participants for products traded between the two territories. This means products produced and exported in accordance with each Participants' organic

products certification systems listed in Annex 1 (a), but excludes the products listed in Annex 1 (b).

The Arrangement does not cover sanitary or phytosanitary measures that may apply to such trade.

Paragraph 2: Definitions

For the purposes of this Arrangement, the following definitions apply:

Certification Body (the TPKM): An institution, school or legal entity who is accredited by the accreditation body to provide certification services. *Certification Body* (the TPKM) and *Third Party Agency* (New Zealand) have essentially the same meaning

Third Party Agency (New Zealand) - An organisation recognised by MPI to carry out assessment (evaluation and/or verification) services. *Third Party Agency* (New Zealand) and *Certification Body* (the TPKM) have essentially the same meaning

Certification (the TPKM) means the process in which the *Certification Body* verifies whether the production, processing, packaging or distribution of a specific agricultural product is in compliance with the TPKM's organic requirements and standards, under a contract with the respective operator. *Certification* (the TPKM) and *Verification* (New Zealand) have essentially the same meaning

Verification (New Zealand) means the application of methods, procedures, tests and other checks, in addition to monitoring, to determine ongoing conformance with the MPI organic product certification system. *Verification* (New Zealand) and *Certification* (the TPKM) have essentially the same meaning

Official Organic Assurance means an *Organic Export Consignment Certificate* issued by MPI or an *Organic Certification Demonstration Document* issued under the supervision of COA that identifies and attests a particular product as being an *Organic Product*, ie attests that the product(s) in the consignment meet both the exporting Participant's organic product certification system and any special requirements agreed within the MRA

Organic Certification Demonstration Document (the TPKM) means an export certificate issued under the supervision of COA that contains an attestation confirming the products in the consignment covered are *Organic Product*. This is a type of *Official Organic Assurance*. *Organic Certification Demonstration Document* (the TPKM) and *Organic Export Consignment Certificate* (New Zealand) have essentially the same meaning

Organic Export Consignment Certificate (New Zealand) means an export certificate issued by MPI that contains an attestation confirming the products in the consignment covered are *Organic Product*. This is a type of *Official Organic Assurance*. *Organic Export Consignment Certificate* (New Zealand) and *Organic Certification Demonstration Document* (the TPKM) have essentially the same meaning

Non Compliance means any identified failure of a product traded under this Arrangement to comply with the requirements of this Arrangement

Organic Indication means the mark, or other means of indication, used to indicate the product contained or marked to be an *Organic Product*

Organic Product means product that is covered by this Arrangement

Organic Related Border Control means activities carried out by either of the importing Participants as part of their border clearance process that

relate to the assessment, approval and/or clearance of an imported consignment to check it is an *Organic Product*

Paragraph 3: Mutual Recognition

Following an assessment of each of the Participants' standards and assurance systems for the production, processing, and certification of products to be marketed as 'organic' product, the Participants have determined that the organic product certification systems in New Zealand and the TPKM, and their outcomes, are equivalent, provided the requirements of this Arrangement are satisfied.

In accordance with this determination the Participants have decided that *Organic Product* traded between the two territories will not be subjected to *Organic Related Border Controls* other than those required by each Participant to check and confirm that the product meets the MRA, and may be freely sold and marked as 'organic' within each other's territory where they are covered by an *Official Organic Assurance* issued by one of the Participants.

However consignments may be subject to checks by either Participant verify that the product volumes and product descriptions on the *Official Organic Assurance* match the physical consignment.

Paragraph 4: Official Organic Assurance

Each Participant will develop a mechanism for providing an *Official Organic Assurance* to the other Participant for organic consignments traded under this Arrangement.

An *Organic Export Consignment Certificate* or *Organic Certification Demonstration Document* may be provided on paper or electronically.

Paragraph 5: Information Exchange

The Participants will notify one another of significant changes to organic certification laws, regulations and standards, including any changes in the scope of products covered that apply within their jurisdiction.

Either Participant can visit the other to review their organic products certification system should that Participant deem it necessary.

The Participants will exchange lists of *Certification Bodies/ Third Party Agencies* recognised under their organic system via exchange of letter, together with contact details, and an example of their organic indication as recognised for trade under this Arrangement.

The Participants will notify one another if there are any significant changes to the list of recognised *Certification Bodies/ Third Party Agencies*, including when an organic *Certification Body/ Third Party Agency* is newly authorised, or when approval is suspended or withdrawn.

Paragraph 6: Management of Non-Compliance of Imported Consignments

The importing or exporting Participant will notify the affected Participant of *Non Compliances* associated with consignments traded under this Arrangement as soon as practically possible.

The notification will include sufficient details to enable the other Participant to assess and manage any risk posed as a result of the issue that is the subject of the notification.

Where necessary, the exporting Participant will conduct an investigation into potential *Non Compliance* and notify the importing Participant of the outcome within a reasonable amount of time.

In the case of a *Non Compliance*, both Participants will work together to ensure that trade of the affected products or commodity type is managed appropriately, including temporary suspension of trade if necessary, until both Participants agree that the associated risk has been resolved.

Paragraph 7: Modification

This Arrangement (and its Annexes) may be modified at any time, via exchange of letter by the Participants or ANZTEC TBT (Technical Barriers to Trade) committee meeting minutes.

Modifications will take effect on the date jointly determined by the Participants in writing.

Existing conditions of trade will continue until such time that is jointly accepted by the Participants.

Paragraph 8: Termination

Either Participant may terminate this Arrangement by giving the other Participant six months' written notice.

Paragraph 9: Entry into Effect

This Arrangement will come into effect on the date of the last signature, and will be implemented as jointly determined by the Participants via exchange(s) of letter.

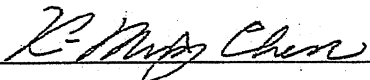
The Arrangement is signed in duplicate in English.

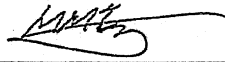
At Wellington (location)

At Taipei (location)

on 26 February 2020 (date)

on 6 February 2020 (date)


Representative Bill Keh-Ming Chen


Director ^{Maira} Maira Turley

On behalf of The Council of Agriculture
(COA), as represented by the Taipei
Economic and Cultural Office in
New Zealand

On behalf of The Ministry of Primary
Industries (MPI), as represented by the
New Zealand Commerce and Industry
Office

Annex 1: Scope

Annex 1(a) Organic Product Certification Systems

New Zealand

- OOAP Standard OP1: Accreditation, Recognition, and Performance Measurement Criteria for Third Party Agencies and their Personnel (2005)
- OOAP Standard OP2: Third Party Agency Responsibilities (2005)
- OOAP Standard OP3: Registration and Performance Measurement Criteria for Operators (2005)
- OOAP Standard OP3 Appendix 2 Technical Rules for Organic Production (2011)
- OOAP Standard OP3 Appendix 2 Chapter 8a: Technical Rules for Organic Wine (2014)
- Organic Export Requirement: the TPKM OMAR

The TPKM

- Organic Agriculture Promotion Act (2018)
- Enforcement Rules for Organic Agriculture Promotion Act (2019)
- Regulations for Approving and Supervising Organic Accreditation Bodies (2019)

- Regulations for Managing the Labelling and Marks of Organic Agricultural Products and In-conversion Agricultural Products (2019)
- Regulations for Managing and Reviewing Imported Organic Agricultural Products (2019)
- Items Required to be Stated in the Contract between Organic Certification Bodies and Agricultural Operators (2019)
- Operating Records Required to Be Kept by Organic Certification Bodies and Their Methods and Periods (2019)
- Certification Standard for Organic Agricultural Products and In-conversion Agricultural Products and Allowable Substances in their Production, Processing, Packaging, Distribution, and Sale (2019)
- Categories and Items of Organic Agricultural Products and In-conversion Agricultural Products (2019)

Annex 1(b) Product Scope Exclusions

This Arrangement does not cover the following products:

- Aquaculture products, including algae and other aquatic plants or plant-like species;
- Apiculture products;
- Wild harvested products.

Annex 1(c) Organic Ingredients in Processed Foods

The end products of organic processed products exported from one Participant to the other will be certified within the exporting Participant's domestic territory and comprise of at least 95% ingredients that have been processed and certified in accordance with either:

- the MPI Official Organic Assurance Programme Technical Rules of Production by a *Third Party Agency* directly recognised by MPI; or
- the TPKM Organic Agriculture Promotion Act and its derived regulations by a *Certification Body* accredited by an accreditation body approved by COA; or
- the organic product certification system of a country or member of the World Trade Organisation (WTO) that is in organic equivalence with both New Zealand and the TPKM, given that the certification activities on the concerned materials are performed within the territory of that country or WTO member.

Annex 2: Permitted and Prohibited Inputs

Annex 2(a) Guideline Principles for Assessment of Inputs

If differences exist between the inputs permitted under the TPKM and the New Zealand organic standards, the Codex Organic Guidelines (CAC/GL 32-1999 and amendments) provide an indication of acceptable inputs.

If the input is permitted in the Codex Guidelines, the Participant that does not include it in their list of approved organic inputs may not object to the other Participant using the input, provided its use is allowed under relevant national food safety and biosecurity laws.

If differences exist between the inputs permitted under the TPKM and New Zealand organic standards, and the input is not permitted in the Codex Guidelines, each Participant may request technical justification for use of the specified input.

The technical assessment can take into account the assessment criteria in Section 5 of the Codex Organic Guidelines (GL 32-1999).

Additional or alternative assessment criteria may be considered, as mutually agreed by both Participants.

Annex 2(b) Prohibited or Restricted Inputs

Prohibited or restricted inputs will be jointly finalised and accepted by the Participants via exchange of letter prior to this Arrangement being implemented.

The TPKM's prohibited or restricted inputs are those which MPI will list in the New Zealand OOAP Overseas Market Access Requirements (OMAR) for the TPKM, that COA has advised should not be used in the production and processing of organic products for the export to the TPKM (prohibited inputs), or which may be used provided additional conditions are met (restricted inputs). Noting that such inputs are still approved for use in New Zealand's organic products not for export to the TPKM.

New Zealand's prohibited or restricted inputs are those which COA will formally notify to accreditation bodies and *Certification Bodies* under its governance in writing, that MPI has advised should not be used in the production and processing of organic products for the export to New Zealand (prohibited inputs), or which may be used provided additional conditions are met (restricted imports). Noting that such inputs are still approved for use in the TPKM's organic products not for export to New Zealand.